

1 *~~0589/2.24~~* SECTION 2383. 234.83 (2) (a) 3. of the statutes is amended to read:
2 234.83 (2) (a) 3. ~~The authority has not received a certification under s. 49.855~~
3 ~~(7) that the owner of the business is delinquent in making child support or~~
4 ~~maintenance payments~~ name of the owner of the business does not appear on the
5 statewide support lien docket under s. 49.854 (2) (b). The condition under this
6 subdivision is met for an owner whose name does appear if the owner of the business
7 provides to the authority a payment agreement that has been approved by the county
8 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
9 under s. 49.858 (2) (a).

10 *~~b0426/2.4~~* SECTION 2388b. 234.88 of the statutes is repealed.

11 *~~1220/2.6~~* SECTION 2389. 234.90 (2) (b) of the statutes is amended to read:
12 234.90 (2) (b) The total outstanding principal amount of all loans to the
13 borrower that are guaranteed under this section will not exceed ~~\$20,000~~ \$30,000.

14 *~~0589/2.25~~* SECTION 2390. 234.90 (3) (d) of the statutes is amended to read:
15 234.90 (3) (d) ~~The authority has not received a certification under s. 49.855 (7)~~
16 ~~that the farmer is delinquent in making child support or maintenance payments or~~
17 ~~owes past support, medical expenses or birth expenses~~ farmer's name does not
18 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
19 under this paragraph is met for a farmer whose name does appear if the farmer
20 provides to the authority a payment agreement that has been approved by the county
21 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
22 under s. 49.858 (2) (a).

23 *~~0589/2.26~~* SECTION 2391. 234.90 (3g) (c) of the statutes is amended to read:
24 234.90 (3g) (c) ~~The authority has not received a certification under s. 49.855~~
25 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~

1 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
2 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
3 under this paragraph is met for a farmer whose name does appear if the farmer
4 provides to the authority a payment agreement that has been approved by the county
5 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
6 under s. 49.858 (2) (a).

7 *~~0589/2.27~~* SECTION 2392. 234.905 (3) (d) of the statutes is amended to read:

8 234.905 (3) (d) ~~The authority has not received a certification under s. 49.855~~
9 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
10 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
11 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
12 under this paragraph is met for a farmer whose name does appear if the farmer
13 provides to the authority a payment agreement that has been approved by the county
14 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
15 under s. 49.858 (2) (a).

16 *~~1220/2.7~~* SECTION 2393. 234.91 (2) (c) of the statutes is amended to read:

17 234.91 (2) (c) The total outstanding guaranteed principal amount of all loans
18 made to the borrower that are guaranteed under this section will not exceed \$100,000
19 \$200,000, or ~~\$50,000~~ \$100,000 if any of the loans is affected by any other state or
20 federal credit assistance program.

21 *~~b0426/2.5~~* SECTION 2393c. 234.91 (5) (a) of the statutes is amended to read:

22 234.91 (5) (a) Subject to par. (c), the authority shall guarantee collection of a
23 percentage of the principal of a loan eligible for a guarantee under sub. (2). The
24 principal amount of an eligible loan that the authority may guarantee may not
25 exceed the borrower's net worth calculated at the time the loan is made or 25% of the

1 ~~total loan outstanding principal~~ amount, whichever is less, ~~calculated at the time the~~
2 ~~loan is made.~~

3 *~~1220/2.8~~* SECTION 2394. 234.93 (1) (cm) of the statutes is created to read:
4 234.93 (1) (cm) Any moneys transferred under 1999 Wisconsin Act (this act),
5 section 9125 (1), from the housing rehabilitation loan program administration fund.

6 *~~b0426/2.7~~* SECTION 2394r. 234.93 (1) (e) of the statutes is repealed.

7 *~~1220/2.9~~* SECTION 2396. 234.93 (4) (a) 2. of the statutes is amended to read:
8 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
9 funds from the Wisconsin development reserve fund, except for the program under
10 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to \$4.50 of total outstanding
11 principal and outstanding guaranteed principal that the authority may guarantee
12 under all of those programs.

13 *~~1220/2.10~~* SECTION 2397. 234.93 (4) (a) 3. of the statutes is amended to read:
14 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997
15 stats., at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding
16 guaranteed principal that the authority may guarantee under that program.

17 *~~1220/2.11~~* SECTION 2398. 234.935 of the statutes is repealed.

18 *~~b0519/4.17~~* SECTION 2398c. 236.11 (1) (a) of the statutes is amended to read:
19 236.11 (1) (a) Before submitting a final plat for approval, the subdivider may
20 submit, or the approving authority may require that the subdivider submit, a
21 preliminary plat. It shall be clearly marked "preliminary plat" and shall be in
22 sufficient detail to determine whether the final plat will meet layout requirements.
23 ~~Within~~ Subject to s. 236.13 (4m), within 90 days the approving authority, or its agent
24 authorized to approve preliminary plats, shall take action to approve, approve
25 conditionally, or reject the preliminary plat and shall state in writing any conditions

1 of approval or reasons for rejection, unless the time is extended by agreement with
2 the subdivider. Failure of the approving authority or its agent to act within the 90
3 days, or extension thereof, constitutes an approval of the preliminary plat.

4 ***b0519/4.17* SECTION 2398d.** 236.11 (1) (b) of the statutes is amended to read:

5 236.11 (1) (b) If the final plat conforms substantially to the preliminary plat
6 as approved, including any conditions of that approval, and to local plans and
7 ordinances adopted as authorized by law, it is entitled to approval. If
8 Notwithstanding s. 236.13 (4m), if the final plat is not submitted within 24 months
9 after the last required approval of the preliminary plat, any approving authority may
10 refuse to approve the final plat. The final plat may, if permitted by the approving
11 authority, constitute only that portion of the approved preliminary plat which the
12 subdivider proposes to record at that time.

13 ***b0519/4.17* SECTION 2398g.** 236.13 (1) (c) of the statutes is repealed and
14 recreated to read:

15 236.13 (1) (c) A comprehensive plan under s. 66.0295 or, if the municipality,
16 town or county does not have a comprehensive plan, either of the following:

- 17 1. With respect to a municipality or town, a master plan under s. 62.23.
- 18 2. With respect to a county, a development plan under s. 59.69.

19 ***b0319/2.3* SECTION 2398v.** 236.13 (2s) of the statutes is created to read:

20 236.13 (2s) No fee or charge of any kind may be imposed under this chapter,
21 as a condition of plat approval, to fund the acquisition or installation of property
22 unless the fee or charge meets the standards under s. 66.55 (6). The amount of any
23 property, or value of any improvements, that is required to be dedicated, constructed
24 or installed under this chapter as a condition of plat approval may not exceed the

1 proportionate amount of property, or value of improvements, that is reasonably
2 necessary to serve the land which is the subject of the land division.

3 *b0519/4.17* SECTION 2398w. 236.13 (3) of the statutes is repealed.

4 *b0519/4.17* SECTION 2398x. 236.13 (4m) of the statutes is created to read:

5 236.13 (4m) If a preliminary or final plat meets the requirements specified in
6 this section and any requirements imposed under this section, an approving
7 authority shall approve the plat, and an agency with the power to approve or object
8 to plats shall approve the plat or certify that it has no objection to the plat, within
9 the time limits specified in ss. 236.11 and 236.12.

10 *b0319/2.4* SECTION 2400e. 236.45 (1) of the statutes is amended to read:

11 236.45 (1) DECLARATION OF LEGISLATIVE INTENT. The purpose of this section is
12 to promote the public health, safety and general welfare of the community and the
13 regulations authorized to be made are designed to lessen congestion in the streets
14 and highways; to further the orderly layout and use of land; to secure safety from fire,
15 panic and other dangers; to provide adequate light and air, including access to
16 sunlight for solar collectors and to wind for wind energy systems; to prevent the
17 overcrowding of land; to avoid undue concentration of population; to facilitate
18 adequate provision for transportation, water, sewerage, schools, parks, playgrounds
19 and other public requirements; to facilitate the further resubdivision of larger tracts
20 into smaller parcels of land. The regulations provided for by this section shall be
21 made with reasonable consideration, among other things, of the character of the
22 municipality, town or county with a view of conserving the value of the buildings
23 placed upon land, providing the best possible environment for human habitation,
24 and for encouraging the most appropriate use of land throughout the municipality,

1 town or county. Any fee or charge of any kind that is imposed under this section may
2 be imposed only if it meets the standards under s. 66.55 (6).

3 *b0581/2.1* SECTION 2400h. 250.10 of the statutes is amended to read:

4 **250.10 Grant for dental services.** From the appropriation under s. 20.435
5 (5) (de), the department shall provide funding in each fiscal year to the Marquette
6 University School of Dentistry for clinical education of Marquette University School
7 of Dentistry students through the provision of dental services by the students and
8 faculty of the Marquette University School of Dentistry in Waushara County and
9 Monroe County, in underserved areas and to underserved populations in the state,
10 as determined by the department in conjunction with the Marquette University
11 School of Dentistry; to inmates of correctional centers in Milwaukee County; and in
12 clinics in the city of Milwaukee. Beginning July 1, 2000, the department shall also
13 distribute to qualified applicants grants totaling \$25,000 for fluoride supplements,
14 \$25,000 for a fluoride mouth-rinse program and \$60,000 for a school-based dental
15 sealant program.

16 *b0411/5.13* SECTION 2400m. 250.15 of the statutes is created to read:

17 **250.15 Grants for community health centers.** (1) DEFINITION. In this
18 section, “community health center” means a health care entity that provides primary
19 health care, health education and social services to low-income individuals.

20 (2) GRANTS. (a) From the appropriation under s. 20.435 (5) (fh), the department
21 shall award \$50,000 in each fiscal year as a grant to a community health center in
22 a 1st class city and shall award \$100,000 in each fiscal year as a grant to a
23 nurse-managed community health center in a first class city.

24 (b) From the appropriation under s. 20.435 (5) (fh), the department shall award
25 grants totaling \$3,500,000 in fiscal year 1999–2000 and totaling \$4,000,000 in fiscal

1 year 2000–01 and in each fiscal year thereafter, to community health centers that
2 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the
3 amount that results from multiplying the total amount available for grants under
4 this paragraph in the fiscal year in which the grants are to be awarded by the
5 quotient obtained by dividing the amount that the community health center received
6 under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year
7 in which those grants were made by the total amount of federal grants under 42 USC
8 254b (e), (g) and (h) made in that federal fiscal year to community health centers in
9 this state.

10 *~~0183/2.40~~* **SECTION 2421.** 252.10 (1) of the statutes is amended to read:

11 252.10 (1) ~~Counties with populations of more than 25,000 may establish and~~
12 ~~maintain public health dispensaries and, where necessary, branches of the~~
13 ~~dispensaries~~ A local health department may request from the department
14 certification to establish and maintain a public health dispensary for the diagnosis
15 and treatment of persons suffering from or suspected of having mycobacterium
16 tuberculosis ~~or other pulmonary diseases.~~ Two or more counties local health
17 departments may jointly establish, operate and maintain public health dispensaries
18 in order to serve a total population of not less than 25,000. Counties. The department
19 shall certify a local health department to establish and maintain a public health
20 dispensary if the local health department meets the standards established by the
21 department by rule. The department of health and family services may withhold,
22 suspend or revoke a certification if the local health department fails to comply with
23 any rules promulgated by the department. The department shall provide the local
24 health department with reasonable notice of the decision to withhold, suspend or
25 revoke certification. The department shall offer the local health department an

1 opportunity to comply with the rules and an opportunity for a fair hearing. Certified
2 local health departments may contract with each other for public health dispensary
3 services. ~~The department and department of revenue shall be notified of the~~
4 ~~establishment of public health dispensaries and any contracts pertaining to the~~
5 ~~dispensaries. If the provider of those services fails to comply, the department may~~
6 ~~suspend or revoke the local health department's certification.~~ The department may
7 establish, operate and maintain public health dispensaries and branches in areas of
8 the state where local authorities have not provided public health dispensaries.

9 *~~0183/2.41~~* SECTION 2422. 252.10 (3) of the statutes is repealed.

10 *~~0183/2.42~~* SECTION 2423. 252.10 (5) of the statutes is repealed.

11 *~~0183/2.43~~* SECTION 2424. 252.10 (6) (a) of the statutes is amended to read:

12 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual
13 or quarterly basis for the operation of public health dispensaries established and
14 maintained in accordance with this section and rules promulgated by the
15 department.

16 *~~0183/2.44~~* SECTION 2425. 252.10 (6) (b) of the statutes is amended to read:

17 252.10 (6) (b) The state department shall determine by rule the reimbursement
18 for each visit rate under par. (a) for services as ordered by a physician shall be \$6 or
19 a greater amount prescribed in rules promulgated by the department. If an X-ray
20 is taken, an additional \$6 or any greater amount prescribed in rules promulgated by
21 the department will be credited. Any X-ray taken outside a facility under this
22 section or outside a facility approved under s. 252.08 on individuals who have a
23 significant reaction to a test for mycobacterium tuberculosis shall qualify for state
24 aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take
25 the place of the first X-ray eligible for reimbursement as part of a case finding and

1 ~~preventive program under par. (e). The administration and reading of the test for~~
2 ~~mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.~~
3 ~~Tests for mycobacterium tuberculosis given in school programs, employment health~~
4 ~~programs, community preventive and case finding programs are not reimbursable~~
5 ~~as a clinic visit.~~

6 *~~0183/2.45~~* SECTION 2426. 252.10 (6) (c) of the statutes is repealed.

7 *~~0183/2.46~~* SECTION 2427. 252.10 (6) (d) of the statutes is repealed.

8 *~~0183/2.47~~* SECTION 2428. 252.10 (6) (e) of the statutes is repealed.

9 *~~0183/2.48~~* SECTION 2429. 252.10 (6) (f) of the statutes is repealed.

10 *~~0183/2.49~~* SECTION 2430. 252.10 (6) (g) of the statutes is amended to read:

11 252.10 (6) (g) The reimbursement by the state under pars. (a) ~~to (f)~~ and (b) shall
12 apply only to funds that the department allocates for the reimbursement under the
13 appropriation under s. 20.435 (5) (e).

14 *~~0183/2.51~~* SECTION 2432. 252.10 (9) of the statutes is amended to read:

15 252.10 (9) Public health dispensaries shall maintain such records as are
16 required by the department to enable them to carry out their responsibilities
17 designated in this section and in rules promulgated by the department. Records
18 ~~shall be submitted annually to the department as soon as possible after the close of~~
19 ~~each fiscal year and not later than August 15 following~~ may be audited by the
20 department.

21 *~~b0400/1.2~~* SECTION 2432g. 252.12 (2) (a) 8. of the statutes is amended to read:

22 252.12 (2) (a) 8. 'Life care and early intervention services.' The department
23 shall award not more than ~~\$1,894,900~~ \$1,994,900 in each year in grants to applying
24 organizations for the provision of needs assessments; assistance in procuring
25 financial, medical, legal, social and pastoral services; counseling and therapy;

1 homecare services and supplies; advocacy; and case management services. These
2 services shall include early intervention services. The department shall also award
3 not more than \$74,000 in each year from the appropriation under s. 20.435 (7) (md)
4 for the services under this subdivision. The state share of payment for case
5 management services that are provided under s. 49.45 (25) (be) to recipients of
6 medical assistance shall be paid from the appropriation under s. 20.435 (5) (am).

7 ***b0400/1.2* SECTION 2432h.** 252.12 (2) (c) of the statutes is renumbered
8 252.12 (2) (c) 1.

9 ***b0400/1.2* SECTION 2432i.** 252.12 (2) (c) 2. of the statutes is created to read:
10 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
11 department shall award \$75,000 in each fiscal year as grants for services to prevent
12 HIV. Criteria for award of the grants shall include the criteria specified under subd.
13 1. The department shall award 60% of the funding to applying organizations that
14 receive funding under par. (a) 8. and 40% of the funding to applying
15 community-based organizations that are operated by minority group members, as
16 defined in s. 560.036 (1) (f).

17 ***b0400/1.2* SECTION 2432j.** 252.12 (2) (c) 3. of the statutes is created to read:
18 252.12 (2) (c) 3. From the appropriation under s. 20.435 (5) (am), the
19 department shall award to the African American AIDS task force of the Black Health
20 Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to
21 prevent HIV.

22 ***b0229/1.2* SECTION 2435q.** 253.06 (9) of the statutes is created to read:
23 253.06 (9) COUNCIL. (a) In this subsection, "council" means the supplemental
24 food program for women, infants and children council under s. 15.197 (26).

25 (b) The council shall do all of the following:

1 1. Review all of the state statutes, administrative rules and department
2 policies regarding the program under this section.

3 2. Propose statutory, rule or policy changes that would limit the occurrences of
4 vender suspensions and terminations under sub. (5) (b) 2.

5 3. Propose statutory and rule changes necessary to ensure compliance with
6 federal law.

7 4. Study the feasibility of distributing drafts to participants via the electronic
8 benefit transfer system established under s. 49.129 and advise the department and
9 the legislature regarding any policies necessary to ensure that no additional costs be
10 incurred by vendors under the electronic benefit transfer system.

11 5. Submit a report to the secretary and to the legislature in the manner
12 described under s. 13.172 (2) that details the council's recommendations for
13 increasing the number of vendors participating in the program under this section.

14 (c) This subsection does not apply beginning on January 1, 2001.

15 ***-1186/4.41* SECTION 2439.** 253.10 (3) (d) 1. of the statutes is amended to read:

16 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
17 a woman about public and private agencies, including adoption agencies, and
18 services that are available to provide information on family planning, as defined in
19 s. 253.07 (1) (a), including natural family planning information, to provide
20 ultrasound imaging services, to assist her if she has received a diagnosis that her
21 unborn child has a disability or if her pregnancy is the result of sexual assault or
22 incest and to assist her through pregnancy, upon childbirth and while the child is
23 dependent. The materials shall include a comprehensive list of the agencies
24 available, a description of the services that they offer and a description of the manner
25 in which they may be contacted, including telephone numbers and addresses, or, at

1 the option of the department, the materials shall include a toll-free, 24-hour
2 telephone number that may be called to obtain an oral listing of available agencies
3 and services in the locality of the caller and a description of the services that the
4 agencies offer and the manner in which they may be contacted. The materials shall
5 provide information on the availability of governmentally funded programs that
6 serve pregnant women and children. Services identified for the woman shall include
7 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for
8 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
9 ~~skills program under s. 49.193,~~ the availability of family or medical leave under s.
10 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
11 child support laws and programs and the credit for expenses for household and
12 dependent care and services necessary for gainful employment under section 21 of
13 the internal revenue code. The materials shall state that it is unlawful to perform
14 an abortion for which consent has been coerced, that any physician who performs or
15 induces an abortion without obtaining the woman's voluntary and informed consent
16 is liable to her for damages in a civil action and is subject to a civil penalty, that the
17 father of a child is liable for assistance in the support of the child, even in instances
18 in which the father has offered to pay for an abortion, and that adoptive parents may
19 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
20 include information, for a woman whose pregnancy is the result of sexual assault or
21 incest, on legal protections available to the woman and her child if she wishes to
22 oppose establishment of paternity or to terminate the father's parental rights. The
23 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
24 tone services are obtainable by pregnant women who wish to use them and shall
25 describe the services.

1 ***b0235/2.4* SECTION 2439r.** 253.115 of the statutes is created to read:

2 **253.115 Newborn hearing screening programs.** (1) In this section:

3 (a) “Hearing loss” means an inability in one or both ears to detect sounds at 30
4 decibels hearing level or greater in the frequency region of 500 to 4,000 hertz, which
5 affects speech recognition and auditory comprehension.

6 (b) “Hertz” means a unit of frequency equal to one cycle per second.

7 (c) “Hospital” has the meaning given in s. 50.33 (2).

8 (d) “Infant” means a child from birth to 3 months of age.

9 (e) “Newborn hearing screening program” means a system of a hospital under
10 which an infant may be tested, using currently available medical techniques, to
11 determine if the infant has a hearing loss.

12 (2) Beginning July 1, 2002, the department shall annually collect information
13 from hospitals for the previous calendar year concerning the numbers of deliveries
14 in each hospital and the availability in each hospital of a newborn hearing screening
15 program. From this information, by July 31, 2003, and annually thereafter, the
16 department shall determine the percentage of deliveries in this state that are
17 performed in hospitals that have newborn hearing screening programs and shall
18 report this information to the appropriate standing committees of the legislature
19 under s. 13.172 (3).

20 (3) If, by August 5, 2003, the department determines that fewer than 88% of
21 all deliveries in this state are performed in hospitals that have a newborn hearing
22 screening program and so notifies the hospitals, every hospital shall, by January 1,
23 2004, have a newborn hearing screening program that is available to all infants who
24 are delivered in the hospital.

1 (4) From the appropriation under section 20.435 (5) (jk), the department shall
2 award up to \$333,000 in each fiscal year as grants to applying hospitals to fund the
3 costs of establishing newborn hearing screening programs, as follows:

4 (a) For the period from January 1, 2000, to June 30, 2001, the department shall
5 award moneys under this subsection only for payment of costs of capital equipment.

6 (b) For the period from July 1, 2001, to December 31, 2002, the department
7 shall award moneys under this subsection for payment of training or any other initial
8 costs of establishing a newborn hearing screening program.

9 ***b0235/2.4* SECTION 2439s.** 253.115 (4) of the statutes, as created by 1999
10 Wisconsin Act (this act), is repealed.

11 ***-1164/5.3* SECTION 2441.** 254.31 (1) (b) of the statutes is created to read:

12 254.31 (1) (b) The tailings or waste produced by the extraction or concentration
13 of uranium or thorium from any ore processed primarily for its source material
14 content.

15 ***-1164/5.4* SECTION 2442.** 254.31 (2) of the statutes is created to read:

16 254.31 (2) “Decommissioning” means conducting final operational activities at
17 a nuclear facility to dismantle site structures, to decontaminate site surfaces and
18 remaining structures, to stabilize and contain residual radioactive material and to
19 carry out any other activities necessary to prepare the site for postoperational care.

20 ***-1164/5.5* SECTION 2443.** 254.31 (2m) of the statutes is created to read:

21 254.31 (2m) “General license” means a license, under requirements prescribed
22 by the department by rule, to possess, use, transfer or acquire by-product material
23 or devices or equipment utilizing by-product material without the filing of a license
24 application by a person or issuance of licensing confirmation by the department.

1 *~~1164/5.6~~* SECTION 2444. 254.31 (3) of the statutes is renumbered 254.31 (1)
2 (intro.) and amended to read:

3 254.31 (1) (intro.) “By-product material” means any radioactive of the
4 following:

5 (a) Radioactive material (except special nuclear material), yielded in or made
6 radioactive by exposure to the radiation incident to the process of producing or
7 utilizing special nuclear material.

8 *~~1164/5.7~~* SECTION 2445. 254.31 (3g) of the statutes is repealed and recreated
9 to read:

10 254.31 (3g) “Ionizing radiation” means all radiations capable of producing ions
11 directly or indirectly in their passage through matter, including all of the following:

12 (a) Electromagnetic radiations, including X-rays and gamma rays.

13 (b) Particulate radiations, including electrons, beta particles, protons,
14 neutrons, alpha particles and other nuclear particles.

15 *~~1164/5.8~~* SECTION 2446. 254.31 (5) of the statutes is created to read:

16 254.31 (5) “Radiation generating equipment” means a system, manufactured
17 product or device or component part of such a product or device that, during
18 operation, is capable of generating or emitting ionizing radiation without the use of
19 radioactive material. “Radiation generating equipment” does not include a device
20 that emits nonionizing radiation.

21 *~~1164/5.9~~* SECTION 2447. 254.31 (6) of the statutes is amended to read:

22 254.31 (6) “Radiation installation” is any location or facility where radiation
23 ~~machines are generating equipment is~~ used or where radioactive material is
24 produced, transported, stored, disposed of or used for any purpose.

25 *~~1164/5.10~~* SECTION 2448. 254.31 (7) of the statutes is repealed.

1 ***-1164/5.11* SECTION 2449.** 254.31 (8) of the statutes is renumbered 254.31
2 (9m) and amended to read:

3 254.31 (9m) “Radioactive material” includes any solid, liquid or gaseous
4 substance which emits ionizing radiation spontaneously, including
5 accelerator-produced material, by-product material, naturally occurring material,
6 source material and special nuclear material.

7 ***-1164/5.12* SECTION 2450.** 254.31 (9) of the statutes is amended to read:

8 254.31 (9) “Radiation source” means a radiation ~~machine~~ generating
9 equipment or radioactive material ~~as defined herein.~~

10 ***-1164/5.13* SECTION 2451.** 254.31 (11g) of the statutes is created to read:

11 254.31 (11g) “Specific license” means a license, under requirements prescribed
12 by the department by rule, to possess, use, manufacture, produce, transfer or acquire
13 radioactive material or devices or equipment utilizing radioactive material.

14 ***-1164/5.14* SECTION 2452.** 254.31 (11m) of the statutes is created to read:

15 254.31 (11m) “Transuranic” means a radioactive material having an atomic
16 number that is greater than 92.

17 ***-1164/5.15* SECTION 2453.** 254.31 (12) of the statutes is amended to read:

18 254.31 (12) “X-ray tube” means any electron tube ~~which~~ that is contained in
19 a device and that is specifically designed for the conversion of electrical energy into
20 X-ray energy.

21 ***-1164/5.16* SECTION 2454.** 254.33 of the statutes is amended to read:

22 **254.33 Public policy.** Since radiations and their sources can be instrumental
23 in the improvement of the health and welfare of the public if properly utilized, and
24 may be destructive or detrimental to life or health if carelessly or excessively
25 employed or may detrimentally affect the environment of the state if improperly

1 utilized, it is hereby declared to be the public policy of this state to encourage the
2 constructive uses of radiation and to prohibit and prevent exposure to radiation in
3 amounts which are or may be detrimental to health. It is further the policy for the
4 department to advise, consult and cooperate with ~~the department of commerce and~~
5 other agencies of the state, the federal government, other states and interstate
6 agencies and with affected groups, political subdivisions and industries; and, in
7 general, to conform as nearly as possible to nationally accepted standards in the
8 promulgation and enforcement of rules.

9 ***-1164/5.17*** SECTION 2455. 254.335 of the statutes is created to read:

10 **254.335 Agreements with the U.S. nuclear regulatory commission**
11 **transition.** (1) The governor may, on behalf of the state, enter into agreements with
12 the U.S. nuclear regulatory commission, as provided in 42 USC 2021 (b), to
13 discontinue certain federal licensing and related regulatory authority with respect
14 to by-product material, source material and special nuclear material and to assume
15 state regulatory authority.

16 (2) Any person who, on the effective date of an agreement specified under sub.
17 (1), possesses a license issued by the U.S. nuclear regulatory commission that is
18 subject to the agreement is considered to possess a specific license issued under s.
19 254.365 (1) (a) or to fulfill requirements specified for a general license under s.
20 254.365 (1) (b). The specific license expires 90 days after the date of receipt by the
21 person from the department of a notice of expiration of the license or on the date of
22 expiration that was specified in the license issued by the U.S. nuclear regulatory
23 commission, whichever is earlier.

24 ***-1164/5.18*** SECTION 2456. 254.34 (1) (intro.) of the statutes is amended to
25 read:

1 254.34 (1) (intro.) ~~The department and the department of commerce is the state~~
2 radiation control agency and shall do all of the following:

3 *~~1164/5.19~~* SECTION 2457. 254.34 (1) (a) of the statutes is amended to read:

4 254.34 (1) (a) ~~Formulate, adopt and enforce, amend and repeal~~ Promulgate and
5 enforce rules, including registration and licensing of sources of ionizing radiation, as
6 may be necessary to prohibit and prevent unnecessary radiation. ~~Such exposure.~~
7 The rules may incorporate by reference the recommended standards of nationally
8 recognized bodies in the field of radiation protection and other fields of atomic energy,
9 under the procedure established by s. 227.21 (2). The rules for by-product material,
10 source material and special nuclear material may be no less stringent than the
11 requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC
12 2011 to 2114.

13 *~~1164/5.20~~* SECTION 2458. 254.34 (1) (c) of the statutes is renumbered 254.34
14 (1) (c) (intro.) and amended to read:

15 254.34 (1) (c) (intro.) Develop comprehensive policies and programs for the
16 evaluation ~~and~~, determination and reduction of hazards associated with the use of
17 radiation, ~~and for their amelioration. that are compatible with requirements of the~~
18 U.S. nuclear regulatory commission for the regulation of by-product material,
19 source material and special nuclear material. The department shall maintain all of
20 the following records:

21 *~~1164/5.21~~* SECTION 2459. 254.34 (1) (c) 1. of the statutes is created to read:

22 254.34 (1) (c) 1. Files of all license applications, issuances, denials, transfers,
23 renewals, modifications, suspensions and revocations under s. 254.365.

24 *~~1164/5.22~~* SECTION 2460. 254.34 (1) (c) 2. of the statutes is created to read:

1 254.34 (1) (c) 2. Files of all registrants under s. 254.35 and any related
2 administrative or judicial action.

3 ***-1164/5.23*** **SECTION 2461.** 254.34 (2) (intro.) of the statutes is amended to
4 read:

5 254.34 (2) (intro.) The department, ~~-serving as the lead agency, and the~~
6 ~~department of commerce~~ may:

7 ***-1164/5.24*** **SECTION 2462.** 254.34 (4) of the statutes is renumbered 254.34
8 (1) (h) 5. and amended to read:

9 254.34 (1) (h) 5. ~~The department shall develop~~ Develop standards of
10 performance for the regional radon centers and, from the appropriation under s.
11 20.435 (5) (ed), ~~the department shall~~ allocate funds based on compliance with the
12 standards to provide radon protection information dissemination from the regional
13 radon centers.

14 ***-1164/5.25*** **SECTION 2463.** 254.345 of the statutes is created to read:

15 **254.345 Assessment of Fee.** (1) The department may annually assess a fee
16 of 36% of the U.S. nuclear regulatory commission license application fee and
17 materials license annual fee, for any licensee of the U.S. nuclear regulatory
18 commission in this state. The fee amounts shall be used by the department for the
19 department's activities under this subchapter. The department may revise the fee
20 amounts by rule.

21 (2) This section does not apply after December 31, 2002.

22 ***-1164/5.26*** **SECTION 2464.** 254.35 (1) of the statutes is amended to read:

23 254.35 (1) APPLICATION. ~~Every~~ For every site in this state ~~having that has~~ an
24 ionizing radiation installation, that is not exempted by this section or the rules of the
25 department ~~shall be registered by the department by January 1, 1964, by~~ the person

1 in control of ~~an~~ the installation, including installations in sites that are administered
2 by a state agency or in an institution under the jurisdiction of a state agency, ~~and no~~
3 ~~such shall, prior to operation, register the ionizing radiation installation with the~~
4 ~~department.~~ No ionizing radiation installation may be operated thereafter unless
5 the site has been duly registered by January 1 of each year and a notice of the
6 registration is possessed by the person in control. ~~Every site having an ionizing~~
7 ~~radiation installation established in this state after July 20, 1985, shall be registered~~
8 ~~prior to its operation.~~ The application for registration shall be made on forms
9 provided by the department which shall be devised to obtain any information that
10 is considered necessary for evaluation of hazards. Multiple radiation sources at a
11 single radiation installation and under the control of one person shall be listed on a
12 single registration form. Registration fees shall be levied in accordance with sub. (3).
13 Registration alone ~~shall~~ does not imply approval of manufacture, storage, use,
14 handling, operation or disposal of the radiation installation or radioactive materials,
15 but ~~shall serve~~ merely to inform the department of the location and character
16 of radiation sources. ~~The department shall furnish the department of commerce with~~
17 ~~a copy of each amended and new registration.~~ Persons engaged in manufacturing,
18 demonstration, sale, testing or repair of radiation sources ~~shall not be~~ are not
19 required to list such sources on the registration form.

20 ***-1164/5.27* SECTION 2465.** 254.35 (2) of the statutes is amended to read:

21 254.35 (2) AMENDED REGISTRATION. If the person in control increases the
22 number of sources, source strength, rated output or energy of radiation produced in
23 any installation, he or she shall notify the department of the increase prior to
24 operation on the revised basis. The department shall record the change in the
25 registration. No registration is transferable from one premises to another or from

1 one person to another. If the person in control ~~transfers~~ intends to transfer control
2 of ownership of the radiation installation to another person ~~the registration also~~
3 ~~transfers to the other person, who, at least 15 days before the final transfer the~~
4 registrant shall notify the department of the transfer ~~within 15 days.~~ The
5 ~~department shall record the change in the~~ and the intended transferee shall file
6 under sub. (1) an application for registration. If any installation is discontinued, the
7 person in control shall notify the department within 30 days of the discontinuance.

8 ***-1164/5.28*** **SECTION 2466.** 254.35 (3) (title) of the statutes is amended to
9 read:

10 254.35 (3) (title) ~~FEES~~ REGISTRATION FEES.

11 ***-1164/5.29*** **SECTION 2467.** 254.35 (3) (a) of the statutes is amended to read:

12 254.35 (3) (a) An annual registration fee under pars. (b) to ~~(f)~~ (fm) shall be
13 levied for each site registration under this section. An additional penalty fee of ~~\$10~~
14 \$25, regardless of the number of X-ray tubes or generally licensed devices, shall be
15 required for each registration whenever the annual fee for renewal is not paid prior
16 to expiration of the registration. No additional fee may be required for recording
17 changes in the registration information.

18 ***-1164/5.30*** **SECTION 2468.** 254.35 (3) (b) of the statutes is amended to read:

19 254.35 (3) (b) For a ~~medical~~ site having an ionizing radiation installation
20 serving physicians and clinics, osteopaths and clinics, and chiropractors or hospitals
21 that possesses radioactive materials in any quantity, the fee shall be at least ~~\$25~~ \$36
22 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

23 ***-1164/5.31*** **SECTION 2469.** 254.35 (3) (c) of the statutes is amended to read:

1 254.35 (3) (c) For a ~~chiropractic~~, podiatric or veterinary site having an ionizing
2 radiation installation, the fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~
3 \$44 for each X-ray tube.

4 *~~-1164/5.32~~* SECTION 2470. 254.35 (3) (d) of the statutes is amended to read:

5 254.35 (3) (d) For a dental site having an ionizing radiation installation, the
6 fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$20~~ \$30 for each X-ray tube.

7 *~~-1164/5.33~~* SECTION 2471. 254.35 (3) (f) of the statutes is amended to read:

8 254.35 (3) (f) For an industrial, school, research project or other site having an
9 ionizing radiation installation ~~and radioactive materials in any quantity~~, the fee
10 shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

11 *~~-1164/5.34~~* SECTION 2472. 254.35 (3) (fm) of the statutes is created to read:

12 254.35 (3) (fm) For any site that has generally licensed devices that are not
13 exempted by the department, the fee shall be at least \$100 for each site and at least
14 \$50 for each device that contains at least 370 MBq or 10 mCi of cesium-137; 37 MBq
15 or 1.0 mCi of cobalt-60; 3.7 MBq or 0.1 mCi of strontium-90; or 37 MBq or 1.0 mCi
16 of a transuranic.

17 *~~-1164/5.35~~* SECTION 2473. 254.35 (3) (g) of the statutes is amended to read:

18 254.35 (3) (g) The fees under this subsection shall be as stated unless the
19 department promulgates rules to increase the annual registration fee ~~after January~~
20 ~~1, 1986~~, for a site having an ionizing radiation installation ~~or~~, for an X-ray tube ~~or~~
21 for generally licensed devices that are not exempted by the department.

22 *~~-1164/5.36~~* SECTION 2474. 254.35 (4) of the statutes is amended to read:

23 254.35 (4) EXEMPTIONS. ~~The department shall~~ After initial registration under
24 sub. (1), the department may exempt from annual registration any source licensed
25 by the nuclear regulatory commission and may exempt from registration any source

1 ~~of radiation installation which~~ of radiation that the department finds to be without
2 undue radiation hazard ~~as determined by standards established by the national~~
3 ~~committee on radiation protection and measurements or any comparable nationally~~
4 ~~recognized agency established for the purpose of recommending standards for~~
5 ~~radiation protection, and after the initial registration may exempt from subsequent~~
6 ~~annual radiation requirements any source of radiation devoted primarily to~~
7 ~~industrial purposes.~~

8 *~~1164/5.37~~* SECTION 2475. 254.36 of the statutes is renumbered 254.34 (1)
9 (am) and amended to read:

10 254.34 (1) (am) ~~Radiation protection.~~ The department shall promulgate a
11 ~~radiation protection code. Other departments and agencies of state government and~~
12 A rule identical to a rule specified under par. (a) may be promulgated by a state
13 agency other than the department and an ordinance identical to a rule specified
14 under par. (a) may be enacted by a local governmental units may adopt the identical
15 code unit, but no other rule, code or ordinance relating to this subject may be
16 promulgated or enacted may be promulgated or ordinance may be enacted that
17 differs from a rule under par. (a) and relates to the same subject area except as
18 provided under ss. 166.03 (2) (b) 6., 293.15 (8) and 293.25.

19 *~~1164/5.38~~* SECTION 2476. 254.365 of the statutes is created to read:

20 **254.365 Licensing of radioactive material. (1) LICENSE REQUIRED.** No
21 person may possess, use, manufacture, transport, store, transfer or dispose of
22 radioactive material or a device or item of equipment that uses radioactive material
23 or may operate a site that uses radioactive material that is not under the authority
24 of the U.S. nuclear regulatory commission unless one of the following applies:

25 (a) The person has a specific license issued by the department.

1 (b) The person meets general license requirements.

2 (c) The person possesses a license issued by another state or by the U.S. nuclear
3 regulatory commission that is reciprocally recognized by the department.

4 (d) The person is exempted from licensure under sub. (7).

5 **(2) APPLICATION.** Application for a license under sub. (1) (a) or for reciprocal
6 recognition under sub. (1) (c) shall be made on forms provided by the department.

7 **(3) MODIFICATION OR TERMINATION OF LICENSE.** Within 30 days after any change
8 to the information on a license issued under this section, the licensee shall inform the
9 department of the change and the department shall record the changed information.
10 Within 30 days after termination of an activity licensed under this section, the person
11 in control of the activity shall notify the department. The department may require
12 that the person in control submit to the department for approval a plan for
13 decommissioning the activity.

14 **(4) RULES.** The department shall promulgate rules for all of the following:

15 (a) The issuance, modification, suspension, termination and revocation of
16 specific licenses under sub. (1) (a) under the standards specified in s. 254.34 (1) (a).

17 (b) The requirements for a general license under sub. (1) (b).

18 **(5) FEES AND CHARGES.** (a) The department may assess fees, the amounts of
19 which are prescribed by the department by rule, for any of the following:

20 1. Issuance of an initial or renewal specific license under sub. (1) (a).

21 2. Annual license maintenance.

22 3. Issuance of a license amendment.

23 4. Termination of a license.

24 5. Issuance of reciprocal recognition of a license for radioactive materials of
25 another state or the U.S. nuclear regulatory commission.

1 (b) The department may assess a late payment charge of 25% of the specific
2 license renewal fee, in addition to the fee under par. (a) for renewal of a specific
3 license, if payment for renewal of a specific license is not made within 30 days after
4 the license expiration date.

5 (6) DENIAL, SUSPENSION OR REVOCATION OF LICENSURE. The department may, after
6 a hearing under ch. 227, refuse to issue a license or suspend or revoke a license for
7 failure by the licensee to comply with this subchapter, rules promulgated by the
8 department under this subchapter or any condition of the license.

9 (7) EXEMPTION. The department may exempt from licensing requirements of
10 this section radioactive material that the department finds is without undue
11 radiation hazard.

12 *-1164/5.39* SECTION 2477. 254.37 (1) of the statutes is renumbered 254.37
13 (1) (intro.) and amended to read:

14 254.37 (1) NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. (intro.)
15 Whenever the department ~~or the department of commerce~~ finds, upon inspection and
16 examination, that a source of radiation as constructed, operated or maintained
17 results in a violation of this subchapter or of any rules promulgated under this
18 subchapter, it the department shall notify do all of the following:

19 (a) Notify the person in control that is causing, allowing or permitting the
20 violation as to the nature of the violation ~~and order.~~

21 (b) Order that, prior to a specified time, the person in control shall cease and
22 abate causing, allowing or permitting the violation and take such action as may be
23 necessary to have the source of radiation constructed, operated, or maintained in
24 compliance with this subchapter and rules promulgated under this subchapter.

25 *-1164/5.40* SECTION 2478. 254.37 (2) of the statutes is amended to read:

1 254.37 (2) ORDERS. The department ~~or the department of commerce~~ shall issue
2 and enforce such orders or modifications of previously issued orders as may be
3 required in connection with proceedings under this subchapter. The orders shall be
4 subject to review by the department upon petition of the persons affected. Whenever
5 the department ~~or the department of commerce~~ finds that a condition exists ~~which~~
6 that constitutes an immediate threat to health due to violation of this subchapter or
7 any rule or order promulgated under this subchapter, it may issue an order reciting
8 the existence of the threat and the findings pertaining to the threat. The department
9 ~~or the department of commerce~~ may summarily cause the abatement of the violation.

10 *~~-1164/5.41~~* SECTION 2479. 254.37 (3) of the statutes is amended to read:

11 254.37 (3) RULES. The department shall promulgate and enforce the rules
12 pertaining to ionizing radiation ~~in establishments principally engaged in furnishing~~
13 ~~medical, surgical, chiropractic and other health services to persons and animals. The~~
14 ~~department of commerce shall enforce the rules pertaining to ionizing radiation in~~
15 ~~industrial establishments. The department shall notify the department of commerce~~
16 ~~and deliver to it a copy of each new registration and at such time a decision shall be~~
17 ~~made as to which state agency shall enforce the rules pertaining to ionizing~~
18 ~~radiation.~~

19 *~~-1164/5.42~~* SECTION 2480. 254.37 (4) of the statutes is amended to read:

20 254.37 (4) ENFORCEMENT JURISDICTION. ~~All orders issued under this subchapter~~
21 ~~shall be enforced by the attorney general. The circuit court of Dane county shall have~~
22 ~~jurisdiction to enforce the orders by injunctive and other appropriate relief.~~

23 *~~-1164/5.43~~* SECTION 2481. 254.38 (title) of the statutes is created to read:

24 254.38 (title) **Emergency authority.**

1 ***-1164/5.44* SECTION 2482.** 254.38 of the statutes is renumbered 254.38 (1)
2 and amended to read:

3 254.38 (1) IMPOUNDING MATERIALS. The department ~~or department of commerce~~
4 may impound or order the sequestration of sources of radiation in the possession of
5 any person who is not equipped to observe or who fails to observe safety standards
6 to protect health that are established in rules promulgated by the department ~~or the~~
7 ~~department of commerce.~~

8 ***-1164/5.45* SECTION 2483.** 254.38 (2) of the statutes is created to read:

9 254.38 (2) EMERGENCY ORDERS. If the department finds that an emergency
10 exists concerning a matter subject to regulation under this subchapter that requires
11 immediate action to protect the public health or safety, the department may issue an
12 emergency order without notice or hearing that recites the existence of the
13 emergency and requires such action as is necessary to mitigate the emergency. Any
14 person to whom the order is issued shall immediately comply with the order. A
15 person to whom an emergency order is issued shall be afforded a hearing within 30
16 days after receipt by the department of a written request for the hearing. An
17 emergency order is effective upon issuance and remains in effect for up to 90 days
18 after issuance, except that the order may be revoked or modified based on the results
19 of the hearing.

20 ***-1164/5.46* SECTION 2484.** 254.39 (2) of the statutes is amended to read:

21 254.39 (2) This subchapter does not apply to on-site activities of any nuclear
22 reactor plant licensed by the ~~nuclear regulatory commission~~ U.S. nuclear regulatory
23 commission.

24 ***-1164/5.47* SECTION 2485.** 254.45 of the statutes is repealed and recreated
25 to read:

1 **254.45 Penalties. (1) GENERAL.** (a) Any person who violates this subchapter
2 or a rule promulgated under this subchapter or a condition of a license or registration
3 issued by the department under this subchapter may be required to forfeit not less
4 than \$100 nor more than \$100,000. Each day of continued violation constitutes a
5 separate offense.

6 (b) The amount of the forfeiture assessed under par. (a) shall be determined by
7 considering all of the following:

8 1. The wilfulness of the violation.

9 2. The person's previous violations, if any, of this subchapter, rules
10 promulgated under this subchapter or conditions of a license or registration issued
11 by the department under this subchapter.

12 3. The potential danger or actual or potential injury to the environment or to
13 public health caused by the violation.

14 4. The actual or potential costs of the damage or injury caused by the violation.

15 **(2) ASSESSMENT OF FORFEITURES; NOTICE.** The department may directly assess
16 forfeitures provided for in sub. (1). If the department determines that a forfeiture
17 should be assessed for a particular violation, the department shall send a notice of
18 assessment to the person. The notice shall specify the amount of the forfeiture
19 assessed and the violation and the statute or rule alleged to have been violated and
20 shall inform the person of the right to hearing under sub. (3).

21 **(3) HEARING.** A person upon whom a forfeiture is imposed may contest the
22 action by sending, within 10 days after receipt of notice of a contested action, a
23 written request for hearing under s. 227.44 to the division of hearings and appeals
24 created under s. 15.103 (1). The administrator of the division may designate a
25 hearing examiner to preside over the case and recommend a decision to the

1 administrator under s. 227.46. The decision of the administrator of the division shall
2 be the final administrative decision. The division shall commence the hearing within
3 30 days of receipt of the request for hearing and shall issue a final decision within
4 15 days after the close of the hearing. Proceedings before the division are governed
5 by ch. 227.

6 (4) FORFEITURE PAYMENT AND DISPOSITION. (a) A person against whom the
7 department has assessed a forfeiture shall pay the forfeiture to the department
8 within 10 days after receipt of the notice under sub. (2) or, if the person contests the
9 assessment, within 10 days after receipt of the final decision after exhaustion of
10 administrative review. If the person petitions for judicial review under ch. 227, the
11 person shall pay the forfeiture within 10 days after receipt of the final judicial
12 decision.

13 (b) The department shall remit all forfeitures paid to the state treasurer for
14 deposit in the school fund.

15 (5) ENFORCEMENT. The attorney general may bring an action in the name of the
16 state to collect any forfeiture imposed under this section if the forfeiture has not been
17 paid as required under sub. (4). The only issue to be contested in an action under this
18 subsection is whether the forfeiture has been paid.

19 *b0411/5.14* SECTION 2486g. 255.15 of the statutes is created to read:

20 **255.15 Statewide tobacco control program.** (1) DEFINITIONS. In this
21 section, "council" means the tobacco control council.

22 (2) PROGRAM DEVELOPMENT. (a) The council shall develop program and budget
23 recommendations annually for a statewide tobacco control program and shall submit
24 its recommendations not later than February 1, 2000, and annually thereafter, to the
25 secretary of health and family services. In developing the recommendations, the

1 council shall consider successful tobacco control programs in other states and shall
2 base its recommendations on recommendations of the U.S. Centers for Disease
3 Control and Prevention regarding the allocation of funding for comprehensive
4 tobacco control programs. The department shall review the council's
5 recommendations and shall develop, and prepare an annual detailed plan for, a
6 statewide tobacco control program based on the recommendations. The annual plan
7 shall specify how the funds under sub. (3) (b) will be distributed and the projected
8 cost of administering the statewide tobacco control program.

9 (b) Not later than March 1, 2000, and annually thereafter, the department shall
10 submit the plan under par. (a) to the joint committee on finance. If, within 14 days
11 after the submission of the plan, the cochairpersons of the committee do not notify
12 the secretary that a meeting has been scheduled for the purpose of reviewing the
13 plan, the department may expend the funds under sub. (3) (b) and (d) in the manner
14 proposed in the plan. If, within 14 days after the submission of the plan, the
15 cochairpersons notify the secretary that the committee has scheduled a meeting for
16 the purpose of reviewing the plan, the department may expend the funds under sub.
17 (3) (b) and (d) in the manner proposed in the plan only to the extent approved by the
18 committee.

19 (3) USE OF FUNDS. (a) From the appropriation under s. 20.435 (5) (tc), the
20 department shall distribute the following amounts to or for all of the following:

21 1. The board of regents of the University of Wisconsin System for the tobacco
22 research and intervention center at the University of Wisconsin–Madison,
23 \$1,000,000 in each fiscal year.

1 2. The Thomas T. Melvin youth tobacco prevention and education program
2 under s. 255.10, \$1,000,000 in fiscal year 1999–2000 and not less than \$1,000,000 in
3 fiscal year 2000–01 and in each fiscal year thereafter.

4 3. A youth smokeless tobacco cessation and prevention campaign developed by
5 the division within the department that has primary responsibility for
6 administering public health programs, \$92,000 in fiscal year 1999–2000.

7 4. The Medical College of Wisconsin for tobacco use prevention and cessation
8 activities, \$500,000 in fiscal year 2000–01 and in each fiscal year thereafter. Funds
9 distributed under this subdivision may only be used for activities directly related to
10 preventing individuals from smoking and assisting smokers to quit smoking.

11 5. Grants to any applying school in which grade 6, 7 or 8 is taught that
12 purchases in calendar year 1998 or after the module of the Body Awareness Resource
13 Network software produced by Pyramid Media that concerns smoking and tobacco
14 use, \$150,000 in fiscal year 2000–01. The amount of the grant to each school may
15 not exceed the actual cost to the school of the software.

16 (b) After consulting with the council regarding the selection of specific
17 programs or activities to be funded under this paragraph and subject to sub. (2) (b),
18 from the appropriation under s. 20.435 (5) (tc), the department may distribute grants
19 for any of the following:

20 1. Community–based programs to reduce tobacco use.

21 2. Community–based programs to reduce the burden of tobacco–related
22 diseases.

23 3. School–based programs relating to tobacco use cessation and prevention.

24 4. Enforcement of local laws aimed at reducing exposure to secondhand smoke
25 and restricting underage access to tobacco.

1 5. Grants for partnerships among statewide organizations and businesses that
2 support activities related to tobacco use cessation and prevention.

3 6. Marketing activities that promote tobacco use cessation and prevention.

4 7. Projects designed to reduce tobacco use among minorities and pregnant
5 women.

6 8. Other tobacco use cessation programs.

7 9. Surveillance of indicators of tobacco use and evaluation of the activities
8 funded under this section.

9 (c) No recipient of moneys distributed under par. (b) may expend more than
10 10% of those moneys for administrative costs.

11 (d) From the appropriation under s. 20.435 (1) (tc), subject to sub. (2) (b),
12 beginning in fiscal year 2000–01, the department may expend for administration of
13 the program under this section not more than 5% of the total amount deposited in
14 that fiscal year into the tobacco control fund under s. 25.66.

15 (4) REPORTS. Not later than September 1, 2002, and annually thereafter, the
16 department shall submit to the governor and to the chief clerk of each house of the
17 legislature for distribution under s. 13.172 (2) a report that evaluates the success of
18 the program under this section. The report shall specify the number of programs
19 supported under sub. (3) (b) during the immediately preceding fiscal year and the
20 purpose of each program. The report shall also specify any donations, grants or
21 bequests to the department for the tobacco control program under this section.

22 *~~1164/5.48~~* SECTION 2487. 281.01 (15) of the statutes is amended to read:

23 281.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste
24 treatment plant, water supply treatment plant or air pollution control facility and
25 other discarded or salvageable materials, including solid, liquid, semisolid, or

1 contained gaseous materials resulting from industrial, commercial, mining and
2 agricultural operations, and from community activities, but does not include solids
3 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
4 return flows or industrial discharges which are point sources subject to permits
5 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
6 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
7 ~~(3)~~ (1).

8 *b0309/3.13* SECTION 2487p. 281.16 (3) (e) of the statutes is amended to read:

9 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
10 is in existence before October 14, 1997, may not be required by this state or a
11 municipality to comply with the performance standards, prohibitions, conservation
12 practices or technical standards under this subsection unless cost-sharing is
13 available, under ~~sub. (5) of~~ s. 92.14 or 281.65 or from any other source, to the owner
14 or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1),
15 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate
16 rules that specify criteria for determining whether cost-sharing is available under
17 ~~sub. (5) of~~ s. 281.65 and the department of agriculture, trade and consumer
18 protection shall promulgate rules that specify criteria for determining whether
19 cost-sharing is available under s. 92.14 or from any other source. The rules may not
20 allow a determination that cost-sharing is available to meet local regulations under
21 s. 92.07 (2), 92.105 (1) or 92.15 that are consistent with or that exceed the
22 performance standards, prohibitions, conservation practices or technical standards
23 under this subsection unless the cost-sharing is at least 70% of the cost of compliance
24 or is from 70% to 90% of the cost of compliance in cases of economic hardship, as
25 defined in the rules.

1 ***b0309/3.13* SECTION 2487r.** 281.16 (4) of the statutes is amended to read:

2 281.16 (4) APPLICATION TO ANIMAL FEEDING OPERATIONS. If the department issues
3 a notice of discharge under ch. 283 for an animal feeding operation, the performance
4 standards, prohibitions, conservation practices and technical standards under sub.
5 (3) apply to the animal feeding operation, except that if the animal feeding operation
6 is in existence before October 14, 1997, the performance standards, prohibitions,
7 conservation practices and technical standards only apply if the department
8 determines that cost-sharing is available to the owner or operator of the animal
9 feeding operation under ~~sub. (5)~~, s. 92.14 or 281.65 or from any other source.

10 ***b0309/3.13* SECTION 2487t.** 281.16 (5) of the statutes is repealed.

11 ***b0212/3.3* SECTION 2490x.** 281.57 (10r) of the statutes is created to read:

12 281.57 (10r) LOAN FOR REPLACEMENT OF A FAILED SEQUENTIAL BATCH REACTOR.
13 Notwithstanding subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the
14 department shall provide a loan of \$770,000 to a municipality for all of the
15 administrative, planning, design and construction costs incurred after January 1,
16 1997, for the replacement of a failed sequential batch reactor point source pollution
17 abatement facility for which the department has issued written concurrence on or
18 before March 26, 1999, that the construction of a new wastewater treatment plant
19 is the most cost-effective option, and for which the municipality has on or before
20 March 26, 1999, committed to work with the department towards securing
21 reimbursement of the loan from the federal environmental protection agency under
22 40 CFR 35.2032. The department may not charge any interest on the loan and may
23 not require the municipality to repay the loan until the municipality receives a grant
24 from the federal environmental protection agency for the replacement of the point
25 source pollution abatement facility. If the federal environmental protection agency

1 denies the grant or a portion of the grant, the department shall forgive the amount
2 of the loan that exceeds the amount of the grant.

3 ***-0282/3.3* SECTION 2491.** 281.58 (1) (ae) of the statutes is repealed.

4 ***-0282/3.4* SECTION 2492.** 281.58 (6) (a) 4. of the statutes is repealed.

5 ***-0282/3.5* SECTION 2493.** 281.58 (6) (b) 1. of the statutes is amended to read:

6 281.58 (6) (b) 1. Purchasing or refinancing the obligation of a municipality if
7 the obligation was incurred to finance the cost of constructing a water pollution
8 control project located in this state ~~and the obligation was initially incurred on or~~
9 ~~after May 17, 1988.~~

10 ***-0282/3.6* SECTION 2494.** 281.58 (6) (b) 2. of the statutes is repealed.

11 ***-0282/3.7* SECTION 2495.** 281.58 (7) (b) 3. of the statutes is repealed.

12 ***b0310/1.13* SECTION 2495p.** 281.58 (7) (b) 5. of the statutes is repealed.

13 ***-0282/3.8* SECTION 2496.** 281.58 (7) (b) 7. of the statutes is repealed.

14 ***b0310/1.14* SECTION 2496m.** 281.58 (8) (a) 1. of the statutes is amended to
15 read:

16 281.58 (8) (a) 1. A person or municipality that has failed to substantially
17 comply, as specified by the rules promulgated under sub. (2), with the terms of a
18 federal or state grant or loan used to pay the costs of studies, investigations, plans,
19 designs or construction associated with wastewater collection, transportation,
20 treatment or disposal ~~or used to pay the cost of studies, investigations, plans, designs~~
21 ~~or construction associated with implementing a nonpoint source control~~
22 ~~management program.~~

23 ***-0282/3.9* SECTION 2497.** 281.58 (8) (h) of the statutes is amended to read:

24 281.58 (8) (h) Except as provided in par. (k), a municipality that is a violator
25 of an effluent limitation at the time that the application for a treatment work project

1 is approved under sub. (9m) may not receive financial assistance of a method
2 specified under sub. (6) (b) 1., ~~2.~~, 3., 4. or 5. for that part of the treatment work project
3 that is needed to correct the violation. This paragraph does not apply to a
4 municipality that after May 17, 1988, is in compliance with a court or department
5 order to correct a violation of the enforceable requirements of its ch. 283 permit, and
6 that is applying for financial assistance under s. 281.59 (13) to correct that violation.

7 ***-1740/3.1* SECTION 2498.** 281.58 (8) (j) of the statutes is created to read:

8 281.58 (8) (j) The amount of a payment under sub. (6) (b) 8. may not exceed the
9 amount of subsidy necessary to reduce the interest rate on the loan from market rate
10 to the interest rate that would have been charged on a loan to the municipality under
11 sub. (6) (b) 4.

12 ***-0282/3.10* SECTION 2499.** 281.58 (8) (L) of the statutes is repealed.

13 ***-0282/3.11* SECTION 2500.** 281.58 (8e) (a) of the statutes is amended to read:

14 281.58 (8e) (a) The type of project and the order in which it is listed under sub.
15 (7) (b) 1. to ~~7.~~ 6.

16 ***-0282/3.12* SECTION 2501.** 281.58 (8s) of the statutes is amended to read:

17 281.58 (8s) FACILITY PLAN. A municipality seeking financial assistance for a
18 project under this section, ~~except for a municipality seeking a capital cost loan,~~ shall
19 complete a facility plan as required by the department by rule.

20 ***-0282/3.13* SECTION 2502.** 281.58 (9) (b) of the statutes is amended to read:

21 281.58 (9) (b) A municipality seeking financial assistance, ~~except for a~~
22 ~~municipality seeking a capital cost loan,~~ for a project under the clean water fund
23 program shall complete an environmental analysis sequence as required by the
24 department by rule.

25 ***b0310/1.15* SECTION 2502v.** 281.58 (12) (a) 2. of the statutes is repealed.

1 ***-0282/3.14* SECTION 2503.** 281.58 (12) (a) 4. of the statutes is amended to
2 read:

3 281.58 (12) (a) 4. The interest rate for projects specified in sub. (7) (b) 6. ~~and~~
4 ~~7.~~ and for those portions of projects under subd. 1. that are restricted by sub. (8) (b),
5 (c), (f) or (h) is market interest rate.

6 ***-0282/3.15* SECTION 2504.** 281.58 (12) (a) 5. of the statutes is repealed.

7 ***b0310/1.16* SECTION 2504e.** 281.58 (12) (f) of the statutes is amended to read:
8 281.58 (12) (f) The department and the department of administration jointly
9 may request the joint committee on finance to take action under s. 13.101 (11) to
10 modify the percentage of market interest rates established in par. (a) 1. ~~to~~ or 3.

11 ***b0310/1.16* SECTION 2504p.** 281.59 (1) (d) (intro.) of the statutes is amended
12 to read:

13 281.59 (1) (d) (intro.) “Subsidy” means the amounts provided from the
14 environmental improvement fund to clean water fund program, safe drinking water
15 loan program, urban storm water loan program and land recycling loan program
16 projects for the following purposes:

17 ***b0310/1.16* SECTION 2504q.** 281.59 (1) (d) 1. of the statutes is amended to
18 read:

19 281.59 (1) (d) 1. To reduce the interest rate of clean water fund program, safe
20 drinking water loan program, urban storm water loan program and land recycling
21 loan program loans from market rate to a subsidized rate.

22 ***b0310/1.16* SECTION 2504r.** 281.59 (1) (em) of the statutes is created to read:
23 281.59 (1) (em) “Urban storm water loan program” means the program
24 administered under s. 281.595, with financial management provided under this
25 section.

1 ***-1856/2.4* SECTION 2505.** 281.59 (1m) (c) of the statutes is created to read:
2 281.59 (1m) (c) There is established a private sewage system replacement and
3 rehabilitation loan program, administered under s. 145.245 (12m).

4 ***b0310/1.17* SECTION 2506f.** 281.59 (1m) (d) of the statutes is created to read:
5 281.59 (1m) (d) There is established an urban storm water loan program,
6 administered under s. 281.595, with financial management provided under this
7 section.

8 ***b0310/1.17* SECTION 2506g.** 281.59 (2) (a) of the statutes is amended to read:
9 281.59 (2) (a) Administer its responsibilities under this section and ss. 281.58,
10 281.595, 281.60 and 281.61.

11 ***b0310/1.17* SECTION 2506h.** 281.59 (2) (b) of the statutes is amended to read:
12 281.59 (2) (b) Cooperate with the department in administering the clean water
13 fund program, the safe drinking water loan program, the urban storm water loan
14 program and the land recycling loan program.

15 ***b0310/1.17* SECTION 2506i.** 281.59 (3) (a) 1. of the statutes is amended to
16 read:
17 281.59 (3) (a) 1. An estimate of the wastewater treatment, safe drinking water,
18 urban storm water and land recycling project needs of the state for the 4 fiscal years
19 of the next 2 biennia.

20 ***b0310/1.17* SECTION 2506j.** 281.59 (3) (a) 4. of the statutes is amended to
21 read:
22 281.59 (3) (a) 4. The extent to which the funding for the clean water fund
23 program, the urban storm water loan program and the safe drinking water loan
24 program, in the environmental improvement fund, will be maintained in perpetuity.

1 ***b0310/1.17* SECTION 2506k.** 281.59 (3) (a) 5. of the statutes is amended to
2 read:

3 281.59 (3) (a) 5. The most recent available audited financial statements of the
4 past operations and activities of the clean water fund program, the safe drinking
5 water loan program, the urban storm water loan program and the land recycling loan
6 program, the estimated environmental improvement fund capital available in each
7 of the next 4 fiscal years for the clean water fund program, the urban storm water
8 loan program and the safe drinking water loan program, and the projected
9 environmental improvement fund balance for the clean water fund program, the
10 urban storm water loan program and the safe drinking water loan program for each
11 of the next 20 years given existing obligations and financial conditions.

12 ***b0310/1.17* SECTION 2506L.** 281.59 (3) (a) 6s. of the statutes is created to
13 read:

14 281.59 (3) (a) 6s. An amount equal to the estimated present value of subsidies
15 for all loans under the urban storm water loan program to be made during the
16 biennium for which the biennial finance plan is prepared, discounted at a rate of 7%
17 per year to the first day of that biennium.

18 ***b0310/1.17* SECTION 2506m.** 281.59 (3) (a) 7. of the statutes is amended to
19 read:

20 281.59 (3) (a) 7. A discussion of the assumptions made in calculating the
21 amounts under subs. 6., 6e. ~~and~~, 6m. ~~and~~ 6s.

22 ***b0310/1.17* SECTION 2506q.** 281.59 (3) (j) of the statutes is amended to read:

23 281.59 (3) (j) No later than November 1 of each odd-numbered year, the
24 department of administration and the department jointly shall submit a report, to
25 the building commission and committees as required under par. (bm), on the

1 implementation of the amount established under sub. (3e) (b) as required under s.
2 281.58 (9m) (e), and on the operations and activities of the clean water fund program,
3 the safe drinking water loan program, the urban storm water loan program and the
4 land recycling loan program for the previous biennium.

5 ***-0975/1.1* SECTION 2507.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
6 to read:

7 281.59 (3e) (b) 1. Equal to ~~\$90,200,000~~ \$85,200,000 during the ~~1997-99~~
8 1999-01 biennium.

9 3. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

10 ***-0936/2.1* SECTION 2508.** 281.59 (3m) (b) 1. and 2. of the statutes are
11 amended to read:

12 281.59 (3m) (b) 1. Equal to ~~\$4,500,000~~ \$9,400,000 during the ~~1997-99~~ 1999-01
13 biennium.

14 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

15 ***-0974/1.1* SECTION 2509.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
16 to read:

17 281.59 (3s) (b) 1. Equal to ~~\$21,000,000~~ \$5,200,000 during the ~~1997-99~~ 1999-01
18 biennium.

19 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

20 ***b0310/1.19* SECTION 2509m.** 281.59 (3v) of the statutes is created to read:

21 281.59 (3v) URBAN STORM WATER LOAN PROGRAM EXPENDITURES. (a) No moneys
22 may be expended for the urban storm water loan program in a biennium until the
23 legislature reviews and approves all of the following as part of the biennial budget
24 act for the biennium:

1 1. An amount of present value of the subsidy for the urban storm water loan
2 program that is specified for that biennium under par. (b) and is based on the amount
3 included in the biennial finance plan under sub. (3) (a) 6s.

4 2. The amount of public debt, authorized under s. 20.866 (2) (tc), that the state
5 may contract for the purposes of the urban storm water loan program.

6 (b) The amount of present value of the subsidy for the urban storm water loan
7 program that is approved by the legislature under this paragraph is as follows:

8 1. Equal to \$4,500,000 during the 1999–01 biennium.

9 2. Equal to \$1,000 for any biennium after the 1999–01 biennium.

10 (c) The department of administration may allocate amounts approved under
11 par. (b) as the present value of subsidies for financial assistance under the urban
12 storm water loan program.

13 (d) Using the amount approved under par. (b) as a base, the department of
14 administration shall calculate the present value of the actual subsidy of each urban
15 storm water loan made for those projects in each biennium that are approved for
16 financial assistance. The present value shall be discounted as provided under sub.
17 (3) (a) 6s.

18 ***b0310/1.19* SECTION 2509p.** 281.59 (4) (a) of the statutes is amended to read:

19 281.59 (4) (a) The clean water fund program ~~is a~~ and the urban storm water
20 loan program are revenue-producing enterprise ~~or program~~ enterprises or
21 programs, as defined in s. 18.52 (6).

22 ***b0310/1.19* SECTION 2509q.** 281.59 (4) (am) of the statutes is amended to
23 read:

24 281.59 (4) (am) Deposits, appropriations or transfers to the environmental
25 improvement fund for the purposes of the clean water fund program or the urban

1 storm water loan program may be funded with the proceeds of revenue obligations
2 issued subject to and in accordance with subch. II of ch. 18 or in accordance with
3 subch. IV of ch. 18 if designated a higher education bond.

4 ***-1432/7.50* SECTION 2510.** 281.59 (4) (b) of the statutes is amended to read:

5 281.59 (4) (b) The department of administration may, under s. ~~18.56(5) and (9)~~
6 (~~‡~~) 18.561 or 18.562, deposit in a separate and distinct fund in the state treasury or
7 in an account maintained by a trustee outside the state treasury, any portion of the
8 revenues derived under s. 25.43 (1). The revenues deposited with a trustee outside
9 the state treasury are the trustee's revenues in accordance with the agreement
10 between this state and the trustee or in accordance with the resolution pledging the
11 revenues to the repayment of revenue obligations issued under this subsection.

12 ***b0310/1.20* SECTION 2510d.** 281.59 (4) (c) of the statutes is amended to read:

13 281.59 (4) (c) The building commission may pledge any portion of revenues
14 received or to be received in the fund established in par. (b) or the environmental
15 improvement fund to secure revenue obligations issued under this subsection. The
16 pledge shall provide for the transfer to the environmental improvement fund of all
17 pledged revenues, including any interest earned on the revenues, which are in excess
18 of the amounts required to be paid under s. 20.320 (1) (c) and (u) for the purposes of
19 the clean water fund program or the urban storm water loan program. The pledge
20 shall provide that the transfers be made at least twice yearly, that the transferred
21 amounts be deposited in the environmental improvement fund and that the
22 transferred amounts are free of any prior pledge.

23 ***-0282/3.16* SECTION 2511.** 281.59 (9) (a) of the statutes is amended to read:

24 281.59 (9) (a) A loan approved under the clean water fund program, the safe
25 drinking water loan program, the urban storm water loan program or the land

1 recycling loan program shall be for no longer than 20 years, as determined by the
2 department of administration, be fully amortized not later than 20 years after the
3 original date of the ~~note~~ financial assistance agreement, and require the repayment
4 of principal and interest, if any, to begin not later than 12 months after the expected
5 date of completion of the project that it funds, as determined by the department of
6 administration.

7 *b0310/1.22* SECTION 2511c. 281.59 (9) (am) of the statutes is amended to
8 read:

9 281.59 (9) (am) The department of administration, in consultation with the
10 department, may establish those terms and conditions of a financial assistance
11 agreement that relate to its financial management, including what type of municipal
12 obligation, as set forth under s. 66.36, is required for the repayment of the financial
13 assistance. Any terms and conditions established under this paragraph by the
14 department of administration shall comply with the requirements of this section and
15 s. 281.58, 281.595, 281.60 or 281.61. In setting the terms and conditions, the
16 department of administration may consider factors that the department of
17 administration finds are relevant, including the type of obligation evidencing the
18 loan, the pledge of security for the obligation and the applicant's creditworthiness.

19 *b0310/1.22* SECTION 2511e. 281.59 (9) (b) (intro.) of the statutes is amended
20 to read:

21 281.59 (9) (b) (intro.) As a condition of receiving financial assistance under the
22 clean water fund program, the safe drinking water loan program, the urban storm
23 water loan program or the land recycling loan program, an applicant shall do all of
24 the following:

1 ***b0310/1.22* SECTION 2511f.** 281.59 (9) (b) 1. of the statutes is amended to
2 read:

3 281.59 (9) (b) 1. Pledge the security, if any, required by the rules promulgated
4 by the department of administration under this section and s. 281.58, 281.595,
5 281.60 or 281.61.

6 ***b0310/1.22* SECTION 2511g.** 281.59 (11) (a) of the statutes is amended to
7 read:

8 281.59 (11) (a) The department of natural resources and the department of
9 administration may enter into a financial assistance agreement with an applicant
10 for which the department of administration has allocated subsidy under s. 281.58
11 (9m), 281.595 (8), 281.60 (8) or 281.61 (8) if the applicant meets the conditions under
12 sub. (9) and the other requirements under this section and s. 281.58, 281.595, 281.60
13 or 281.61.

14 ***b0310/1.22* SECTION 2511i.** 281.59 (11) (b) of the statutes is amended to read:

15 281.59 (11) (b) If a municipality fails to make a principal repayment or interest
16 payment after its due date, the department of administration shall place on file a
17 certified statement of all amounts due under this section and s. 281.58, 281.595,
18 281.60 or 281.61. After consulting the department, the department of
19 administration may collect all amounts due by deducting those amounts from any
20 state payments due the municipality or may add a special charge to the amount of
21 taxes apportioned to and levied upon the county under s. 70.60. If the department
22 of administration collects amounts due, it shall remit those amounts to the fund to
23 which they are due and notify the department of that action.

24 ***b0310/1.22* SECTION 2511k.** 281.59 (11) (c) of the statutes is amended to read:

1 281.59 (11) (c) The department of administration may retain the last payment
2 under a financial assistance agreement until the department of natural resources
3 and the department of administration determine that the project is completed and
4 meets the applicable requirements of this section and s. 281.58, 281.595, 281.60 or
5 281.61 and that the conditions of the financial assistance agreement are met.

6 *~~0282/3.17~~* SECTION 2512. 281.59 (12) of the statutes is amended to read:

7 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
8 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. ~~or 2.~~ and guarantee
9 or purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
10 department of administration and the department of natural resources approve the
11 financial assistance under this section and s. 281.58.

12 *b0310/1.23* SECTION 2512e. 281.59 (13s) of the statutes is amended to read:

13 281.59 (13s) POWERS. The department of administration may audit, or contract
14 for audits of, projects receiving financial assistance under the clean water fund
15 program, the safe drinking water loan program, the urban storm water loan program
16 and the land recycling loan program.

17 *b0310/1.23* SECTION 2512g. 281.59 (14) of the statutes is amended to read:

18 281.59 (14) RULES. The department of administration shall promulgate rules
19 that are necessary for the proper execution of this section and of its responsibilities
20 under ss. 281.58, 281.595, 281.60 and 281.61.

21 *b0310/1.23* SECTION 2512j. 281.595 of the statutes is created to read:

22 **281.595 Urban storm water loan program. (1) DEFINITIONS.** In this section:

23 (a) "Local governmental unit" means a city, village, town, county, town sanitary
24 district, public inland lake protection and rehabilitation district or metropolitan
25 sewerage district.

1 (b) "Market interest rate" means the interest at the effective rate of a revenue
2 obligation issued by this state to fund a loan or portion of a loan for a clean water fund
3 program project under s. 281.58.

4 (c) "Population" means population shown by the last federal census or by any
5 subsequent population estimate under s. 16.96.

6 (d) "Urban area" means any of the following:

- 7 1. An area with a population of 1,000 or more per square mile.
- 8 2. An area in which the land is used for industrial or commercial land uses.
- 9 3. An area that is surrounded by an area described in subd. 1. or 2.

10 (e) "Urban storm water loan program" means the program administered under
11 this section, with financial management provided under s. 281.59.

12 **(2) GENERAL.** The department and the department of administration shall
13 administer a program to provide financial assistance to local governmental units for
14 the planning, designing, construction or modification of nonpoint source pollution
15 and urban storm water runoff projects in urban areas.

16 **(2g) INELIGIBLE USES.** A local governmental unit may not use financial
17 assistance under this section to pay any portion of the cost of a project for which
18 financial assistance is provided under s. 281.65.

19 **(2r) METHODS OF PROVIDING FINANCIAL ASSISTANCE.** The following methods of
20 providing financial assistance may be used under the urban storm water loan
21 program:

22 (a) Making loans below the market interest rate for projects described in sub.
23 (2).

24 (b) Purchasing or refinancing the obligation of a local governmental unit that
25 was incurred to finance the cost of a project described in sub. (2).

1 (c) Guaranteeing, or purchasing insurance for, obligations incurred to finance
2 the cost of projects described in sub. (2) if the guarantee or insurance will provide
3 credit market access or reduce interest rates.

4 (d) Providing payments to the board of commissioners of public lands to reduce
5 principal or interest payments, or both, on loans made to local governmental units
6 under subch. II of ch. 24 by the board of commissioners of public lands for projects
7 that are eligible for financial assistance under the urban storm water loan program.

8 **(3) NOTICE OF INTENT TO APPLY.** (a) A local governmental unit shall submit notice
9 of its intent to apply for financial assistance under the urban storm water loan
10 program at least 6 months before the beginning of the fiscal year in which it intends
11 to receive the financial assistance. The notice shall be in a form prescribed by the
12 department and the department of administration.

13 (b) If a local governmental unit does not apply for financial assistance by April
14 30 of the 2nd year following the year in which it submitted notice under par. (a), the
15 local governmental unit shall submit a new notice under par. (a).

16 (c) The department may waive par. (a) or (b) upon the written request of a local
17 governmental unit.

18 **(4) ENGINEERING REPORT.** A local governmental unit seeking financial
19 assistance for a project under this section shall submit an engineering report, as
20 required by the department by rule.

21 **(5) APPLICATION.** After the department approves a local governmental unit's
22 engineering report submitted under sub. (4), the local governmental unit shall
23 submit an application for urban storm water financial assistance to the department.
24 The applicant shall submit the application before the April 30 preceding the
25 beginning of the fiscal year in which the applicant wishes to receive the financial

1 assistance. The application shall be in the form and include the information required
2 by the department and the department of administration and shall include plans and
3 specifications that are approvable by the department under this section. An
4 applicant may not submit more than one application per project per year.

5 (6) PRIORITY LIST. The department shall establish a priority list that ranks each
6 urban storm water loan program project. The department shall promulgate rules for
7 determining project rankings that base project priority on the impact of a project on
8 groundwater and surface water quality and on public health.

9 (7) APPROVAL OF APPLICATION. The department shall approve an application
10 received under sub. (5) after all of the following occur:

11 (a) The project is ranked on the priority list under sub. (6).

12 (b) The department determines that the project meets the eligibility
13 requirements under this section.

14 (c) The department of administration determines that the local governmental
15 unit will meet the requirements of s. 281.59 (9) (b).

16 (d) The legislature has approved an amount under s. 281.59 (3v) (b) 1. for the
17 biennium.

18 (8) FUNDING LIST; ALLOCATION OF FUNDING. (a) The department shall establish
19 a funding list for each fiscal year that ranks projects of local governmental units that
20 submit approvable applications under sub. (5) in the same order that they appear on
21 the priority list under sub. (6). If sufficient funds are not available to fund all
22 approved applications for financial assistance, the department of administration
23 shall allocate funding to projects that are approved under sub. (7) in the order that
24 they appear on the funding list.

1 (b) In allocating subsidy under this subsection, the department of
2 administration shall adhere to the amount approved by the legislature for each
3 biennium under s. 281.59 (3v) (b).

4 **(8m) CONDITIONS OF FINANCIAL ASSISTANCE.** As a condition of receiving financial
5 assistance under the urban storm water loan program, a local governmental unit
6 shall do all of the following:

7 (a) Establish a dedicated source of revenue for the repayment of the financial
8 assistance.

9 (b) Comply with those provisions of 33 USC 1381 to 1387 and this chapter and
10 ch. 283 and the regulations and rules promulgated under those provisions that the
11 department specifies.

12 (c) Develop and adopt a program for the operation and maintenance of the
13 nonpoint source pollution or storm water project, including the training of personnel,
14 as required by the department.

15 **(8s) INELIGIBILITY FOR AND LIMITATION ON FINANCIAL ASSISTANCE.** (a) A person or
16 municipality that has failed to substantially comply, as specified by the rules
17 promulgated under sub. (12), with the terms of a federal or state grant or loan used
18 to pay the cost of studies, investigations, plans, designs or construction associated
19 with implementing a nonpoint source control management program is not eligible
20 for financial assistance from the urban storm water loan program.

21 (b) The amount of a payment under sub. (2r) (d) may not exceed the amount of
22 subsidy necessary to reduce the interest rate on the loan from market rate to the
23 interest rate that would have been charged on a loan to the local governmental unit
24 under sub. (2r) (a).

1 **(9) FINANCIAL ASSISTANCE COMMITMENTS.** The department and the department
2 of administration may, at the request of a local governmental unit, issue a notice of
3 financial assistance commitment after the local governmental unit's application for
4 urban storm water financial assistance has been approved under sub. (7) and
5 funding has been allocated under sub. (8) for the local governmental unit's project.
6 The notice of financial assistance commitment shall specify the conditions that the
7 local governmental unit must meet to secure financial assistance and shall include
8 the estimated repayment schedules and other terms of the financial assistance.

9 **(10) DEADLINE FOR CLOSING.** If funding is allocated to a project under sub. (8)
10 for a loan and the loan is not closed before April 30 of the year following the year in
11 which funding is allocated, the department of administration shall release the
12 funding allocated to the project.

13 **(11) LOAN INTEREST RATES.** (a) Except as provided under par. (b), the interest
14 rate on an urban storm water loan program loan shall be 55% of market interest rate.

15 (b) The department and the department of administration jointly may request
16 the joint committee on finance to take action under s. 13.101 (11) to modify the
17 percentage of market interest under par. (a).

18 **(11m) SERVICE FEE.** The department and the department of administration
19 may jointly charge and collect an annual service fee for reviewing and acting upon
20 urban storm water loan program applications and servicing financial assistance
21 agreements. The fee shall be in addition to interest payments at the rate under sub.
22 (11). The department and the department of administration shall specify any fee in
23 the biennial finance plan and shall design the fee to cover the costs of reviewing and
24 acting upon urban storm water loan program applications and servicing financial
25 assistance agreements.

1 (12) DUTIES OF THE DEPARTMENT. The department shall do all of the following:

2 (a) Promulgate rules establishing eligibility criteria for applicants and projects
3 under this section.

4 (b) Promulgate rules that are necessary for the execution of its responsibilities
5 under the urban storm water loan program.

6 (c) Cooperate with the department of administration in administering the
7 urban storm water loan program.

8 (d) By May 1 of each even-numbered year, prepare and submit to the
9 department of administration a biennial needs list that includes all of the following
10 information:

11 1. A list of urban storm water projects that the department estimates will apply
12 for financial assistance under the urban storm water loan program during the next
13 biennium.

14 2. The estimated cost and estimated construction schedule of each project on
15 the list, and the total of the estimated costs of all projects on the list.

16 3. The estimated rank of each project on the priority list under sub. (6).

17 (e) Submit a biennial budget request under s. 16.42 for the urban storm water
18 loan program.

19 (f) Have the lead state role with the federal environmental protection agency
20 concerning the urban storm water loan program.

21 (g) Have the lead state role with local governmental units in providing urban
22 storm water loan program information, and cooperate with the department of
23 administration in providing that information to local governmental units.

1 (h) Inspect periodically urban storm water loan program project construction
2 to determine project compliance with construction plans and specifications approved
3 by the department and the requirements of the urban storm water loan program.

4 ***-0936/2.2* SECTION 2513.** 281.60 (1) (a) of the statutes is amended to read:

5 281.60 (1) (a) “Eligible applicant” means a political subdivision, a
6 redevelopment authority created under s. 66.431 or a housing authority.

7 ***-0936/2.3* SECTION 2514.** 281.60 (1) (c) of the statutes is repealed.

8 ***-0936/2.4* SECTION 2515.** 281.60 (2) of the statutes is amended to read:

9 281.60 (2) GENERAL. The department and the department of administration
10 may administer a program to provide financial assistance to eligible applicants for
11 projects to remedy environmental contamination of sites or facilities at which
12 environmental contamination has affected groundwater or surface water or
13 threatens to affect groundwater or surface water. The department and the
14 department of administration may provide financial assistance under this section to
15 an eligible applicant only if the eligible applicant owns the contaminated site or
16 facility or, if the applicant is a political subdivision, if a redevelopment authority or
17 a housing authority owns the contaminated site or facility. The department and the
18 department of administration may not provide financial assistance under this
19 section to remedy environmental contamination at a site or facility that is not a
20 landfill if the eligible applicant caused the environmental contamination.

21 ***-0936/2.5* SECTION 2516.** 281.60 (2r) (a) of the statutes is amended to read:

22 281.60 (2r) (a) Making loans ~~below the market interest rate~~ for projects
23 described in sub. (2).

24 ***-0936/2.6* SECTION 2517.** 281.60 (7) (c) of the statutes is amended to read:

1 281.60 (7) (c) The department of administration determines that the eligible
2 applicant will meet the requirements of s. 281.59 (9) (b).

3 ***-1740/3.2* SECTION 2518.** 281.60 (8s) of the statutes is created to read:

4 281.60 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
5 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
6 interest rate on the loan from market rate to the interest rate that would have been
7 charged on a loan to the political subdivision under sub. (2r) (a).

8 ***-0936/2.7* SECTION 2519.** 281.60 (11) of the statutes is amended to read:

9 281.60 (11) LOAN INTEREST RATES. The department and the department of
10 administration may not charge interest rate on a land recycling loan program loan
11 shall be 55% of market interest rate.

12 ***-0936/2.8* SECTION 2520.** 281.60 (11m) of the statutes is amended to read:

13 281.60 (11m) SERVICE FEE. The department and the department of
14 administration shall jointly charge and collect an annual service fee for reviewing
15 and acting upon land recycling loan program applications and servicing financial
16 assistance agreements. ~~The fee shall be in addition to interest payments at the rate~~
17 ~~under sub. (11).~~ For the 1997–99 fiscal biennium, the service fee shall be 0.5% of the
18 loan balance. Fee amounts for later biennia shall be established in the biennial
19 finance plan under s. 281.59 (3) (a) 8. The department and the department of
20 administration shall specify in the biennial finance plan a fee designed to cover the
21 costs of reviewing and acting upon land recycling loan program applications and
22 servicing financial assistance agreements.

23 ***-1740/3.3* SECTION 2521.** 281.61 (8s) of the statutes is created to read:

24 281.61 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
25 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the

1 interest rate on the loan from market rate to the interest rate that would have been
2 charged on a loan to the local governmental unit under sub. (2r) (a).

3 ***b0309/3.14* SECTION 2521e.** 281.65 (1) (d) of the statutes is amended to read:

4 281.65 (1) (d) Focus limited technical and financial resources in critical
5 geographic locations ~~through the selection of priority lakes and priority watersheds~~
6 where nonpoint source related water quality problems and threats are the most
7 severe and control is most feasible.

8 ***b0309/3.14* SECTION 2521f.** 281.65 (4) (f) of the statutes is amended to read:

9 281.65 (4) (f) Administer the distribution of grants and aids to governmental
10 units for local administration and implementation of the program under this section.
11 A grant awarded under this section may be used for ~~technical assistance, educational~~
12 ~~and training assistance, ordinance development and administration,~~ cost-sharing
13 for management practices and capital improvements, ~~plan preparation under par.~~
14 ~~(g),~~ easements or other activities determined by the department to satisfy the
15 requirements of this section. A grant may not be used for promotional items, except
16 for promotional items that are used for informational purposes, such as brochures
17 or videos.

18 ***b0309/3.14* SECTION 2521g.** 281.65 (4) (g) (intro.) of the statutes is amended
19 to read:

20 281.65 (4) (g) (intro.) In cooperation with the department of agriculture, trade
21 and consumer protection and the appropriate governmental unit, prepare priority
22 watershed and priority lakes plans to implement nonpoint source water pollution
23 abatement projects ~~and storm water control activities described in sub. (8c) in~~
24 priority watersheds and priority lake areas. In preparing the plans, the department
25 shall:

1 ***b0309/3.14* SECTION 2521i.** 281.65 (4) (j) of the statutes is repealed.

2 ***b0309/3.14* SECTION 2521k.** 281.65 (4) (pm) of the statutes is amended to
3 read:

4 281.65 (4) (pm) Jointly with the department of agriculture, trade and consumer
5 protection, develop the forms required and implement the process under s. 92.14
6 (14).

7 ***b0309/3.14* SECTION 2521m.** 281.65 (4) (t) of the statutes is repealed.

8 ***b0309/3.14* SECTION 2521n.** 281.65 (4c) (a) of the statutes is amended to
9 read:

10 281.65 (4c) (a) ~~Beginning on July 1, 1998, a~~ A governmental unit may request
11 funding under this subsection for a project that is in a priority watershed project, a
12 or priority lake project area or a ~~nonpoint source water pollution abatement~~ project
13 that is not in a priority watershed or a priority lake area by submitting an application
14 to the ~~board~~ department. An application shall be submitted before July 15 to be
15 considered for initial funding in the following year.

16 ***b0309/3.14* SECTION 2521ne.** 281.65 (4c) (ae) of the statutes is created to
17 read:

18 281.65 (4c) (ae) The department shall administer this subsection in a manner
19 that promotes the accelerated implementation of nonpoint source water pollution
20 control that cannot be conducted with funding under s. 92.14 in target areas
21 described in par. (am) 1. that are of the highest priority.

22 ***b0309/3.14* SECTION 2521nm.** 281.65 (4c) (am) of the statutes is created to
23 read:

24 281.65 (4c) (am) The department may select a project for funding under this
25 subsection only if all of the following apply:

1 1. The project will implement nonpoint source pollution control in an area that
2 is a target area based on any of the following:

3 a. The need for compliance with performance standards established by the
4 department under s. 281.16 (2).

5 b. The existence of impaired water bodies that the department has identified
6 to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

7 c. The existence of outstanding or exceptional resource waters, as designated
8 by the department under s. 281.15.

9 d. The existence of threats to public health.

10 e. The existence of an animal feeding operation that has received a notice of
11 discharge under ch. 283 or a notice of intent to issue a notice of discharge.

12 f. Other water quality concerns of national or statewide importance.

13 2. The project cannot be conducted with funding provided under s. 92.14.

14 3. The project is consistent with priorities identified by the department on a
15 watershed or other geographic basis.

16 4. The project is consistent with approved land and water resource
17 management plans under s. 92.10.

18 5. The application for the project specifies the watershed, subwatershed or
19 specific site that will be served by the project.

20 ***b0309/3.14* SECTION 2521np.** 281.65 (4c) (b) of the statutes is amended to
21 read:

22 281.65 (4c) (b) The department, ~~in consultation with the department of~~
23 ~~agriculture, trade and consumer protection,~~ shall use the system approved under
24 par. (e) (d) to determine the score of each project for which the board ~~it~~ receives an

1 application under par. (a) and shall inform the land and water conservation board
2 of the scores no later than September 1 of each year.

3 *b0309/3.14* SECTION 2521nr. 281.65 (4c) (c) of the statutes is amended to
4 read:

5 281.65 (4c) (c) After ~~receiving~~ determining project scores under par. (b) and
6 before, the department shall notify the land and water conservation board of the
7 projects that the department proposes to select for funding in the following year. The
8 board shall review the proposal and make recommendations to the department.
9 Before November 1 of each year, the ~~board~~ department shall select projects for
10 funding under this section subsection in the following year. To the extent practicable,
11 within the requirements of this section, the ~~board~~ department shall select projects
12 so that projects are distributed evenly around this state.

13 *b0309/3.14* SECTION 2521nt. 281.65 (4c) (d) (intro.) of the statutes is
14 amended to read:

15 281.65 (4c) (d) (intro.) ~~No later than April 1, 1998, the~~ The department, in
16 ~~consultation with the department of agriculture, trade and consumer protection,~~
17 ~~shall propose to the board~~ adopt a scoring system for ranking nonpoint source water
18 pollution abatement projects for which applications are submitted under par. (a).
19 The criteria on which the scoring system is based shall include all of the following:

20 *b0309/3.14* SECTION 2521nv. 281.65 (4c) (e) of the statutes is repealed.

21 *b0309/3.14* SECTION 2521p. 281.65 (4c) (f) of the statutes is created to read:

22 281.65 (4c) (f) A project funded under this subsection may be conducted over
23 a period of one to 3 years, except that the department may approve an extension for
24 one year.

25 *b0309/3.14* SECTION 2521q. 281.65 (4e) of the statutes is repealed.

1 ***b0309/3.15* SECTION 2524m.** 281.65 (8) (e) of the statutes is amended to read:
2 281.65 (8) (e) ~~Except as provided in sub. (8e), grants~~ Grants may only be used
3 for implementing best management practices. Grants for implementing best
4 management practices may only be used for implementing cost-effective best
5 management practices specified under sub. (4) (e) unless an applicant demonstrates
6 that the use of a cost-effective best management practice will not contribute to water
7 quality improvement or will cause a water body to continue to be impaired as
8 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
9 (A).

10 ***b0309/3.15* SECTION 2524s.** 281.65 (8) (k) of the statutes is repealed.

11 ***-0589/2.28* SECTION 2525.** 281.65 (8) (L) of the statutes is amended to read:
12 281.65 (8) (L) A grant may not be made to an individual ~~if the department~~
13 ~~receives a certification under s. 49.855 (7) that the individual is delinquent in child~~
14 ~~support or maintenance payments or owes past support, medical expenses or birth~~
15 ~~expenses~~ whose name appears on the statewide support lien docket under s. 49.854
16 (2) (b), unless the individual provides to the department a payment agreement that
17 has been approved by the county child support agency under s. 59.53 (5) and that is
18 consistent with rules promulgated under s. 49.858 (2) (a).

19 ***b0309/3.16* SECTION 2525e.** 281.65 (8c) of the statutes is repealed.

20 ***b0309/3.16* SECTION 2525f.** 281.65 (8d) of the statutes is renumbered 281.66
21 (6) and amended to read:

22 281.66 (6) GRANTS FOR CAMPUSES. The Notwithstanding subs. (3) and (4), the
23 department may distribute a grant to the board of regents of the University of
24 Wisconsin System for practices, techniques or measures to control storm water
25 discharges on a University of Wisconsin System campus that is located in a

1 municipality that is required to obtain a permit under s. 283.33 and that is located
2 in a priority watershed area, as defined in s. 281.65 (2) (c), a priority lake area, as
3 defined in s. 281.65 (2) (bs), or an area that is identified as an area of concern by the
4 International Joint Commission, as defined in s. 281.35 (1) (h), under the Great
5 Lakes Water Quality Agreement.

6 ***b0309/3.16* SECTION 2525g.** 281.66 of the statutes is created to read:

7 **281.66 Urban nonpoint source water pollution abatement and storm**
8 **water management program. (1) DEFINITIONS.** In this section:

9 (a) “Governmental unit” has the meaning given in s. 281.65 (2) (am).

10 (b) “Nonpoint source” has the meaning given in s. 281.65 (2) (b).

11 (c) “Population” means population shown by the last federal census or by any
12 subsequent population estimate under s. 16.96.

13 (d) “Structural urban best management practices” has the meaning given in s.
14 281.65 (2) (d).

15 (e) “Urban area” means any of the following:

- 16 1. An area with a population of 1,000 or more per square mile.
- 17 2. An area in which the land is used for industrial or commercial land uses.
- 18 3. An area that is surrounded by an area described in subd. 1. or 2.

19 (2) ADMINISTRATION. The department shall administer the program under this
20 section in a manner that promotes all of the following:

21 (a) Management of urban storm water and runoff from existing and developing
22 urban areas to achieve water quality standards, to minimize flooding and to protect
23 groundwater.

24 (b) Coordination of urban nonpoint source management activities and the
25 municipal storm sewer discharge permit program under s. 283.33.

1 (c) Implementation of nonpoint source performance standards under s. 281.16
2 (2).

3 **(3) ELIGIBILITY.** (a) The department may provide a cost-sharing grant for a
4 project under this section only if all of the following apply:

5 1. The project is in an urban area.

6 2. The governmental unit with jurisdiction over the project area ensures
7 adequate implementation of construction site pollution control, and of storm water
8 management after development, for development and redevelopment of sites of one
9 or more acres.

10 3. The project is consistent with nonpoint source performance standards under
11 s. 281.16 (2).

12 4. The project is consistent with priorities identified by the department on a
13 watershed or other geographic basis.

14 5. The application for the project specifies the watershed, subwatershed or
15 specific site that will be served by the project.

16 (b) The department may provide financial assistance under this section for a
17 project in a governmental unit either to that governmental unit or to another
18 governmental unit that is required to control storm water discharges under s. 283.33.

19 **(4) FINANCIAL ASSISTANCE.** (a) The department may provide local assistance
20 grants and cost-sharing grants under this section. A local assistance grant may not
21 exceed 70% of eligible costs. A cost-sharing grant may not exceed 50% of eligible
22 costs.

23 (b) The department may award a local assistance grant for any of the following:

24 1. Storm water management for urban areas and for areas that are expected
25 to become urban areas within 20 years.

1 2. Informational and educational activities related to nonpoint source water
2 pollution control, construction site erosion control or storm water management.

3 3. Development, administration and enforcement of a construction site erosion
4 control or storm water management ordinance.

5 4. Training of staff concerning nonpoint source water pollution control,
6 construction site erosion control or storm water management.

7 5. Other activities identified by the department by rule.

8 (c) The department may award a cost-sharing grant for any of the following
9 types of projects:

10 1. Structural urban best management practices, including necessary land
11 acquisition, storm sewer rerouting and removal of structures, and associated flood
12 management, except that the department may not award a grant for structural
13 urban best management practices associated with new construction or new
14 development.

15 2. Stream bank or shoreland stabilization necessary to control pollution.

16 3. Other nonpoint source water pollution abatement or storm water
17 management practices identified by the department by rule.

18 (5) SCORING SYSTEM. The department shall use a scoring system for ranking
19 nonpoint source water pollution abatement and storm water management projects
20 for which applications are submitted under this section. The criteria on which the
21 scoring system is based shall include all of the following:

22 (a) The extent to which the application proposes to use the cost-effective and
23 appropriate practices to achieve water quality goals.

1 (b) The existence in the project area of an impaired water body that the
2 department has identified to the federal environmental protection agency under 33
3 USC 1313 (d) (1) (A).

4 (c) The extent to which the project will result in the attainment of established
5 water quality objectives.

6 (d) The local interest in and commitment to the project.

7 (e) The inclusion of a strategy to evaluate the progress toward reaching project
8 goals, including the monitoring of water quality improvements resulting from
9 project activities.

10 (f). The extent to which the application proposes to use available federal
11 funding.

12 (g). The extent to which the project is necessary to enable the city of Racine to
13 control storm water discharges as required under 33 USC 1342 (p).

14 ***b0309/3.16* SECTION 2525r.** 281.665 of the statutes is created to read:

15 **281.665 Municipal flood control and riparian restoration program. (1)**

16 DEFINITIONS. In this section:

17 (a) "Conservation easement" has the meaning given in s. 700.40 (1) (a).

18 (b) "Local governmental unit" means a city, village, town or metropolitan
19 sewerage district.

20 (2) ADMINISTRATION. The department shall administer the program under this
21 section to provide financial assistance to local governmental units for facilities and
22 structures for the collection and transmission of storm water and groundwater,
23 including the purchase of perpetual flowage and conservation easement rights on
24 land within floodways, and for the floodproofing of public and private structures that
25 remain in the 100-year floodplain.

1 **(3) ELIGIBLE APPLICANTS.** (a) The department may provide a cost-sharing grant
2 for a project that affects 2 or more local governmental units to one of the following:

3 1. One of the affected local governmental units upon application by all of the
4 affected local governmental units.

5 2. A local governmental unit that has jurisdiction over the provision of storm
6 water collection facilities for all of the affected local governmental units.

7 (c) The department may provide a cost-sharing grant for a project that affects
8 one local governmental unit to that local governmental unit.

9 **(4) FINANCIAL ASSISTANCE.** (a) The department may provide local assistance
10 grants and cost-sharing grants under this section. A local assistance grant may not
11 exceed 70% of eligible costs, including planning and design costs. A cost-sharing
12 grant may not exceed 70% of eligible costs for construction and real estate
13 acquisition.

14 (b) In any fiscal year, the department may not provide to any applicant more
15 than 20% of the funding available under this section in the fiscal year.

16 **(5) ELIGIBILITY AND SCORING CRITERIA.** (a) The department shall promulgate
17 rules specifying eligibility criteria for projects under this section and for determining
18 which eligible projects will receive financial assistance under this section.

19 (b) The department may not provide a cost-sharing grant for a project under
20 this section if any of the following applies:

21 1. The project would transfer flooding downstream.

22 2. The project provides for the channelization of a stream or for lining a natural
23 stream bed with concrete.

24 3. The project would accelerate upstream runoff.

1 (c) The department shall include all of the following in the criteria for
2 determining which eligible projects will receive cost-sharing grants under this
3 section:

4 1. The extent to which a project minimizes harm to existing beneficial functions
5 of water bodies and wetlands.

6 2. The extent to which a project maintains aquatic and riparian environments.

7 3. The extent to which a project uses storm water retention and detention
8 structures and natural storage.

9 4. The extent to which a project provides opportunity for public access to water
10 bodies and to the floodway.

11 ***-0198/3.4* SECTION 2526.** 281.68 (1) (intro.) of the statutes is amended to
12 read:

13 281.68 (1) DEFINITIONS. (intro.) In this section, ~~“qualified;~~

14 (b) “Qualified lake association” means a group incorporated under ch. 181 that
15 meets all of the following conditions:

16 ***-0198/3.5* SECTION 2527.** 281.68 (1) (a) to (h) of the statutes are renumbered
17 281.68 (1) (b) 1. to 8.

18 ***-0198/3.6* SECTION 2528.** 281.68 (1) (ag) of the statutes is created to read:

19 281.68 (1) (ag) “Lake” includes a flowage.

20 ***-0198/3.7* SECTION 2529.** 281.68 (1m) of the statutes is amended to read:

21 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
22 administer a financial assistance program to provide lake management planning
23 grants for projects to provide information and education on the use of lakes and
24 natural lake ecosystems and on the quality of water in lakes, ~~including mill ponds,~~
25 ~~in order to~~ and the quality of natural lake ecosystems.

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

4 (a) Prevent pollution of from entering into lakes or into natural lake
5 ecosystems.

6 *~~0198/3.8~~* **SECTION 2530.** 281.68 (1r) (b) of the statutes is created to read:

7 281.68 **(1r)** (b) Protect or improve the quality of water in lakes or the quality
8 of natural lake ecosystems.

9 *~~0198/3.9~~* **SECTION 2531.** 281.68 (2) (title) of the statutes is created to read:

10 281.68 **(2)** (title) AMOUNT OF GRANTS.

11 *~~0198/3.10~~* **SECTION 2532.** 281.68 (3) (title) of the statutes is created to read:

12 281.68 **(3)** (title) RULES FOR GRANTS.

13 *~~0198/3.11~~* **SECTION 2533.** 281.68 (3) (b) of the statutes is renumbered 281.68

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

15 281.68 **(3)** (b) (intro.) Eligible activities, which shall include data all of the
16 following for lakes and natural lake ecosystems:

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

18 4. Nonpoint source pollution evaluation.

19 *~~0198/3.12~~* **SECTION 2534.** 281.68 (3) (b) 2. of the statutes is created to read:

20 281.68 **(3)** (b) 2. Assessments of water quality and of fish and aquatic life and
21 their habitat.

22 *~~0198/3.13~~* **SECTION 2535.** 281.68 (3) (b) 3. of the statutes is created to read:

23 281.68 **(3)** (b) 3. Assessments of the uses of a lake and the uses of the land
24 surrounding the lake.

25 *~~0198/3.14~~* **SECTION 2536.** 281.68 (3) (b) 5. of the statutes is created to read:

1 281.68 (3) (b) 5. Informational or educational programs and materials.

2 ***-0198/3.15* SECTION 2537.** 281.68 (4) (title) of the statutes is created to read:

3 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

4 ***-0198/3.16* SECTION 2538.** 281.69 (title) of the statutes is amended to read:

5 **281.69 (title) Lake management and classification grants and**
6 **contracts.**

7 ***-0198/3.17* SECTION 2539.** 281.69 (1) (intro.) of the statutes is renumbered
8 281.69 (1m) (intro.) and amended to read:

9 281.69 (1m) TYPES OF PROJECTS. (intro.) The department shall develop and
10 administer a financial assistance program to provide grants for the following 3 2
11 types of projects:

12 ***-0198/3.18* SECTION 2540.** 281.69 (1) (a) of the statutes is renumbered 281.69
13 (1m) (a) and amended to read:

14 281.69 (1m) (a) Lake management projects that will improve or protect the
15 quality of water in lakes or the quality of natural lake ecosystems of ~~lakes~~.

16 ***-0198/3.19* SECTION 2541.** 281.69 (1) (b) of the statutes is renumbered 281.69
17 (1m) (b).

18 ***-0198/3.20* SECTION 2542.** 281.69 (1) (c) of the statutes is renumbered 281.69
19 (1r) and amended to read:

20 281.69 (1r) CONTRACTS. ~~Lake~~ The department may award contracts for lake
21 classification technical assistance projects to be conducted by nonprofit corporations
22 that will provide educational and technical assistance.

23 ***-0198/3.21* SECTION 2543.** 281.69 (1b) of the statutes is created to read:

24 281.69 (1b) DEFINITION. In this section, “lake” includes a flowage.