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Cont.

1 ***-0198/3.7* SECTION 2529.** 281.68 (1m) of the statutes is amended to read:

2 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
3 administer a financial assistance program to provide lake management planning
4 grants for projects to provide information and education on the use of lakes and
5 natural lake ecosystems and on the quality of water in lakes, including mill ponds,
6 in order to and the quality of natural lake ecosystems.

7 **(1r) USES OF GRANTS.** Lake management planning grants shall be used to
8 improve water quality assessment and planning and to aid in the selection of
9 activities to abate do any of the following:

10 (a) Prevent pollution of from entering into lakes or into natural lake
11 ecosystems.

12 ***-0198/3.8* SECTION 2530.** 281.68 (1r) (b) of the statutes is created to read:

13 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
14 of natural lake ecosystems.

15 ***-0198/3.9* SECTION 2531.** 281.68 (2) (title) of the statutes is created to read:

16 281.68 (2) (title) AMOUNT OF GRANTS.

17 ***-0198/3.10* SECTION 2532.** 281.68 (3) (title) of the statutes is created to read:

18 281.68 (3) (title) RULES FOR GRANTS.

19 ***-0198/3.11* SECTION 2533.** 281.68 (3) (b) of the statutes is renumbered 281.68

20 (3) (b) (intro.) and amended to read:

21 281.68 (3) (b) (intro.) Eligible activities, which shall include data all of the
22 following for lakes and natural lake ecosystems:

23 1. Data collection, water quality assessment and nonpoint.

24 4. Nonpoint source pollution evaluation.

25 ***-0198/3.12* SECTION 2534.** 281.68 (3) (b) 2. of the statutes is created to read:

1 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
2 their habitat.

3 ***-0198/3.13* SECTION 2535.** 281.68 (3) (b) 3. of the statutes is created to read:
4 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
5 surrounding the lake.

6 ***-0198/3.14* SECTION 2536.** 281.68 (3) (b) 5. of the statutes is created to read:
7 281.68 (3) (b) 5. Informational or educational programs and materials.

8 ***-0198/3.15* SECTION 2537.** 281.68 (4) (title) of the statutes is created to read:
9 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

10 ***-0198/3.16* SECTION 2538.** 281.69 (title) of the statutes is amended to read:
11 **281.69 (title) Lake management and classification grants and**
12 **contracts.**

13 ***-0198/3.17* SECTION 2539.** 281.69 (1) (intro.) of the statutes is renumbered
14 281.69 (1m) (intro.) and amended to read:

15 281.69 (1m) TYPES OF PROJECTS. (intro.) The department shall develop and
16 administer a financial assistance program to provide grants for the following ~~3~~ 2
17 types of projects:

18 ***-0198/3.18* SECTION 2540.** 281.69 (1)(a) of the statutes is renumbered 281.69
19 (1m) (a) and amended to read:

20 281.69 (1m) (a) Lake management projects that will improve or protect the
21 quality of water in lakes or the quality of natural lake ecosystems of lakes.

22 ***-0198/3.19* SECTION 2541.** 281.69 (1) (b) of the statutes is renumbered 281.69
23 (1m) (b).

24 ***-0198/3.20* SECTION 2542.** 281.69 (1) (c) of the statutes is renumbered 281.69
25 (1r) and amended to read:

1 281.69 (1r) CONTRACTS. Lake The department may award contracts for lake
2 classification technical assistance projects to be conducted by nonprofit corporations
3 that will provide educational and technical assistance.

4 ***-0198/3.21*** SECTION 2543. 281.69 (1b) of the statutes is created to read:

✓ 5 281.69 (1b) DEFINITION. In this section, “lake” includes a flowage.

6 ***-0198/3.22*** SECTION 2544. 281.69 (2) (title) of the statutes is amended to
7 read:

8 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

9 ***-0198/3.23*** SECTION 2545. 281.69 (2) (c) of the statutes is amended to read:

10 281.69 (2) (c) A ~~grant~~ contract for a lake classification technical assistance
11 project may not exceed \$200,000.

12 ***-0198/3.24*** SECTION 2546. 281.69 (3) (a) of the statutes is amended to read:

13 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
14 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,
15 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary
16 districts, public inland lake protection and rehabilitation districts and other local
17 governmental units, as defined in s. 66.299 (1) (a), that are established for the
18 purpose of lake management.

19 ***-0198/3.25*** SECTION 2547. 281.69 (3) (b) 1. of the statutes is amended to read:

20 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
21 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under ~~sub-(4) s.~~
22 281.71 and if the purchase will substantially contribute to the protection or
23 improvement of a lake’s water quality or its natural ecosystem.

1 ***-0198/3.26*** **SECTION 2548.** 281.69 (4) of the statutes is renumbered 281.71,
2 and 281.71 (title), (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered,
3 are amended to read:

4 **281.71 (title) Lake management project grants; river protection grants;**
5 **purchases.** (1) (intro.) In order to receive a grant for a purchase under sub. s. 281.69
6 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
7 department that contains all of the following provisions:

8 (d) A clause that any subsequent sale or transfer of the property to be acquired
9 is subject to ~~pars. (b) and (c)~~ subs. (2) and (3).

10 (2) (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
11 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
12 to a 3rd party other than a creditor of the recipient if all of the following apply:

13 (b) The party to whom the property is sold or transferred enters into a new
14 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

15 (3) The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
16 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
17 satisfy a debt or other obligation if the department approves the sale or transfer.

18 (5) The instrument conveying the property to the recipient shall state the
19 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
20 sub. (1) and the instrument of conveyance shall be recorded in the office of the
21 register of deeds of each county in which the property is located.

22 ***-0198/3.27*** **SECTION 2549.** 281.69 (6) (a) of the statutes is repealed.

23 ***-0198/3.28*** **SECTION 2550.** 281.69 (6) (b) of the statutes is renumbered 281.69
24 (6) and amended to read:

1 281.69 (6) LAKE CLASSIFICATION TECHNICAL ASSISTANCE ~~GRANTS~~ CONTRACTS. A
2 nonprofit corporation receiving a lake classification technical assistance ~~grant~~
3 contract shall provide educational and technical assistance to local units of
4 government and lake management organizations that will participate in a lake
5 classification project.

6 ***-0198/3.29*** SECTION 2551. 281.70 of the statutes is created to read:

7 **281.70 River protection grants. (1) DEFINITION.** In this section, “river”
8 includes a stream or a flowage.

9 **(2) TYPES OF PROJECTS.** The department shall develop and administer a
10 financial assistance program to provide grants for planning projects and
11 management projects.

12 **(3) AMOUNTS OF GRANTS. (a)** A grant for a planning project may be made for up
13 to 75% of the cost of the project but may not exceed \$10,000 per grant.

14 **(b)** A grant for a management project may be made for up to 75% of the cost of
15 the project but may not exceed \$50,000 per grant.

16 **(4) ELIGIBLE RECIPIENTS. (a)** All of the following shall be eligible for grants
17 under this section:

- 18 1. Local governmental units, as defined in s. 66.299 (1) (a).
- 19 2. River management organizations that meet the qualifications under par. (b).
- 20 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

21 **(b)** The department shall promulgate rules to establish the qualifications that
22 a river management organization must meet to qualify for a grant under this section.

23 **(5) ELIGIBLE ACTIVITIES.** The department shall promulgate rules to do all of the
24 following:

1 (a) Designate activities that are eligible for grants for planning projects.

2 Eligible activities under the rules for these grants shall include all of the following:

3 1. Data collection.

4 2. Assessments of water quality and of fish and aquatic life and their habitat.

5 3. Assessments of the uses of a river and the uses of the land surrounding the

6 river.

7 4. Nonpoint source pollution evaluation.

8 5. Informational or educational programs and materials as specified in par. (b).

9 6. Programs and materials to assist persons in forming river management
10 organizations or other groups to protect or improve rivers and natural riverine
11 ecosystems.

12 (b) For purposes of par. (a) 5., specify informational or educational materials
13 that may be provided on any of the following:

14 1. Protecting or improving the ways in which rivers are used.

15 2. Protecting or improving the quality of water in rivers.

16 3. Protecting or improving the quality of natural riverine ecosystems.

17 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

18 (c) Designate activities that are eligible for grants for management projects.

19 Eligible activities under the rules for these grants shall include all of the following:

20 1. The purchase of land or of a conservation easement, as defined in s. 700.40

21 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
22 substantially contribute to the protection or improvement of the river's water quality
23 or its natural ecosystem.

24 2. The restoration of in-stream or shoreline habitat.

1 3. The development of local regulations or ordinances that will protect or
2 improve the river's water quality or its natural ecosystem.

3 4. An activity that is approved by the department and that is needed to
4 implement a recommendation made as a result of a plan to protect or improve the
5 river's water quality or its natural ecosystem.

6 5. Installation of pollution control practices.

7 **(6) ELIGIBILITY; TYPES OF RIVERS.** The department shall promulgate rules
8 establishing the types of natural riverine ecosystems that are eligible for grants
9 under this section.

10 **(7) ELIGIBILITY; OTHER.** At the completion of a planning project, upon request
11 of the recipient of the grant for the planning project, the department may approve
12 as eligible activities for a management project grant the recommendations that were
13 made as a result of the project.

✓ 14 ***b0302/4.2* SECTION 2551m.** 281.72 of the statutes is created to read:

15 **281.72 River protection; contracts with nonprofit organizations. (1)**
16 **DEFINITION.** In this section, "nonprofit conservation organization" means a river
17 management organization that meets the qualifications under s. 281.70 (4) (b) or a
18 nonprofit corporation, a charitable trust or other nonprofit association whose
19 purposes include the protection of rivers and that is described in section 501 (c) (3)
20 of the Internal Revenue Code and is exempt from federal income tax under section
21 501 (a) of the Internal Revenue Code.

22 **(2) REQUIREMENTS TO RECEIVE CONTRACTS.** The department shall provide
23 contracts to nonstock, nonprofit corporations that are described under section 501
24 (c) (3) or (4) of the Internal Revenue Code and that are organized in this state. For

1 a nonstock, profit corporation to qualify for a contract, the corporation shall meet all
2 of the following requirements:

3 (a) The corporation is exempt from taxation under section 501 (a) of the
4 Internal Revenue Code.

5 (b) The corporation provides support to nonprofit conservation organizations.

6 (c) The corporation has a board of directors that has a majority of members who
7 are representatives of nonprofit conservation organizations.

8 (d) The corporation contributes, to be used with the contract, \$1 for every \$3
9 it receives under the contract.

10 **(3) REQUIREMENTS UNDER CONTRACTS.** A corporation receiving a contract under
11 this subsection shall do all of the following:

12 (a) Assist in the establishment of nonprofit conservation organizations.

13 (b). Provide technical assistance to nonprofit conservation organizations.

14 (c) Conduct conferences on topics for which technical assistance is provided
15 under par. (b).

✓ 16 ***-1164/5.49* SECTION 2554.** 285.01 (40) of the statutes is amended to read:

17 285.01 (40) "Solid waste" means any garbage, refuse, sludge from a waste
18 treatment plant, water supply treatment plant or air pollution control facility and
19 other discarded or salvageable materials, including solid, liquid, semisolid, or
20 contained gaseous materials resulting from industrial, commercial, mining and
21 agricultural operations, and from community activities, but does not include solids
22 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
23 return flows or industrial discharges which are point sources subject to permits
24 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear

1 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
2 ~~(3)~~ (1).

✓ 3 ***b0439/1.1* SECTION 2554f.** 285.17 (3) of the statutes is created to read:

4 285.17 (3) The department may not post on the Internet any information that
5 is required to be reported to the department under this chapter and that relates to
6 a facility's air emissions, including the nature and duration of specific emissions of
7 an air contaminant source and any results of monitoring the emissions of a
8 contaminant source or the ambient air in the vicinity of a contaminant source, unless
9 the department certifies that the information is accurate on the date on which the
10 information is posted.

✓ 11 ***b0441/2.5* SECTION 2554e.** 285.11 (18) of the statutes is created to read:

12 285.11 (18) Adopt and apply objective performance measurements, for the
13 subunit of the department that administers this chapter, relating to the issuance of
14 permits under subch. VII and to overall performance of the subunit.

✓ 15 ***b0441/2.6* SECTION 2555n.** 285.69 (2) (a) 1. of the statutes is amended to
16 read:

17 285.69 (2) (a) 1. That fees collected in a year before 2002 are based on actual
18 emissions of all regulated pollutants and any other air contaminant specified by the
19 department in the rules in the preceding year.

✓ 20 ***b0441/2.6* SECTION 2555q.** 285.69 (2) (a) 4. of the statutes is amended to
21 read:

22 285.69 (2) (a) 4. That the fees collected in each year after 1994 and before 2002
23 are calculated by increasing the fees collected in the preceding year by the percentage
24 by which the consumer price index, as defined in 42 USC 7661a (b) (3) (B) (v),
25 increased in the preceding year.

1 ***b0441/2.6* SECTION 2555s.** 285.69 (2)(a) 5. of the statutes is amended to read:

2 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant
3 source in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant, except that,
4 subject to par. (b), this limitation does not apply to a major utility, as defined in s.
5 285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42
6 USC 7651c.

7 ***b0441/2.6* SECTION 2555u.** 285.69 (2) (a) 7. to 11. of the statutes are created
8 to read:

9 285.69 (2) (a) 7. That the fees billed for a stationary source in each year after
10 2001 are based on the fees billed for the stationary source in 2001.

11 8. That the fee billed for each stationary source in each year after 2001 is based
12 on the actual emissions of all regulated pollutants, and any other air contaminant
13 specified by the department in the rules, in the preceding 5 years, using a 5-year
14 rolling average.

15 9. That fees billed in years after 2001 are determined using a
16 performance-based approach that increases a stationary source's fees in proportion
17 to increases in the amount of pollutants emitted by the stationary source, as
18 determined under subd. 8., and decreases a stationary source's fees in proportion to
19 decreases in the amount of pollutants emitted by the stationary source, as
20 determined under subd. 8.

21 10. That no multiplier or similar mechanism is used that would increase a
22 stationary source's fees to compensate for decreases in overall amounts of emissions.

23 11. That no provision is used that would increase the fee per unit of pollutant
24 emitted in order to compensate for decreases in overall amounts of emissions.

25 ***b0441/2.6* SECTION 2555w.** 285.69 (2) (b) of the statutes is amended to read:

1 285.69 (2) (b) The department may not charge a major utility fees on emissions
2 in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant beyond the amount
3 necessary to recover the fees that would have been charged for any phase I affected
4 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
5 in par. (a) 6. did not exist.

✓ 6 *~~0236/2.4~~* **SECTION 2558.** 285.69 (3) of the statutes is amended to read:

7 285.69 (3) **ASBESTOS INSPECTION FEES.** The department may promulgate rules
8 for the payment and collection of fees for inspecting nonresidential asbestos
9 demolition and renovation projects regulated by the department. The fees under this
10 subsection may not exceed ~~\$200~~ \$210 per project. The fees collected under this
11 subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct
12 and indirect costs of conducting inspections of nonresidential asbestos demolition
13 and inspection projects regulated by the department.

14 *~~0236/2.5~~* **SECTION 2559.** 285.86 of the statutes is created to read:

15 **285.86 Asbestos citations.** (1) The department may follow the procedures
16 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture from a
17 person who commits a violation specified under sub. (2).

18 (2) The department shall promulgate rules that specify violations of rules
19 relating to asbestos abatement and management that are promulgated under ss.
20 285.11, 285.13, 285.17 and 285.27 to which sub. (1) applies. In a rule promulgated
21 under this subsection, the department may limit the applicability of sub. (1) based
22 on the frequency of violation and on health and environmental risks caused by the
23 violation.

1 (3) The department shall submit any proposed rules under sub. (2) to the
2 department of justice. The department may not promulgate a rule under sub. (2)
3 unless the rule is approved by the department of justice.

4 ~~*-1425/1.1*~~ SECTION 2560. 287.11 (2) (dm) of the statutes is repealed.

5 ~~*-1438/1.1*~~ SECTION 2561. 287.23 (5) (c) 2. of the statutes is amended to read:

6 287.23 (5) (c) 2. Except as provided in subd. ~~5.~~ 2m. or sub. (5e), for all other
7 responsible units, the amount of the grant for 1993 through ~~2000~~ 2001 equals either
8 66% of the difference between eligible expenses and avoided disposal costs or 33% of
9 eligible expenses, whichever is greater.

10 2m. If the amount determined under subd. 2. is greater than \$8 times the
11 population of the responsible unit, ~~whichever is less~~ the grant equals \$8 times the
12 population of the responsible unit.

13 ~~*-1438/1.2*~~ SECTION 2562. 287.23 (5) (c) 5. of the statutes is repealed.

14 ~~*-1438/1.3*~~ SECTION 2563. 287.23 (5e) of the statutes is amended to read:

15 287.23 (5e) PRORATION. If available funds are insufficient, under sub. (5) (c) ~~2.~~
16 2m., to pay \$8 times the population of all of the responsible units that are entitled
17 to that amount, the department shall distribute the funds so that each responsible
18 unit that would be entitled to \$6 times its population if the per person amount in sub.
19 (5) (c) ~~2.~~ 2m. were \$6 receives \$6 times its population and shall prorate the remaining
20 funds.

21 ~~*-1437/2.3*~~ SECTION 2564. 287.23 (7) of the statutes is amended to read:

22 287.23 (7) SUNSET. No grant may be awarded under this section for any year
23 after the year ~~2000~~ 2001.

✓ 24 ~~*-1164/5.50*~~ SECTION 2568. 289.01 (33) of the statutes is amended to read:

1 289.01 **(33)** “Solid waste” means any garbage, refuse, sludge from a waste
2 treatment plant, water supply treatment plant or air pollution control facility and
3 other discarded or salvageable materials, including solid, liquid, semisolid, or
4 contained gaseous materials resulting from industrial, commercial, mining and
5 agricultural operations, and from community activities, but does not include solids
6 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
7 return flows or industrial discharges which are point sources subject to permits
8 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
9 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
10 ~~(3)~~ (1).

✓11 ***b0435/1.2* SECTION 2569r.** 291.09 (3) of the statutes is created to read:

12 291.09 **(3)** The department shall study whether the list of hazardous wastes
13 under s. 291.05 (2) should be revised as it relates to commercial chemical products.

✓14 ***b0437/2.2* SECTION 2569g.** 289.67 (2) (b) 1. and 2. of the statutes are
15 amended to read:

16 289.67 **(2)** (b) 1. A generator of hazardous waste shall pay a base fee of ~~\$125~~
17 \$210 if the generator has generated more than zero pounds in that particular year,
18 plus ~~\$12~~ \$20 per ton of hazardous waste generated during the reporting year.

19 2. No generator may pay a fee that is greater than ~~\$10,000~~ \$17,000.

✓20 ***b0443/3.1* SECTION 2569h.** 289.54 of the statutes is created to read:

21 **289.54 Disposal of certain dredged materials.** **(1)** In this section, “PCBs”
22 has the meaning given in s. 299.45 (1) (a).

23 **(2)** The department may not approve a request by the operator of a solid waste
24 disposal facility to accept dredged materials that contain PCBs or heavy metals in
25 a concentration of less than 50 parts per million for disposal in the solid waste

1 disposal facility until after the department holds a public meeting in the city, village
2 or town in which the solid waste disposal facility is located. At the public meeting,
3 the department shall describe the nature of the requested disposal and shall solicit
4 public comment.

5 ***-0959/1.1* SECTION 2570.** 292.11 (7) (d) 1m. of the statutes is created to read:

6 292.11 (7) (d) 1m. The department may negotiate and enter into an agreement
7 containing a schedule for conducting nonemergency actions required under sub. (3)
8 with a local governmental unit, as defined in sub. (9) (e) 1., that is acting on behalf
9 of owners of contaminated property within one of the following:

10 a. A business improvement district, as defined in s. 66.608 (1) (b).

11 b. An area designated by the local governmental unit if the area consists of 2
12 or more properties affected by a contiguous region of groundwater contamination or
13 contains 2 or more properties that are brownfields, as defined in s. 560.60 (1v).

14 ***-0959/1.2* SECTION 2571.** 292.11 (7) (d) 2. of the statutes is amended to read:

15 292.11 (7) (d) 2. The department may charge fees, in accordance with rules that
16 it promulgates, to offset the costs of negotiating and entering into an agreement
17 under subd. 1. or 1m.

18 ***-1419/2.1* SECTION 2572.** 292.11 (9) (e) 1. of the statutes is amended to read:

19 292.11 (9) (e) 1. ~~Local~~ In this paragraph, "local governmental unit" means a
20 municipality, a redevelopment authority created under s. 66.431, a public body
21 designated by a municipality under s. 66.435 (4), a community development
22 authority or a housing authority.

23 ***-0257/4.1* SECTION 2573.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended

24 to read:

1 292.11 (9) (e) 1m. (intro.) ~~A~~ Except as provided in subds. 2., 4., 6. and 7., a local
2 governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to
3 discharges of hazardous substances on or originating from property acquired by the
4 local government unit before, on or after the effective date of this subdivision
5 [revisor inserts date], if any of the following applies:

6 *~~0257/4.2~~* **SECTION 2574.** 292.11 (9) (e) 1m. b. of the statutes is amended to
7 read:

8 292.11 (9) (e) 1m. b. The local governmental unit acquired the property from
9 a local governmental unit that acquired is exempt under this subdivision with
10 respect to the property under a method described in subd. 1m. a.

11 *~~0257/4.3~~* **SECTION 2575.** 292.11 (9) (e) 1m. e. of the statutes is created to
12 read:

13 292.11 (9) (e) 1m. e. The local governmental unit acquired the property through
14 escheat.

15 *~~1419/2.2~~* **SECTION 2576.** 292.11 (9) (e) 1m. f. of the statutes is created to read:

16 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
17 funds appropriated under s. 20.866 (2) (tz).

18 *~~0257/4.4~~* **SECTION 2577.** 292.11 (9) (e) 1s. of the statutes is amended to read:

19 292.11 (9) (e) 1s. ~~An~~ Except as provided in subds. 2. and 4. to 6., an economic
20 development corporation described in section 501 (c) of the Internal Revenue Code,
21 as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a)
22 of the Internal Revenue Code, or an entity wholly owned and operated by such a
23 corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property
24 acquired before, on or after October 14, 1997, if the property is acquired to further

1 the economic development purposes that qualify the corporation as exempt from
2 federal taxation.

3 ***-1419/2.3* SECTION 2578.** 292.11 (9) (e) 3. of the statutes is repealed.

4 ***-0257/4.5* SECTION 2579.** 292.11 (9) (e) 5. c. of the statutes is repealed.

5 ***-0257/4.6* SECTION 2580.** 292.11 (9) (e) 6. of the statutes is created to read:

6 292.11 (9) (e) 6. Subdivisions 1m. and 1s. only apply if the local governmental
7 unit or the economic development corporation agrees to allow the department, any
8 authorized representatives of the department, any party that possessed or controlled
9 the hazardous substance or caused the discharge of the hazardous substance and any
10 consultant or contractor of such a party to enter the property to take action to respond
11 to the discharge.

12 ***-1419/2.4* SECTION 2581.** 292.11 (9) (e) 7. of the statutes is created to read:

13 292.11 (9) (e) 7. Subdivision 1m. does not apply to property described in subd.
14 1m. f. unless the local governmental unit enters into an agreement with the
15 department to ensure that the conditions in subds. 2. and 4. are satisfied.

16 ***-1423/3.1* SECTION 2582.** 292.15 (1) (a) of the statutes is created to read:

17 292.15 (1) (a) "Enforcement standard" has the meaning given in s. 160.01 (2).

18 ***-1423/3.2* SECTION 2583.** 292.15 (1) (am) of the statutes is created to read:

19 292.15 (1) (am) "Natural attenuation" means the reduction in the mass and
20 concentration in groundwater of a substance, and the products into which the
21 substance breaks down, due to naturally occurring physical, chemical and biological
22 processes, without human intervention.

23 ***-0929/5.1* SECTION 2584.** 292.15 (1) (f) of the statutes is repealed and
24 recreated to read:

1 292.15 (1) (f) “Voluntary party” means a person who submits an application to
2 obtain an exemption under this section and pays any fees required under sub. (5).

3 *~~-0614/3.1~~* **SECTION 2585.** 292.15 (2) (a) (title) of the statutes is created to
4 read:

5 292.15 (2) (a) (title) *General.*

6 *~~-0285/1.1~~* **SECTION 2586.** 292.15 (2) (a) (intro.) of the statutes is amended to
7 read:

8 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
9 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
10 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
11 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
12 hazardous substance substances on the or originating from a property, if the release
13 of those hazardous substances occurred prior to the date on which the department
14 approves the environmental investigation of the property under subd. 1. and if all
15 of the following occur at any time before or after the date of acquisition:

16 *~~-1422/1.1~~* **SECTION 2587.** 292.15 (2) (a) 2. of the statutes is amended to read:

17 292.15 (2) (a) 2. Except as provided in sub. (4), the ~~property is cleaned up by~~
18 ~~restoring the environment~~ is restored to the extent practicable with respect to the
19 discharges and ~~minimizing~~ the harmful effects from a ~~discharge of the hazardous~~
20 ~~substance~~ the discharges are minimized in accordance with rules promulgated by the
21 department and any contract entered into under those rules.

22 *~~-1422/1.2~~* **SECTION 2588.** 292.15 (2) (a) 3. of the statutes is amended to read:

23 292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from
24 the department that the ~~property~~ environment has been satisfactorily restored to the

1 extent practicable with respect to the discharges and that the harmful effects from
2 ~~a discharge of a hazardous substance~~ the discharges have been minimized.

3 ***-0614/3.2* SECTION 2589.** 292.15 (2) (a) 6. of the statutes is amended to read:
4 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~
5 ~~subd. 3. certificate of completion~~ by fraud or misrepresentation, by the knowing
6 failure to disclose material information or under circumstances in which the
7 voluntary party knew or should have known about more discharges of hazardous
8 substances than were revealed by the investigation conducted under subd. 1.

9 ***-1423/3.3* SECTION 2591.** 292.15 (2) (ae) of the statutes is created to read:
10 292.15 (2) (ae) *Natural attenuation.* Except as provided in sub. (6) or (7), if
11 there exists a hazardous substance in groundwater on or originating from a property
12 in a concentration that exceeds an enforcement standard and the department
13 determines that natural attenuation will restore groundwater quality in accordance
14 with rules promulgated by the department, a voluntary party is exempt from ss.
15 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11
16 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules promulgated under those
17 provisions, with respect to discharges of hazardous substances on or originating from
18 the property, if the release of those hazardous substances occurred prior to the date
19 on which the department approves the environmental investigation of the property
20 under subd. 1. and if all of the following occur at any time before or after the date of
21 acquisition:

22 1. An environmental investigation of the property is conducted that is approved
23 by the department.

24 2. The environment is restored to the extent practicable with respect to the
25 discharges and the harmful effects from the discharges are minimized in accordance

1 with rules promulgated by the department and any contract entered into under those
2 rules, except that this requirement does not apply with respect to the hazardous
3 substance in groundwater that the department has determined will be brought into
4 compliance with rules promulgated by the department through natural attenuation.

5 3. The voluntary party obtains a certificate of completion from the department
6 stating that the environment has been satisfactorily restored to the extent
7 practicable with respect to the discharges and that the harmful effects from the
8 discharges have been minimized, except with respect to the hazardous substance in
9 groundwater that the department has determined will be brought into compliance
10 with rules promulgated by the department through natural attenuation.

11 3m. If required by the department, the voluntary party obtains and maintains
12 insurance to cover the costs of complying with s. 292.11 (3) with respect to the
13 hazardous substance that the department has determined will be brought into
14 compliance with rules promulgated by the department through natural attenuation,
15 in case natural attenuation fails, and the insurance complies with rules promulgated
16 by the department and names this state as the insured.

17 4. The voluntary party maintains and monitors the property as required under
18 rules promulgated by the department and any contract entered into under those
19 rules.

20 5. The voluntary party does not engage in activities that are inconsistent with
21 the maintenance of the property.

22 6. The voluntary party has not obtained the certification under subd. 3. by
23 fraud or misrepresentation, by the knowing failure to disclose material information
24 or under circumstances in which the voluntary party knew or should have known

1 about more discharges of hazardous substances than were revealed by the
2 investigation conducted under subd. 1.

3 ***-0614/3.3* SECTION 2592.** 292.15 (2) (ag) of the statutes is created to read:

4 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
5 sub. (6) or (7), for a property on which there exists a hazardous substance for which
6 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is
7 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
8 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
9 promulgated under those provisions, with respect to discharges of hazardous
10 substances on or originating from the property, if the release of those hazardous
11 substances occurred prior to the date on which the department approves the
12 environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to
13 6. apply and all of the following occur at any time before or after the date of
14 acquisition:

15 1. The environment is restored to the extent practicable with respect to the
16 discharges and the harmful effects from the discharges are minimized in accordance
17 with rules promulgated by the department and any contract entered into under those
18 rules, except that this requirement does not apply with respect to the hazardous
19 substance for which the voluntary party is exempt from liability under s. 292.13 (1).

20 2. The voluntary party obtains a certificate of completion from the department
21 stating that the environment has been satisfactorily restored to the extent
22 practicable with respect to the discharges and that the harmful effects from the
23 discharges have been minimized, except with respect to the hazardous substance for
24 which the voluntary party is exempt from liability under s. 292.13 (1).

1 3. The voluntary party obtains a written determination from the department
2 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
3 party is exempt from liability under s 292.13 (1).

4 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
5 (d) to (g).

6 ***-0614/3.4* SECTION 2593.** 292.15 (2) (am) (intro.) of the statutes is amended
7 to read:

8 292.15 (2) (am) *Partial cleanup.* (intro.) The department may approve a
9 partial cleanup and issue a certificate of completion as provided in par. (a), (ae) or (ag)
10 that states that not all of the property has been satisfactorily restored or that not all
11 of the harmful effects from a discharge of a hazardous substance have been
12 minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37
13 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property
14 or hazardous substances cleaned up under this paragraph. In addition to meeting
15 the requirements of par. (a), (ae) or (ag), a certificate for a partial cleanup under this
16 paragraph may be issued only if:

17 ***-0614/3.5* SECTION 2594.** 292.15 (2) (ar) (title) of the statutes is created to
18 read:

19 292.15 (2) (ar) (title) *Condition.*

20 ***-0937/2.1* SECTION 2595.** 292.15 (2) (at) of the statutes is created to read:

21 292.15 (2) (at) *Discharges discovered after environmental investigations.*
22 Except as provided in sub. (6) or (7), a voluntary party is exempt from ss. 289.05 (1),
23 (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and
24 (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with
25 respect to a discharge of a hazardous substance on or originating from a property if

1 the discharge occurred before the environmental investigation under subd. 1. is
2 completed and if all of the following apply:

3 1. An environmental investigation of the property and of any discharges of
4 hazardous substances originating from the property is conducted and is approved by
5 the department.

6 2. If required by the department, the voluntary party enters into an agreement
7 with the department under which the voluntary party agrees to conduct a cleanup
8 approved by the department.

9 3. The voluntary party obtains and maintains insurance to cover the costs of
10 complying with s. 292.11 (3) with respect to a hazardous substance discharges that
11 occurred before the investigation under subd. 1. is completed and that are discovered
12 in the course of conducting a cleanup of the property, the insurance complies with
13 rules promulgated by the department and the insurance names the voluntary party
14 and this state as insureds.

✓ 15 3m. If the department requires the voluntary party to enter into an agreement
16 under subd. 2., the voluntary party conducts the agreed upon cleanup.

17 4. A hazardous substance discharge that occurred before the investigation
18 under subd. 1. is completed is discovered after the investigation under subd. 1. is
19 approved and before the cleanup is completed.

20 6. The voluntary party has not obtained approval of the investigation under
21 subd. 1. or the agreement under subd. 2. by fraud or misrepresentation, by the
22 knowing failure to disclose material information or under circumstances in which
23 the voluntary party knew or should have known about more discharges of hazardous
24 substances than were revealed by the investigation conducted under subd. 1. ~~1.~~

25 ***-0614/3.6* SECTION 2596.** 292.15 (2) (b) of the statutes is amended to read:

1 292.15 (2) (b) *Extent of exemptions.* The exemptions provided in pars. (a), (ae),
2 (ag) and (am) continue to apply after the date of certification by the department
3 under par. (a) 3., (ae) 3. or (ag) 2., or approval by the department under par. (am),
4 notwithstanding the occurrence of any of the following:

5 1. Statutes, rules or regulations are created or amended that would impose
6 greater responsibilities on the voluntary party than those imposed under par. (a) 2.,
7 (ae) 2. or (ag) 1.

8 2. The voluntary party fully complies with the rules promulgated by the
9 department and any contract entered into under those rules under par. (a) 2., (ae) 2.
10 or (ag) 1. but it is discovered that the cleanup fails to fully restore the environment
11 and minimize the effects from a discharge of a hazardous substance.

12 3. The contamination from a hazardous substance that is the subject of the
13 cleanup under par. (a) 2., (ae) 2. or (ag) 1. is discovered to be more extensive than
14 anticipated by the voluntary party and the department.

15 ***-0614/3.7*** **SECTION 2597.** 292.15 (2) (c) (title) of the statutes is created to
16 read:

17 292.15 (2) (c) (title) *Prohibition on action.*

18 ***-0937/2.2*** **SECTION 2598.** 292.15 (2) (c) of the statutes is amended to read:

19 292.15 (2) (c) The department of justice may not commence an action under 42
20 USC 9607 against any voluntary party meeting the criteria of this subsection to
21 recover costs for which the voluntary party is exempt under pars. (a), (ac), (ag), (am),
22 (at) and (b).

23 ***-0614/3.8*** **SECTION 2599.** 292.15 (2) (d) (title) of the statutes is created to
24 read:

25 292.15 (2) (d) (title) *Exception.*

1 ***-0929/5.3*** SECTION 2600. 292.15 (2) (e) of the statutes is created to read:

2 292.15 (2) (e) *Contract with insurer*. If the department requires insurance
3 under par. (ae) 3m. or (at) 3., the department may contract with an insurer to provide
4 insurance required under par. (ae) 3m. or (at) 3. and may require voluntary parties
5 to obtain coverage under the contract.

6 ***-0929/5.4*** SECTION 2601. 292.15 (3) of the statutes is amended to read:

7 292.15 (3) SUCCESSORS AND ASSIGNS. The An exemption provided in sub. (2)
8 applies to any successor or assignee of the voluntary party ~~who qualifies as a~~
9 ~~voluntary party and who~~ if the successor or assignee complies with the provisions of
10 sub. (2) (a) 4. and 5. ~~unless or (ae) 3m., 4. and 5. and, if applicable, sub. (2) (ag) 4. or~~
11 ~~(am) as though the successor or assignee were the voluntary party except that the~~
12 ~~exemption in sub. (2) does not apply if the successor or assignee knows that a~~
13 ~~certificate under sub. (2) (a) 3., (ae) 3., (ag) 12. or (am) was obtained by any of the~~
14 ~~means or under any of the circumstances specified in sub. (2) (a) 6.~~

15 ***-0257/4.7*** SECTION 2602. 292.15 (4) (intro.) of the statutes is amended to
16 read:

17 292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
18 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
19 voluntary party and the department if the voluntary party purchased the property
20 from a local governmental unit that acquired the property in a way or for a purpose
21 described in s. 292.11 (9) (e) 1m. ~~a., b., c. or d.~~ The agreement shall stipulate all of the
22 following:

23 ***-0929/5.5*** SECTION 2603. 292.15 (5m) of the statutes is repealed.

24 ***-1423/3.4*** SECTION 2604. 292.15 (6) of the statutes is renumbered 292.15 (6)
25 (a) and amended to read:

1 292.15 (6) (a) This section does not exempt property from any lien filed under
2 s. 292.81 (3) for costs incurred by the department prior to the date that certification
3 is issued under sub. (2) (a) 3., (ae) 3. or (ag) 2.

4 *~~0937/2.3~~* **SECTION 2605.** 292.15 (6) (b) of the statutes is created to read:

5 292.15 (6) (b) This section does not exempt property from any lien filed under
6 s. 292.81 (3) for costs that are incurred by the department with respect to a hazardous
7 substance discharge described in sub. (2) (at) 3. and that are not covered by insurance
8 required by sub. (2) (at) 3.

9 *~~0256/1.1~~* **SECTION 2606.** 292.21 (1) (c) 1. b. of the statutes is repealed.

10 *~~0256/1.2~~* **SECTION 2607.** 292.21 (1) (c) 1. g. of the statutes is created to read:

11 292.21 (1) (c) 1. g. The lender agrees to allow the department, any authorized
12 representatives of the department, any party that possessed or controlled the
13 hazardous substance or caused the discharge of the hazardous substance and any
14 consultant or contractor of such a party to enter the real property to take action to
15 respond to the discharge.

16 *~~0256/1.3~~* **SECTION 2608.** 292.21 (1) (c) 1. h. of the statutes is created to read:

17 292.21 (1) (c) 1. h. The lender agrees to avoid any interference with action
18 undertaken to respond to the discharge and to avoid actions that worsen the
19 discharge.

20 *~~0256/1.4~~* **SECTION 2609.** 292.21 (1) (c) 1. i. of the statutes is created to read:

21 292.21 (1) (c) 1. i. The lender agrees to any other condition that the department
22 determines is reasonable and necessary to ensure that the department or other
23 person described in subd. 1. g. can adequately respond to the discharge.

24 *~~1419/2.5~~* **SECTION 2610.** 292.24 of the statutes is created to read:

1 **292.24 Responsibility of local governmental units; hazardous waste.**

2 (1) DEFINITION. In this section, “local governmental unit” has the meaning given in
3 s. 292.11 (9) (e) 1.

4 (2) EXEMPTION FROM LIABILITY. Except as provided in sub. (3), a local
5 governmental unit is exempt from ss. 291.25 (1) to (5), 291.29 and 291.37, and rules
6 promulgated under those provisions, with respect to the existence of a hazardous
7 waste discharge on property acquired in a way or for a purpose described in s. 292.11
8 (9) (e) 1m., if all of the following occur at any time before or after the date of
9 acquisition:

10 (a) An environmental investigation of the property is conducted that is
11 approved by the department and that identifies any hazardous waste discharges
12 that occurred on the property.

13 (b) The hazardous waste discharges identified by the investigation under par.
14 (a) are cleaned up by restoring the environment to the extent practicable with respect
15 to the discharges and minimizing the harmful effects from the discharges in
16 accordance with rules promulgated by the department and any contract entered into
17 under those rules.

18 (c) The local governmental unit obtains an approval from the department
19 stating that the property has been satisfactorily restored to the extent practicable
20 with respect to the hazardous waste discharges and that the harmful effects from the
21 discharges have been minimized.

22 (d) The local governmental unit maintains and monitors the property as
23 required under rules promulgated by the department and any contract entered into
24 under those rules.

1 (e) The local governmental unit does not engage in activities that are
2 inconsistent with the maintenance of the property.

3 (f) The local governmental unit has not obtained the certification under par. (c)
4 by fraud or misrepresentation, by the knowing failure to disclose material
5 information or under circumstances in which the local governmental unit knew or
6 should have known about more discharges of hazardous waste than were revealed
7 by the investigation conducted under par. (a).

8 (g) The local governmental unit did not cause the discharge of any hazardous
9 waste identified on the property.

10 **(3) APPLICABILITY.** Subsection (2) does not apply to any of the following:

11 (a) A hazardous waste treatment, storage or disposal facility that first begins
12 operation after the date on which the local governmental unit acquired the property.

13 (b) A licensed hazardous waste treatment, storage or disposal facility operated
14 on the property before the date on which the local governmental unit acquired the
15 property and that is operated after the date on which the local governmental unit
16 acquired the property.

17 (c) Any hazardous waste disposal facility that has been issued a license under
18 s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated under those
19 sections, for a period of long-term care following closure of the facility.

20 ***-1421/2.1* SECTION 2611.** 292.25 of the statutes is created to read:

21 **292.25 Report on impact of exemptions from liability.** (1) The
22 department shall biennially determine all of the following:

23 (a) The number of sites for which a person is seeking to qualify for an exemption
24 under s. 292.15.

1 (b) The number of sites for which a certificate of completion was issued under
2 s. 292.15.

3 (c) The number of sites for which a certificate of completion was issued under
4 s. 292.15 at which it is discovered that the cleanup failed or at which additional
5 hazardous substances are found after the certificate of completion was issued.

6 (d) The number of sites described in par. (b) at which the department has
7 determined that it is necessary to conduct remedial action using moneys from the
8 environmental fund and the estimated costs of performing that remedial action.

9 (e) The number of sites for which a claim was made against an insurance policy
10 required under s. 292.15.

11 (2) No later than September 15 of each even-numbered year, the department
12 shall submit a report describing its determinations under sub. (1) to the legislature
13 under s. 13.172 (2), to the governor and to the department of administration.

14 (3) The department may require a person to provide information necessary for
15 the department to make the determinations under sub. (1).

✓ 16 *b0437/2.16* SECTION 2611d. 292.255 of the statutes is created to read:

17 **292.255 Report on brownfield efforts.** On or before June 30 annually, the
18 department of natural resources, the department of administration, the department
19 of commerce, the department of revenue and the department of transportation shall
20 submit a report to the appropriate standing committees of the legislature under s.
21 13.172 (3) and to the joint committee on finance evaluating the effectiveness of this
22 state's efforts to remedy the contamination of, and to redevelop, brownfields, as
23 defined in s. 560.60 (1v).

24 *-0958/1.1* SECTION 2612. 292.33 of the statutes is created to read:

1 **292.33 Local government cost recovery cause of action. (1) DEFINITION.**

2 In this section “local governmental unit” has the meaning given in s. 292.11 (9) (e)

3 1.

4 **(2) CAUSE OF ACTION.** Except as provided in sub. (6), a local governmental unit
5 may recover costs as provided in sub. (4) from a responsible person described in sub.
6 (3) if the costs are incurred in connection with a property acquired as provided in s.
7 292.11 (9) (e) 1m. on which a hazardous substance has been discharged.

8 **(3) RESPONSIBLE PERSONS. (a)** Except as provided in par. (b), a local
9 governmental unit may recover costs in an action under this section from any of the
10 following:

11 1. A person who, at the time that the local governmental unit acquired the
12 property, possessed or controlled the hazardous substance that was discharged on
13 the property.

14 2. A person who caused the discharge of the hazardous substance on the
15 property.

16 (b) A local governmental unit may not recover costs in an action under sub. (2)
17 from a person described in par. (a) if the person qualifies for an exemption under s.
18 292.11 (9) (e), 292.13, 292.15, 292.16, 292.19 or 292.21 with respect to the discharge
19 that is the subject of the action.

20 **(4) RECOVERABLE COSTS. (a)** Except as provided in par. (b), in an action under
21 this section a local governmental unit may recover the reasonable and necessary
22 costs that it incurs for all of the following:

23 1. Investigating environmental contamination on the property and planning
24 remedial activities described in subd. 2.

1 2. Conducting remedial activities to restore the property for its intended future
2 use.

3 3. Administering the activities under subds. 1. and 2. and bringing the action
✓4 under this section, including costs, disbursements and engineering fees but
✓5 excluding attorney fees.

6 (b) The costs determined under par. (a) shall be reduced by the fair market
7 value of the property after completion of the activities under par. (a) 2.

8 (c) Recoverable costs under this subsection may not be reduced by the amount
9 of any state or federal moneys received by the local governmental unit for any of the
10 activities under par. (a).

✓11 (d) 1. In an action under this section, the liability of a responsible person
12 described in sub. (3) (a) 2. is limited to the amount that bears the same proportion
13 to the total costs under par. (a), adjusted as provided in par. (b), as the amount of the
14 environmental pollution on the property from the discharge caused by the
15 responsible person bears to all of the environmental pollution on the property from
16 discharges of hazardous substances.

17 2. In an action under this section, the liability of a responsible person described
18 in sub. (3) (a) 1. is limited to the amount of the total costs under par. (a), adjusted as
19 provided in par. (b), that the local governmental unit is unable to recover from
✓20 responsible parties described in sub. (3) (a) 2.

21 (5) REPAYING STATE ASSISTANCE. If a local governmental unit that recovers costs
22 under this section received money from this state, other than under s. 292.11 (7) or
23 292.31 (1), (3) or (7), for any of the activities under sub. (4) (a), the local governmental
24 unit shall reimburse to the state an amount that bears the same proportion to the
25 total amount recovered under this section as the amount received from the state,

1 other than under s. 292.11 (7) or 292.31 (1), (3) or (7), bears to the total costs under
2 sub. (4) (a) adjusted as provided in sub. (4) (b).

3 (6) EXCEPTION. A local governmental unit may not recover costs under this
4 section for remedial activities conducted on a property or portion of a property with
5 respect to a discharge after the department of natural resources, the department of
6 commerce or the department of agriculture, trade and consumer protection has
7 indicated that no further remedial activities are necessary on the property or portion
8 of the property with respect to the discharge.

9 (7) LIMITATION OF ACTION. An action under this section shall be commenced
10 within 6 years after the date that the local governmental unit completes the
11 activities under sub. (4) (a) 2. or be barred.

12 *~~1670/1.1~~* SECTION 2613. 292.57 of the statutes is created to read:

13 **292.57 Database of properties on which groundwater standards are**
14 **exceeded.** (1) In this section, "groundwater standard" means an enforcement
15 standard, as defined in s. 160.01 (2), or a preventive action limit, as defined in s.
16 160.01 (6).

17 (2) (a) The department may promulgate a rule specifying a fee for placing
18 information concerning a property on which a groundwater standard is exceeded into
19 a database.

20 (b) Any moneys collected under this subsection shall be credited to the
21 appropriation account under s. 20.370 (2) (mi).

22 *~~1490/2.2~~* SECTION 2614. 292.65 (1) (d) 9. of the statutes is created to read:
23 292.65 (1) (d) 9. A formal wear rental firm.

✓ 24 ***b0456/1.2*** SECTION 2614e. 292.65 (1) (ek) of the statutes is created to read:

1 292.65 (1) (ek) "Formal wear" includes tuxedos, suits and dresses, but does not
2 include costumes, table linens and household fabrics.

3 ***b0456/1.2* SECTION 2614g.** 292.65 (1) (em) of the statutes is created to read:

4 292.65 (1) (em) "Formal wear rental firm" means a facility that rents formal
5 wear to the general public and dry cleans only the formal wear that it rents to the
6 general public.

7 ***-1484/2.1* SECTION 2615.** 292.65 (1) (h) 3. of the statutes is created to read:

8 292.65 (1) (h) 3. A person who operated a dry cleaning facility that ceased
9 operating before October 14, 1997.

10 ***-1484/2.2* SECTION 2616.** 292.65 (1) (i) 1. of the statutes is renumbered
11 292.65 (1) (i) 1. (intro.) and amended to read:

12 292.65 (1) (i) 1. (intro.) A person who owns, or has possession or control of, a
13 ~~dry cleaning facility, or~~ and who receives or received direct or indirect consideration
14 from the operation of a ~~dry cleaning facility regardless of whether the dry cleaning~~
15 ~~facility remains in operation and regardless of whether the person owns or receives~~
16 ~~consideration at the time that environmental pollution occurs.,~~ any of the following:

17 ***-1484/2.3* SECTION 2617.** 292.65 (1) (i) 1. a. of the statutes is created to read:

18 292.65 (1) (i) 1. a. A dry cleaning facility that is licensed under s. 77.9961 (2).

19 ***-1484/2.4* SECTION 2618.** 292.65 (1) (i) 1. b. of the statutes is created to read:

20 292.65 (1) (i) 1. b. A dry cleaning facility that has ceased operation but that,
21 if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)
22 before it ceased operation.

23 ***-1484/2.5* SECTION 2619.** 292.65 (1) (i) 3. of the statutes is created to read:

24 292.65 (1) (i) 3. A person who owns the property on which one of the following
25 is located:

1 a. A dry cleaning facility that is licensed under s. 77.9961 (2).

2 b. A dry cleaning facility that has ceased operation but that was licensed under
3 s. 77.9961 (2) before it ceased operation.

4 ***-1482/1.1* SECTION 2620.** 292.65 (1) (L) of the statutes is amended to read:

5 292.65 (1) (L) “Service provider” means a consultant, testing laboratory,
6 monitoring well installer, soil boring contractor, other contractor, ~~lender~~ or any other
7 person who provides a product or service for which an application for reimbursement
8 has been or will be filed under this section, or a subcontractor of such a person.

9 ***-0433/1.1* SECTION 2621.** 292.65 (3) (am) 2. of the statutes is amended to
10 read:

11 292.65 (3) (am) 2. The department shall pay an award for immediate action
12 activities. ~~For the purposes of this subdivision, removal of contaminated soils and~~
13 ~~recovery of free dry cleaning solvent are not considered immediate action activities.~~

14 ***-0434/1.1* SECTION 2622.** 292.65 (3) (am) 3. of the statutes is repealed and
15 recreated to read:

16 292.65 (3) (am) 3. After paying awards for immediate action activities, the
17 department shall do the following with the remaining funds available for awards
18 under this section:

19 a. In the program year that begins on July 1, 1999, provide 75% to pay awards
20 for eligible costs incurred before October 14, 1997, and provide 25% to pay awards
21 for eligible costs incurred on or after October 14, 1997.

22 b. In the program year that begins on July 1, 2000, provide 50% to pay awards
23 for eligible costs incurred before October 14, 1997, and provide 50% to pay awards
24 for eligible costs incurred on or after October 14, 1997.

1 c. In the program year that begins on July 1, 2001, and every program year
2 thereafter, provide at least 70% as awards to pay eligible costs incurred on or after
3 October 14, 1997.

✓4 ***-1488/1.2* SECTION 2627.** 292.65 (4) (m) of the statutes is created to read:

5 292.65 (4) (m) *Notification of insurance claims and receipt of proceeds.* An
6 owner or operator shall notify the department of any insurance claim made to cover
7 eligible costs, the status of the claim, and, if the owner or operator has received any
8 insurance proceeds arising from the claim, the amount of the proceeds.

9 ***-1488/1.3* SECTION 2628.** 292.65 (4) (n) of the statutes is created to read:

10 292.65 (4) (n) *Notification of intent to file suit.* An owner or operator shall
11 notify the department of the owner's or operator's intent to file suit against an
12 insurance company for the purpose of recovering the proceeds of an insurance policy
13 intended to cover any eligible costs.

14 ***-1485/1.1* SECTION 2629.** 292.65 (6) of the statutes is repealed.

✓15 ***-1482/1.2* SECTION 2631.** 292.65 (7) (a) 16. of the statutes is repealed.

16 ***-1482/1.3* SECTION 2632.** 292.65 (7) (b) of the statutes is repealed.

✓17 ***-1482/1.4* SECTION 2634.** 292.65 (7) (c) 6. of the statutes is created to read:

18 292.65 (7) (c) 6. Costs of financing eligible activities.

✓19 ***-1488/1.4* SECTION 2636.** 292.65 (8) (a) 4m. of the statutes is created to read:

20 292.65 (8) (a) 4m. If the owner or operator receives any proceeds arising from
21 an insurance claim for any eligible costs, a record of the payment.

✓22 ***b0435/1.3* SECTION 2636g.** 292.65 (8) (d) 8. of the statutes is amended to

23 read:

24 292.65 (8) (d) 8. The dry cleaning solvent discharge was caused by a person who
25 provided services or products to the owner or operator or to a prior owner or operator

1 of the dry cleaning facility, including a person who provided perchloroethylene to the
2 owner or operator or prior owner or operator of a dry cleaning facility using a system
3 other than a closed, direct-coupled delivery system.

4 ***-1485/1.2* SECTION 2637.** 292.65 (8) (e) 3a. of the statutes is repealed and
5 recreated to read:

6 292.65 (8) (e) 3a. If eligible costs are \$200,000 or less, \$10,000.

7 ***-1485/1.3* SECTION 2638.** 292.65 (8) (e) 3am. of the statutes is created to read:
8 292.65 (8) (e) 3am. If eligible costs exceed \$200,000 but do not exceed \$400,000,
9 \$10,000 plus 8% of the amount by which eligible costs exceed \$200,000.

10 ***-1485/1.4* SECTION 2639.** 292.65 (8) (e) 3ar. of the statutes is created to read:
11 292.65 (8) (e) 3ar. If eligible costs exceed \$400,000, \$26,000 plus 10% of the
12 amount by which eligible costs exceed \$400,000.

13 ***-1485/1.5* SECTION 2640.** 292.65 (8) (e) 3b. of the statutes is amended to read:
14 292.65 (8) (e) 3b. ~~For each year in which the owner or operator has not paid the~~
15 ~~annual license fee under s. 77.9961 (1) for the dry cleaning facility, an~~ An amount
16 equal to 30 times the average annual license fee paid under s. 77.9961 (1) for ~~that the~~
17 year in which an award is made.

18 ***-1485/1.6* SECTION 2641.** 292.65 (8) (e) 3c. of the statutes is amended to read:
19 292.65 (8) (e) 3c. ~~For each year in which the dry cleaning solvents fee under s.~~
20 ~~77.9962 was imposed and the dry cleaning facility was not in operation, an~~ An
21 amount equal to 30 times the total amount collected under s. 77.9962 for ~~that the~~
22 year in which an award is made divided by the number of dry cleaning facilities in
23 operation during that year.

✓ 24 ***b0455/1.1* SECTION 2641g.** 292.65 (8) (j) 4. of the statutes is created to read:

1 292.65 (8) (j) 4. If, prior to receiving an award under this section, an owner or
2 operator receives payment from an insurance company arising out of a claim for
3 payment of any eligible costs, the department may not reimburse the owner or
4 operator any amount that exceeds the difference between the amount of the award
5 calculated under subd. 1. or 2. and pars. (e) and (f) and the amount by which the
6 insurance payment exceeds the sum of the deductible and the amount by which the
7 amount calculated under par. (e) exceeds the maximum award under par. (f).

8 ***b0455/1.1* SECTION 2641m.** 292.65 (8m) of the statutes is created to read:

9 292.65 (8m) REIMBURSEMENT OF INSURANCE PROCEEDS. If, after the owner or
10 operator receives an award under this section, the owner or operator receives
11 payment from an insurance company arising out of a claim for payment of any
12 eligible costs, the owner or operator shall pay to the department the amount by which
13 the insurance payment exceeds the sum of the deductible and the amount by which
14 the amount calculated under par. (e) exceeds the maximum award under par. (f), but
15 not more than the amount of the award received.

16 ***-1488/1.5* SECTION 2642.** 292.65 (9m) of the statutes is created to read:

17 292.65 (9m) SUBROGATION. The department is subrogated to the rights of an
18 applicant who obtains an award under this section or s. 292.66 in an amount equal
19 to the award and may join in an action by an applicant against an insurance company
20 to recover eligible costs. An applicant who receives an award under this section shall
21 cooperate with the state in any action under this subsection. The amounts collected
22 by the department under this subsection shall be deposited in the dry cleaner
23 environmental response fund.

24 ***-1487/1.3* SECTION 2643.** 292.65 (11) of the statutes is created to read:

1 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
2 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
3 of a discharge of dry cleaning solvent at a dry cleaning facility, the department shall
4 transfer from the appropriation account under s. 20.370 (6) (eq) to the environmental
5 fund an amount equal to the amount expended under s. 292.11 (7) (a) or 292.31 (3)
6 (b). The department shall make transfers under this subsection when the
7 department determines that sufficient funds are available in the appropriation
8 account under s. 20.370 (6) (eq).

9 ***-1387/1.1* SECTION 2644.** 292.65 (12m) of the statutes is created to read:

10 292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made
11 a false or misleading statement in any document submitted to the department under
12 this section.

✓ 13 ***b0435/1.4* SECTION 2645m.** 292.66 (2) (e) of the statutes is repealed.

✓ 14 ***b0435/1.4* SECTION 2645p.** 292.66 (2) (g) of the statutes is created to read:

15 292.66 (2) (g) The owner or operator of a dry cleaning facility that is operating
16 at the time that the owner or operator applies for assistance under this section
17 certifies that any perchloroethylene delivered to the dry cleaning facility is delivered
18 using a closed, direct-coupled delivery system.

19 ***-0432/1.1* SECTION 2646.** 292.66 (3) of the statutes is amended to read:

20 292.66 (3) An award under this section ~~may not exceed \$15,000, of which not~~
21 ~~more than \$2,500 may be~~ shall equal 50% of the eligible costs, except that an award
22 may not exceed \$20,000. Of the total award, the reimbursement for the preliminary
23 site screening shall equal 50% of the cost of conducting the preliminary site
24 screening, except that the reimbursement for the preliminary site screening may not
25 exceed \$3,000.

1 ***-1387/1.2*** **SECTION 2647.** 292.66 (5) of the statutes is created to read:

2 292.66 (5) No person may knowingly make or cause to be made a false or
3 misleading statement in any document submitted to the department under this
4 section.

✓5 ***-1420/2.3*** **SECTION 2649.** 292.75 of the statutes is created to read:

6 **292.75 Brownfield site assessment grants. (1) DEFINITIONS.** In this
7 section:

8 (a) “Eligible site or facility” means an abandoned, idle or underused industrial
9 or commercial facility or site, the expansion or redevelopment of which is adversely
10 affected by actual or perceived environmental contamination.

11 (b) “Local governmental unit” means a city, village, town, county,
12 redevelopment authority created under s. 66.431, community development
13 authority created under s. 66.4325, or housing authority.

✓14 (c) “Petroleum product” has the meaning given in s. 101.143 (1) (f).

✓15 (d) “Underground hazardous substance storage tank system” means an
16 underground storage tank used for storing a hazardous substance other than a
17 petroleum product together with any on-site integral piping or dispensing system
18 with at least 10% of its total volume below the surface of the ground.

✓19 (e) “Underground petroleum product storage tank” has the meaning given in
20 s. 101.143 (1) (i).

21 **(2) DUTIES OF THE DEPARTMENT.** (a) The department shall administer a
22 program to award brownfield site assessment grants from the appropriation under
23 s. 20.370 (6) (et) to local governmental units for the purposes of conducting any of the
24 eligible activities under sub. (3).

1 (b) The department may not award a grant to a local governmental unit under
2 this section if that local governmental unit caused the environmental contamination
3 that is the basis for the grant request.

4 (c) The department may only award grants under this section if the person that
5 caused the environmental contamination that is the basis for the grant request is
6 unknown, cannot be located or is financially unable to pay the cost of the eligible
7 activities.

8 (d) The department shall promulgate rules as necessary to administer the
9 program. Rules promulgated by the department under this paragraph may limit the
10 total amount of funds that may be used to cover the costs of each category of eligible
11 activity described in sub. (3).

12 **(3) ELIGIBLE ACTIVITIES.** The department may award grants to local
13 governmental units to cover the costs of the following activities:

14 (a) The investigation of environmental contamination on an eligible site or
15 facility for the purposes of reducing or eliminating environmental contamination.

16 (b) The demolition of any structures, buildings or other improvements located
17 on an eligible site or facility.

18 (c) The removal of abandoned containers, as defined in s. 292.41 (1), from an
19 eligible site or facility.

20 (d) Asbestos abatement activities, as defined in s. 254.11 (2), conducted on an
21 eligible site or facility.

✓ 22 (e) The removal of underground hazardous substance storage tank systems.

✓ 23 (f) The removal of underground petroleum product storage tank systems.

1 (4) APPLICATION FOR GRANT. The applicant shall submit an application on a form
2 prescribed by the department and shall include any information that the department
3 finds necessary to calculate the amount of a grant.

4 (5) GRANT CRITERIA. The department shall consider the following criteria when
5 determining whether to award a grant:

6 (a) The local governmental unit's demonstrated commitment to performing and
7 completing necessary environmental remediation activities on the eligible site,
8 including the local governmental unit's financial commitment.

9 (b) The degree to which the project will have a positive impact on public health
10 and the environment.

11 (c) Other criteria that the department finds necessary to calculate the amount
12 of a grant.

13 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a local
14 governmental unit in a fiscal year under this section shall be limited to an amount
15 equal to 15% of the available funds appropriated under s. 20.370 (6) (et) for the fiscal
16 year.

17 (7) MATCHING FUNDS. The department may not distribute a grant unless the
18 applicant contributes matching funds equal to 20% of the grant. Matching funds
19 may be in the form of cash or in-kind contribution or both.

20 ***b0438/2.15* SECTION 2649h.** 292.77 of the statutes is created to read:

21 **292.77 Sustainable urban development zone program.** (1) In this
22 section, "brownfields" has the meaning given in s. 560.13 (1) (a).

23 (2) The department shall develop and, beginning no later than January 1,
24 2001, administer a pilot program in the city of Green Bay, the city of La Crosse, the
25 city of Milwaukee and the city of Oshkosh that promotes the use of financial

1 incentives to clean up and redevelop brownfields. Funds provided under the
2 program may be used to investigate environmental contamination and to conduct
3 cleanups of brownfields in those cities.

4 (3) In developing and administering the pilot program under sub. (2), the
5 department shall consult and coordinate with the department of administration, the
6 department of commerce, the department of health and family services, the
7 department of revenue, the department of transportation and the cities specified in
8 sub. (2).

9 (4) During the 1999–2001 fiscal biennium, the department shall make the
10 following amounts available through the pilot program under sub. (2):

11 (a) To the city of Green Bay, \$500,000.

12 (b) To the city of La Crosse, \$500,000.

13 (c) To the city of Milwaukee, \$1,000,000.

14 (d) To the city of Oshkosh, \$250,000.

15 (5) (a) The department of commerce shall certify a person conducting a project
16 under the pilot program as eligible to claim a tax credit under s. 71.07 (2dy), 71.28
17 (1dy) or 71.47 (1dy) while the person is conducting the project.

18 (b) Within 3 months after a person is certified under par. (a), the department
19 of commerce shall estimate the amount of tax benefits that the person will claim
20 while conducting the project.

21 (c) The department of commerce shall provide a person certified under par. (a)
22 and the department of revenue with a copy of the certification. The certification shall
23 include all of the following:

24 1. The name and address of the person's business.

25 2. The location and description of the project.

- 1 3. The appropriate Wisconsin tax identification number of the person.
- 2 4. The names and addresses of other locations where the person conducts
- 3 business and a description of the business activities conducted at those locations.
- 4 5. Other information required by the department of natural resources or the
- 5 department of revenue.

6 (d) The department of commerce shall promulgate rules that further define a
7 person's eligibility to claim the tax credit.

8 ***-1387/1.3*** SECTION 2650. 292.99 (1) of the statutes is amended to read:

9 292.99 (1) Any Except as provided under sub. (1m), any person who violates
10 this chapter or any rule promulgated or any plan approval, license or special order
11 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each
12 violation. Each day of continued violation is a separate offense. While an order is
13 suspended, stayed or enjoined, this penalty does not accrue.

14 ***-1387/1.4*** SECTION 2651. 292.99 (1m) of the statutes is created to read:

15 292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit
16 not less than \$10 nor more than \$10,000.

17 ***-1387/1.5*** SECTION 2652. 292.99 (2) of the statutes is amended to read:

18 292.99 (2) In addition to the penalties provided under ~~sub.~~ subs. (1) and (1m),
19 the court may award the department of justice the reasonable and necessary
20 expenses of the investigation and prosecution of the violation, including attorney
21 fees. The department of justice shall deposit in the state treasury for deposit into the
22 general fund all moneys that the court awards to the department or the state under
23 this subsection. Ten percent of the money deposited in the general fund that was
24 awarded under this subsection for the costs of investigation and the expenses of

1 prosecution, including attorney fees, shall be credited to the appropriation account
2 under s. 20.455 (1) (gh).

✓ 3 ***b0445/1.1* SECTION 2652j.** 293.41 (2) (g) of the statutes is amended to read:
4 293.41 (2) (g) A provision for the amendment of the agreement. The agreement
5 shall provide that the agreement is subject to amendment at the request of either
6 party if additional information relevant to the issues addressed in the agreement is
7 obtained after the agreement takes effect but before the hearing under s. 293.43.

✓ 8 ***b0445/1.1* SECTION 2652k.** 293.41 (6) of the statutes is created to read:
9 293.41 (6) If an agreement takes effect before the effective date of this
10 subsection [revisor inserts date], with respect to a mining permit application for
11 which the department has not issued or denied a mining permit on the effective date
12 of this subsection [revisor inserts date], the county, town, village, city or tribal
13 government that entered into the agreement may request the operator to engage in
14 negotiations regarding an amendment to the agreement based on additional
15 information that is relevant to the issues addressed in the agreement and that is first
16 obtained after the agreement takes effect but before the hearing under s. 293.43.

✓ 17 ***b0445/1.1* SECTION 2652L.** 293.49 (2) (g) of the statutes is created to read:
18 293.49 (2) (g) That the applicant failed to negotiate with a county, town, village,
19 city or tribal government under s. 293.41 (6).

✓ 20 ***-1164/5.51* SECTION 2653.** 295.11 (10) of the statutes is amended to read:
21 295.11 (10) "Solid waste" means any garbage, refuse, sludge from a waste
22 treatment plant, water supply treatment plant or air pollution control facility and
23 other discarded or salvageable materials, including solid, liquid, semisolid, or
24 contained gaseous materials resulting from industrial, commercial, mining and
25 agricultural operations, and from community activities, but does not include solids

1 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
2 return flows or industrial discharges which are point sources subject to permits
3 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
4 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
5 ~~(3)~~ (1).

✓ 6 ***b0444/1.1* SECTION 2653d.** 295.16 (1) (c) of the statutes is created to read:

7 295.16 (1) (c) The requirements for a nonmetallic mining reclamation plan
8 under s. 295.12 (3) (c), for public notice and an opportunity for a public informational
9 hearing under s. 295.12 (3) (d) and for proof of financial responsibility under s. 295.12
10 (3) (ds) do not apply to nonmetallic mining to obtain stone, soil, sand or gravel for the
11 construction, maintenance or repair of a highway, railroad, airport facility, or any
12 other transportation facility, conducted under contract with a municipality, as
13 defined in s. 299.01 (8), if the contract requires the nonmetallic mining site to be
14 reclaimed in accordance with the requirements of the department of transportation
15 concerning the restoration of nonmetallic mining sites.

✓ 16 ***-0240/1.2* SECTION 2670.** 299.13 (title) of the statutes is amended to read:

17 **299.13 (title) Hazardous pollution Pollution prevention.**

18 ***-0240/1.3* SECTION 2671.** 299.13 (1) (be) of the statutes is created to read:

19 299.13 (1) (be) “Center” means the solid and hazardous waste education center
20 under s. 36.25 (30).

21 ***-0240/1.4* SECTION 2672.** 299.13 (1) (c) of the statutes is repealed.

22 ***-0240/1.5* SECTION 2673.** 299.13 (1) (dm) of the statutes is created to read:

23 299.13 (1) (dm) 1. “Pollution prevention” means an action that does any of the
24 following:

25 a. Prevents waste from being created.

1 b. Reduces the amount of waste that is created.

2 c. Changes the nature of waste being created in a way that reduces the hazards
3 to public health or the environment posed by the waste.

4 2. “Pollution prevention” does not include incineration, recycling or treatment
5 of a waste, changes in the manner of disposal of a waste or any practice that changes
6 the characteristics or volume of a waste if the practice is not part of the process that
7 produces a product or provides a service.

8 ***-0240/1.6*** SECTION 2674. 299.13 (1) (e) of the statutes is repealed.

9 ***-0240/1.7*** SECTION 2675. 299.13 (1m) (intro.) of the statutes is amended to
10 read:

11 299.13 (1m) PROMOTION OF HAZARDOUS POLLUTION PREVENTION. (intro.) In
12 carrying out the duties under this section and ss. 36.25 (30) and 560.19, the
13 department, the department of commerce and the program center shall promote all
14 of the following techniques for hazardous pollution prevention:

15 ***-0240/1.8*** SECTION 2676. 299.13 (1m) (f) of the statutes is created to read:
16 299.13 (1m) (f) Reducing energy use.

17 ***-0240/1.9*** SECTION 2677. 299.13 (1m) (g) of the statutes is created to read:
18 299.13 (1m) (g) Training employes to minimize waste.

19 ***-0240/1.10*** SECTION 2678. 299.13 (2) (a) of the statutes is amended to read:
20 299.13 (2) (a) Designate an employe of the department to serve as hazardous
21 pollution prevention coordinator and to do all of the following:

22 2. Recommend educational priorities to the university of Wisconsin—extension
23 for the program center, considering volume and toxicity of hazardous substances,
24 toxic pollutants and hazardous waste produced, lack of compliance with
25 environmental standards, potential for hazardous pollution prevention and

1 projected shortfalls in hazardous waste treatment or disposal facilities under the
2 capacity assurance plan.

3 3. Coordinate the department's ~~hazardous~~ pollution prevention efforts with
4 those of other governmental agencies and private groups.

5 4. Provide training concerning ~~hazardous~~ pollution prevention to employes of
6 the department.

7 *~~0240/1.11~~* SECTION 2679. 299.13 (2) (b) of the statutes is amended to read:

8 299.13 (2) (b) Identify all department requirements for reporting on ~~hazardous~~
9 pollution prevention and, to the extent possible and practical, standardize,
10 coordinate and consolidate the reporting in order to minimize duplication and
11 provide useful information on ~~hazardous~~ pollution prevention to the legislature and
12 the public.

13 *~~0240/1.12~~* SECTION 2680. 299.13 (2) (d) of the statutes is amended to read:

14 299.13 (2) (d) Seek federal funding to promote ~~hazardous~~ pollution prevention.

✓ 15 *b0301/1.1* SECTION 2680v. 299.15 (3) (cm) 1. of the statutes is created to read:

16 299.15 (3) (cm) 1. In fiscal year 1999–2000, the department may not charge
17 total fees under par. (am) that exceed \$7,450,000.

✓ 18 *~~1283/1.1~~* SECTION 2681. 299.15 (3) (cm) 2. of the statutes is amended to read:

19 299.15 (3) (cm) 2. In any fiscal year after fiscal year 1999–2000, the department
20 may not charge total fees under par. (am) that exceed ~~\$7,450,000~~ \$7,925,000.

✓ 21 *b0301/1.3* SECTION 2681e. 299.15 (3) (e) of the statutes is created to read:

22 299.15 (3) (e) In the rules under par. (am) 3. for fees required to be paid in fiscal
23 years beginning with fiscal year 2000–01, the department shall do all of the
24 following:

1 1. Use the fees paid by a person in fiscal year 1999–2000 as the basis for the
2 person’s fees.

3 2. Determine the fee for each person based on the number of units of pollutants
4 discharged by the person, using a 5–year rolling average.

5 3. Use a performance–based approach that increases a person’s fees in
6 proportion to increases in the number of units of pollutants discharged by the person,
7 as determined under subd. 2., and decreases a person’s fees in proportion to
8 decreases in the number of units of pollutants discharged by the person, as
9 determined under subd. 2.

10 4. Omit any multiplier or similar mechanism that would increase a person’s
11 fees in order to compensate for decreases in overall amounts of discharges.

12 5. Omit any provision that would increase the fee per unit of pollutant
13 discharged in order to compensate for decreases in overall amounts of discharges.

14 ***b0435/1.5* SECTION 2681k.** 299.47 of the statutes is created to read:

15 **299.47 Sale and delivery of dry cleaning solvent.** (1) In this section:

16 (a) “Dry cleaning facility” has the meaning given in s. 292.65 (1) (d).

17 (b) “Dry cleaning solvent” has the meaning given in s. 292.65 (1) (e).

18 (c) “Owner” means a person who owns, or has possession or control of, a dry
19 cleaning facility, or who receives direct or indirect consideration from the operation
20 of a dry cleaning facility.

21 (2) A supplier of dry cleaning solvent may not sell or deliver to the owner or
22 operator of a dry cleaning facility any dry cleaning solvent unless the dry cleaning
23 facility is licensed under s. 77.9961 (2).

24 (3) Any person who violates sub. (2) may be required to forfeit not more than
25 \$500 for each violation.

✓ 1 ***-0236/2.6* SECTION 2682.** 299.95 of the statutes is amended to read:

2 **299.95 Enforcement; duty of department of justice; expenses.** The
3 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
4 ss. 281.48, 285.57, 285.59 and 299.64, and all rules, special orders, licenses, plan
5 approvals and permits of the department, except those promulgated or issued under
6 ss. 281.48, 285.57, 285.59 and 299.64 and except as provided in s. 285.86. The circuit
7 court for Dane county or for any other county where a violation occurred in whole or
8 in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or
9 the rule, special order, license, plan approval or permit by injunctive and other
10 relief appropriate for enforcement. For purposes of this proceeding where chs. 281
11 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval
12 or permit prohibits in whole or in part any pollution, a violation is considered a public
13 nuisance. The department of natural resources may enter into agreements with the
14 department of justice to assist with the administration of chs. 281 to 285 and 289 to
15 295 and this chapter. Any funds paid to the department of justice under these
16 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

✓ 17 ***b0435/1.6* SECTION 2682m.** 299.97 (1) of the statutes is amended to read:

18 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47
19 (2), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) or 299.64 (2), or any rule
20 promulgated or any plan approval, license or special order issued under this chapter,
21 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for
22 each violation. Each day of continued violation is a separate offense. While the order
23 is suspended, stayed or enjoined, this penalty does not accrue.

✓ 24 ***-1978/2.1* SECTION 2689.** 301.029 of the statutes is created to read:

1 **301.029 Contracts requiring prisoner access to personal information.**

2 **(1)** In this section, “financial transaction card” has the meaning given in s. 943.41

3 (1) (em).

4 **(2)** (a) The department may not enter into any contract or other agreement if,
5 in the performance of the contract or agreement, a prisoner would perform data entry
6 or telemarketing services and have access to an individual’s financial transaction
7 card numbers, checking or savings account numbers or social security number.

8 (b) The department may not enter into any contract or other agreement if, in
9 the performance of the contract or agreement, a prisoner would perform data entry
10 services or telemarketing services and have access to any information that may serve
11 to identify a minor.

✓ 12 ***b0587/2.5* SECTION 2689m.** 301.03 (3c) of the statutes is amended to read:

13 301.03 **(3c)** If requested by the department of health and family services,
14 contract with that department to supervise and provide services to persons who are
15 conditionally transferred or discharged under s. 51.37 (9), conditionally released
16 under s. 971.17 (3) or placed on supervised release under s. 980.06 (2), 1997 stats.,
17 or s. 980.08.

↙ 18 ***b0468/1.1* SECTION 2692e.** 301.048 (2) of the statutes is renumbered 301.048
19 (2) (am), and 301.048 (2) (am) (intro.) and 2., as renumbered, are amended to read:

20 301.048 **(2)** (am) (intro.) ~~A~~ Except as provided in par. (bm), a person enters the
21 intensive sanctions program only if he or she has been convicted of a felony and only
22 under one of the following circumstances:

23 2. He or she is a prisoner serving a felony sentence not punishable by life
24 imprisonment and the department directs him or her to participate in the program.

1 This paragraph subdivision does not apply to a prisoner serving a bifurcated
2 sentence imposed under s. 973.01.

✓ 3 *b0468/1.1* SECTION 2692m. 301.048 (2) (bm) of the statutes is created to read:

4 301.048 (2) (bm) 1. In this paragraph, “violent offense” means:

5 a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09,
6 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21,
7 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r.,
8 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30,
9 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23
10 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
11 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

12 b. A crime under federal law, the law of any other state or, prior to the effective
13 date of this subdivision 1. b. [revisor inserts date], the law of this state that is
14 comparable to a crime specified in subd. 1. a.

15 2. A person who has at any time been convicted, adjudicated delinquent or
16 found not guilty or not responsible by reason of insanity or mental disease, defect or
17 illness of or for a violent offense is not eligible for the intensive sanctions program.

✓ 18 *b0468/1.1* SECTION 2692s. 301.048 (4) (a) of the statutes is amended to read:

19 301.048 (4) (a) A participant is in the custody and under the control of the
20 department, subject to its rules and discipline. A participant entering the program
21 under sub. (2) ~~(a) or (b)~~ (am) 1. or 2. is a prisoner. A participant entering the program
22 under sub. (2) ~~(e)~~ (am) 3. is a prisoner, except that he or she is a parolee for purposes
23 of revocation. A participant entering the program under sub. (2) ~~(em)~~ (am) 3m. is a
24 prisoner, except that he or she remains a person on extended supervision for
25 purposes of revocation. A participant entering the program under sub. (2) ~~(d)~~ (am)

1 4. is a prisoner, except that he or she remains a probationer, parolee or person on
2 extended supervision, whichever is applicable, for purposes of revocation.

3 ***b0523/3.6* SECTION 2698g.** 301.18 (1g) of the statutes is created to read:

4 301.18 (1g) The department of administration may acquire or lease
5 correctional facilities under 1999 Wisconsin Act ... (this act), section 9111(4xt) (b).

6 ***b0523/3.6* SECTION 2698L.** 301.19 of the statutes is created to read:

7 **301.19 Construction of correctional facilities by private persons. (1)**

8 In this section:

9 (a) "Authorized jurisdiction" means a county, a group of counties acting under
10 s. 302.44, the United States or a federally recognized American Indian tribe or band
11 in this state.

12 (b) "Correctional facility" means a prison, jail, house of correction or lockup
13 facility but does not include an institution or facility or a portion of an institution or
14 facility that is used solely to confine juveniles alleged or found to be delinquent under
15 ch. 48, 1993 stats., or ch. 938.

16 (2) No private person may commence construction of a correctional facility or
17 commence conversion of an existing building, structure or facility into a correctional
18 facility unless all of the following requirements are met:

19 (a) The building commission has authorized the lease or acquisition of the
20 building, structure or facility by the state upon the completion of the construction or
21 conversion.

22 (b) The building, structure or facility is enumerated in the authorized state
23 building program.

24 (c) The private person agrees to comply with s. 20.924 (1) (i) 1., 2. and 3.

1 (3) Subsection (2) does not apply to buildings, structures or facilities that are
2 constructed or converted under a contract with and for use by an authorized
3 jurisdiction.

4 ✓ ***b0523/3.7* SECTION 2699m.** 301.235 (2) (e) of the statutes is amended to read:

5 301.235 (2) (e) All laws, except s. 20.924 (1)(i) and ch. 150, conflicting with this
6 section are, insofar as they conflict with this section and no further, superseded by
7 this section.

8 ✓ ***-2105/1.54* SECTION 2700.** 301.26 (4) (c) of the statutes is amended to read:

9 301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of
10 corrections shall pay, from the appropriation ~~account~~ under s. 20.410 (3) (hm), (ho)
11 or (hr), the costs of care, services and supplies provided for each person receiving
12 services under s. 46.057, 48.366, 51.35 (3), 938.183 or 938.34 who was under the
13 guardianship of the department of health and family services pursuant to an order
14 under ch. 48 at the time that the person was adjudicated delinquent.

15 ✓ ***b0590/3.4* SECTION 2703d.** 301.26 (4) (d) 2. of the statutes is amended to
16 read:

17 301.26 (4) (d) 2. Beginning on July 1, ~~1997~~ 1999, and ending on
18 December 31, ~~1997~~ 1999, the per person daily cost assessment to counties shall be
19 ~~\$150.44~~ \$153.01 for care in a Type 1 secured correctional facility, as defined in s.
20 938.02 (19), ~~\$150.44~~ \$153.01 for care for juveniles transferred from a juvenile
21 correctional institution under s. 51.35 (3), ~~\$160.22~~ \$183.72 for care in a child caring
22 institution, including a secured child caring institution, ~~\$111.16~~ \$118.93 for care in
23 a group home for children, ~~\$24.78~~ \$26.17 for care in a foster home, ~~\$71.35~~ \$75.37 for
24 care in a treatment foster home, ~~\$88.19~~ \$72.66 for departmental corrective sanctions
25 services and ~~\$16.98~~ \$19.76 for departmental aftercare services.

✓ 1 ***b0590/3.4* SECTION 2703e.** 301.26 (4) (d) 3. of the statutes is amended to read:

2 301.26 (4) (d) 3. In calendar year ~~1998~~ 2000, the per person daily cost
3 assessment to counties shall be ~~\$154.94~~ \$153.55 for care in a Type 1 secured
4 correctional facility, as defined in s. 938.02 (19), ~~\$154.94~~ \$153.55 for care for juveniles
5 transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$161.79~~
6 \$187.21 for care in a child caring institution, including a secured child caring
7 institution, ~~\$112.25~~ \$121.19 for care in a group home for children, ~~\$25.02~~ \$26.67 for
8 care in a foster home, ~~\$72.05~~ \$76.80 for care in a treatment foster home, ~~\$80.41~~
9 \$74.68 for departmental corrective sanctions services and ~~\$17.18~~ \$19.15 for
10 departmental aftercare services.

✓ 11 ***b0590/3.4* SECTION 2703f.** 301.26 (4) (d) 4. of the statutes is amended to read:

12 301.26 (4) (d) 4. Beginning on January 1, ~~1999~~ 2001, and ending on June 30,
13 ~~1999~~ 2001, the per person daily cost assessment to counties shall be ~~\$159.46~~ \$154.08
14 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$159.46~~
15 \$154.08 for care for juveniles transferred from a juvenile correctional institution
16 under s. 51.35 (3), ~~\$163.36~~ \$190.70 for care in a child caring institution, including
17 a secured child caring institution, ~~\$113.34~~ \$123.45 for care in a group home for
18 children, ~~\$25.26~~ \$27.16 for care in a foster home, ~~\$72.75~~ \$78.23 for care in a
19 treatment foster home, ~~\$74.35~~ \$76.71 for departmental corrective sanctions services
20 and ~~\$17.39~~ \$18.62 for departmental aftercare services.

✓ 21 ***-0280/2.2* SECTION 2709.** 301.26 (4) (g) of the statutes is amended to read:

22 301.26 (4) (g) For juvenile field and institutional aftercare services under ch.
23 938 and for the office of juvenile offender review, all payments and deductions made
24 under this subsection and uniform fee collections under s. 301.03 (18) shall be

1 deposited in the general fund and shall be treated as a nonappropriated receipt
2 credited to the appropriation account under s. 20.410 (3) (hm).

✓ 3 *b0590/3.5* SECTION 2709g. 301.26 (7) (intro.) of the statutes is amended to
4 read:

5 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
6 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
7 department shall allocate funds for community youth and family aids for the period
8 beginning on July 1, ~~1997~~ 1999, and ending on June 30, ~~1999~~ 2001, as provided in
9 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

✓ 10 *b0590/3.5* SECTION 2709h. 301.26 (7) (a) of the statutes is renumbered
11 301.26 (7) (a) (intro.) and amended to read:

12 301.26 (7) (a) (intro.) For community youth and family aids under this section,
13 amounts not to exceed ~~\$41,649,700~~ \$42,091,800 for the last 6 months of ~~1997~~,
14 ~~\$82,741,700~~ 1999, ~~\$85,183,700~~ for 1998 2000 and ~~\$41,091,900~~ \$43,091,900 for the
15 first 6 months of ~~1999~~. 2001. Of those amounts, the department shall allocate
16 \$1,000,000 for the last 6 months of 1999, \$3,000,000 for 2000 and \$2,000,000 for the
17 first 6 months of 2001 to counties based on each of the following factors weighted
18 equally:

✓ 19 *b0590/3.5* SECTION 2709i. 301.26 (7) (a) 1. of the statutes is created to read:
20 301.26 (7) (a) 1. Each county's proportion of the total statewide juvenile
21 population for the most recent year for which that information is available.

✓ 22 *b0590/3.5* SECTION 2709j. 301.26 (7) (a) 2. of the statutes is created to read:
23 301.26 (7) (a) 2. Each county's proportion of the total Part I juvenile arrests
24 reported statewide under the uniform crime reporting system of the office of justice

1 assistance during the most recent 3-year period for which that information is
2 available.

✓ 3 ***b0590/3.5* SECTION 2709k.** 301.26 (7) (a) 3. of the statutes is created to read:
4 301.26 (7) (a) 3. Each county's proportion of the number of juveniles statewide
5 who are placed in a juvenile correctional institution or a secured child caring
6 institution, as defined in s. 938.02 (15g), during the most recent 3-year period for
7 which that information is available.

✓ 8 ***b0590/3.5* SECTION 2709m.** 301.26 (7) (e) of the statutes is amended to read:
9 301.26 (7) (e) For emergencies related to community youth and family aids
10 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~1997~~
11 1999, \$250,000 for ~~1998~~ 2000 and \$125,000 for the first 6 months of ~~1999~~ 2001. A
12 county is eligible for payments under this paragraph only if it has a population of not
13 more than 45,000.

✓ 14 ***b0590/3.5* SECTION 2709n.** 301.26 (7) (h) of the statutes is amended to read:
15 301.26 (7) (h) For counties that are participating in the corrective sanctions
16 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~1997~~ 1999,
17 \$2,124,800 in ~~1998~~ 2000 and \$1,062,400 in the first 6 months of ~~1999~~ 2001 for the
18 provision of corrective sanctions services for juveniles from that county. In
19 distributing funds to counties under this paragraph, the department shall determine
20 a county's distribution by dividing the amount allocated under this paragraph by the
21 number of slots authorized for the program under s. 938.533 (2) and multiplying the
22 quotient by the number of slots allocated to that county by agreement between the
23 department and the county. The department may transfer funds among counties as
24 necessary to distribute funds based on the number of slots allocated to each county.

✓ 25 ***b0590/3.5* SECTION 2709p.** 301.26 (8) of the statutes is amended to read:

1 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
2 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
3 6 months of ~~1997~~ 1999, \$1,333,400 in ~~1998~~ 2000 and \$666,700 in the first 6 months
4 of ~~1999~~ 2001 for alcohol and other drug abuse treatment programs.

✓ 5 ***b0590/3.5* SECTION 2709r.** 301.263 (1) of the statutes is amended to read:

6 301.263 (1) From the appropriation under s. 20.410 (3) (f), the department shall
7 distribute ~~\$3,750,000~~ \$5,000,000 in each year to counties for early intervention
8 services for first offenders and for intensive community-based intervention services
9 for seriously chronic offenders.

✓ 10 ***b0461/4.21* SECTION 2710m.** 301.265 (3) of the statutes is amended to read:

11 301.265 (3) From the appropriations under s. 20.410 (3) (d) and (kj), the
12 department shall allocate \$150,000 in each fiscal year to enter into a contract with
13 an organization to provide services in Racine County, \$150,000 in each fiscal year to
14 enter into a contract with an organization to provide services in Kenosha County,
15 \$150,000 in each fiscal year to enter into a contract with an organization that is
16 located in ward 1 in the city of Racine to provide services in Racine County and
17 ~~\$75,000~~ \$150,000 in each fiscal year to enter into a contract with an organization to
18 provide services in Brown County, for the diversion of youths from gang activities
19 into productive activities, including placement in appropriate educational,
20 recreational and employment programs, and for alcohol or other drug abuse
21 education and treatment services for participants in that organization's youth
22 diversion program. The organization that is located in ward 1 in the city of Racine
23 shall have a recreational facility, shall offer programs to divert youths from gang
24 activities, may not be affiliated with any national or state association and may not
25 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.

1 16.75, the department may enter into a contract under this subsection without
2 soliciting bids or proposals and without accepting the lowest responsible bid or offer.

3 ***-0337/1.1* SECTION 2711.** 301.27 (2) of the statutes is amended to read:

4 301.27 (2) VENDING STANDS. The department shall establish and maintain a
5 revolving fund not exceeding ~~\$60,000~~ \$100,000 in any of the state institutions
6 administered by the department, for the education, recreation and convenience of
7 the patients, inmates and employes, to be used for the operation of vending stands,
8 canteen operations, reading clubs, musical organizations, religious programs,
9 athletics and similar projects. The funds are exempt from s. 20.906, but are subject
10 to audit by the department and the legislative audit bureau in its discretion.