

1 (d) *Certain remote service unit corporations.* Shares of stock, whether
2 purchased or otherwise acquired, in a corporation acquiring, placing, and operating
3 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications
4 terminals under s. 221.0303 (2).

5 (e) *Service corporations.* Equity or debt securities or instruments of a service
6 corporation subsidiary of the universal bank.

7 (f) *Federal funds.* Advances of federal funds.

8 (g) *Certain risk management financial products.* With the prior written
9 approval of the division, financial futures transactions, financial options
10 transactions, forward commitments, or other financial products for the purpose of
11 reducing, hedging, or otherwise managing its interest rate risk exposure.

12 (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary
13 powers under ch. 112.

14 (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless
15 a universal bank owns at least 80% of the stock of the agricultural credit corporation,
16 a universal bank may not invest more than 20% of the universal bank's capital in the
17 agricultural credit corporation.

18 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured
19 obligations of any financial institution, the accounts of which are insured by a deposit
20 insurance corporation.

21 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
22 guaranteed by, the United States and stocks or obligations of any federal reserve
23 bank, federal home loan bank, the Student Loan Marketing Association, the
24 Government National Mortgage Association, the Federal National Mortgage

1 Association, the Federal Home Loan Mortgage Corporation, or the Federal Deposit
2 Insurance Corporation.

3 (L) *Other investments.* Any other investment authorized by the division.

4 (8) INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS. In addition to the authority
5 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),
6 a universal bank may invest in other financial institutions.

7 (9) INVESTMENTS THROUGH SUBSIDIARIES. A universal bank may make
8 investments under this section, directly or indirectly through a subsidiary, unless
9 the division determines that an investment shall be made through a subsidiary with
10 appropriate safeguards to limit the risk exposure of the universal bank.

11 **222.0407 Universal bank purchase of its own stock.** (1) IN GENERAL. A
12 universal bank may hold or purchase not more than 10% of its capital stock, notes,
13 or debentures, except as provided in sub. (2) or (3).

14 (2) DIVISION APPROVAL. A universal bank may hold or purchase more than 10%
15 of its capital stock, notes, or debentures, if approved by the division.

16 (3) ADDITIONAL AUTHORITY. A universal bank may hold or purchase more than
17 10% of its capital stock, notes, or debentures if the purchase is necessary to prevent
18 loss upon a debt previously contracted in good faith. Stock, notes, or debentures held
19 or purchased under this subsection may not be held by the universal bank for more
20 than 6 months if the stock, notes, or debentures can be sold for the amount of the
21 claim of the universal bank against the holder of the debt previously contracted. The
22 universal bank shall either sell the stock, notes, or debentures within 12 months of
23 acquisition under this subsection or shall cancel the stock, notes, or debentures.
24 Cancellation of the stock, notes, or debentures reduces the amount of the universal
25 bank's capital stock, notes, or debentures. If the reduction reduces the universal

1 bank's capital below the minimum level required by the division, the universal bank
2 shall increase its capital to the amount required by the division.

3 (4) LOANS SECURED BY CAPITAL, SURPLUS, OR DEPOSITS. A universal bank may not
4 loan any part of its capital, surplus, or deposits on its own capital stock, notes, or
5 debentures as collateral security, except that a universal bank may make a loan
6 secured by its own capital stock, notes, or debentures to the same extent that the
7 universal bank may make a loan secured by the capital stock, notes, and debentures
8 of a holding company for the universal bank.

9 **222.0409 Stock in bank-owned banks.** With the approval of the division,
10 a universal bank may acquire and hold stock in one or more banks chartered under
11 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
12 holding companies wholly owning such a bank. Aggregate investments under this
13 section may not exceed 10% of the universal bank's capital.

14 **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may
15 set eligibility requirements for, and establish the types and terms of, deposits that
16 the universal bank solicits and accepts. The terms set under this subsection may
17 include minimum and maximum amounts that the universal bank may accept and
18 the frequency and computation method of paying interest.

19 (2) PLEDGE OF SECURITY FOR DEPOSITS. Subject to the limitations of s. 221.0324
20 that are applicable to banks, a universal bank may pledge its assets as security for
21 deposits.

22 (3) SECURITIZATION OF ASSETS. With the approval of the division, a universal
23 bank may securitize its assets for sale to the public. The division may establish
24 procedures governing the exercise of authority granted under this subsection.

1 (4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any
2 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
3 money, stocks, securities, and other valuables or personal property, and may rent out
4 the use of safes or other receptacles upon its premises for such compensation as may
5 be agreed upon. A universal bank has a lien for its charges on any property taken
6 or received by it for safekeeping. If the lien is not paid within 2 years from the date
7 the lien accrues, or if property is not called for by the person depositing the property,
8 or by his or her representative or assignee, within 2 years from the date the lien
9 accrues, the universal bank may sell the property at public auction. A universal bank
10 shall provide the same notice for a sale under this subsection that is required by law
11 for sales of personal property on execution. After retaining from the proceeds of the
12 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
13 the universal bank shall pay the balance to the person depositing the property, or to
14 his or her representative or assignee.

15 **222.0413 Necessary or convenient powers, reasonably related or**
16 **incidental activities, and other approved activities.** (1) NECESSARY OR
17 CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a
18 universal bank may exercise all powers necessary or convenient to effect the
19 purposes for which the universal bank is organized or to further the businesses in
20 which the universal bank is lawfully engaged.

21 (2) REASONABLY RELATED AND INCIDENTAL ACTIVITIES. (a) Subject to any
22 applicable state or federal regulatory or licensing requirements, a universal bank
23 may engage, directly or indirectly through a subsidiary, in activities reasonably
24 related or incident to the purposes of the universal bank. Activities reasonably
25 related or incident to the purposes of the universal bank are those activities that are

1 part of the business of financial institutions, or closely related to the business of
2 financial institutions, or convenient and useful to the business of financial
3 institutions, or reasonably related or incident to the operation of financial
4 institutions, or financial in nature. Activities that are reasonably related or incident
5 to the purposes of a universal bank include the following:

- 6 1. Business and professional services.
- 7 2. Data processing.
- 8 3. Courier and messenger services.
- 9 4. Credit-related activities.
- 10 5. Consumer services.
- 11 6. Real estate-related services, including real estate brokerage services.
- 12 7. Insurance and related services, other than insurance underwriting.
- 13 8. Securities brokerage.
- 14 9. Investment advice.
- 15 10. Securities and bond underwriting.
- 16 11. Mutual fund activities.
- 17 12. Financial consulting.
- 18 13. Tax planning and preparation.
- 19 14. Community development and charitable activities.
- 20 15. Debt cancellation contracts.
- 21 16. Any activities that are reasonably related or incident to activities under
22 subs. 1. to 15., as determined by rule of the division under par. (b).

23 (b) An activity that is authorized by statute or regulation for financial
24 institutions to engage in as of the effective date of this paragraph [revisor inserts
25 date], is an activity that is reasonably related to or incident to the purposes of a

1 universal bank. An activity permitted under the Bank Holding Company Act is an
2 activity that is reasonably related to or incident to the purposes of a universal bank.
3 The division may, by rule, expand the list of activities under par. (a) 1. to 15. that are
4 reasonably related or incident to the purposes of a universal bank and, by rule, may
5 establish which activities under par. (a) 16. are reasonably related or incident to the
6 activities under par. (a) 1. to 15. Any activity approved by rule of the division under
7 this paragraph shall be authorized for all universal banks.

8 (3) NOTICE REQUIREMENT. A universal bank shall give 60 days' prior written
9 notice to the division of the universal bank's intention to engage in an activity under
10 this section.

11 (4) STANDARDS FOR DENIAL. The division may deny the authority of a universal
12 bank to engage in an activity under this section, other than those activities described
13 in sub. (2) (a) 1. to 15., if the division determines that the activity is not an activity
14 reasonably related or incident to the purposes of a universal bank. The division may
15 deny the authority of a universal bank to engage in an activity under this section if
16 the division determines that the universal bank is not well-capitalized, that the
17 universal bank is the subject of an enforcement action, or that the universal bank
18 does not have satisfactory management expertise for the proposed activity.

19 (5) INSURANCE INTERMEDIATION. A universal bank, or an officer or salaried
20 employee of a universal bank, may obtain a license as an insurance intermediary, if
21 otherwise qualified. A universal bank may not, directly or indirectly through a
22 subsidiary, engage in the business of underwriting insurance.

23 (6) OTHER ACTIVITIES APPROVED BY THE DIVISION. A universal bank may engage
24 in any other activity that is approved by rule of the division.

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-0601/1 SECTION 1 222.0403 (3) (a) (intro.) of the statutes, as created by ~~this act~~, is amended to read:

222.0403 (3) (a) (intro.) A liability secured by warehouse receipts issued by warehouse keepers who are licensed and bonded in this state under ss. 99.02 and 99.03 or under the federal Bonded Warehouse Act or who ~~held a registration certificate under ch. 127~~ are licensed under s. 126.26 (1), if all of the following requirements are met:

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1 (7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY. A universal bank may engage
2 in an activity under this section, directly or indirectly through a subsidiary, unless
3 the division determines that the activity must be conducted through a subsidiary
4 with appropriate safeguards to limit the risk exposure of the universal bank.

5 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the
6 investment in any one subsidiary that engages in an activity under this section may
7 not exceed 20% of capital or, if approved by the division, a higher percentage
8 authorized by the division. The aggregate investment in all subsidiaries that engage
9 in an activity under this subsection may not exceed 50% of capital or, if approved by
10 the division, a higher percentage authorized by the division.

11 (9) OWNERSHIP OF SUBSIDIARIES. A subsidiary that engages in an activity under
12 this section may be owned jointly, with one or more other financial institutions,
13 individuals, or entities.

14 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
15 exercise trust powers in accordance with s. 221.0316.

16 *-0597/1.1* SECTION 3027. 224.02 of the statutes is amended to read:

17 **224.02 Banking, defined.** The soliciting, receiving, or accepting of money or
18 its equivalent on deposit as a regular business by any person, partnership,
19 association, or corporation, shall be deemed to be doing a banking business, whether
20 such deposit is made subject to check or is evidenced by a certificate of deposit, a
21 passbook, a note, a receipt, or other writing, provided that nothing herein shall apply
22 to or include money left with an agent, pending investment in real estate or securities
23 for or on account of the agent's principal. ~~Provided, however, that if money so left with~~
24 ~~an agent for investment shall not be kept in a separate trust fund or if the agent~~
25 ~~receiving such money shall mingle same with the agent's own property, whether with~~



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1 ~~or without the consent of the principal, or shall make an agreement to pay any certain~~
2 ~~rate of interest thereon or any agreement to pay interest thereon other than an~~
3 ~~agreement to account for the actual income which may be derived from such money~~
4 ~~while held pending investment, the person receiving such money shall be deemed to~~
5 ~~be in the banking business.~~

6 ***-1536/3.17* SECTION 3028.** 224.30 (2) of the statutes is repealed.

7 ***-0726/5.10* SECTION 3029.** 224.71 (3) (b) 7. of the statutes is created to read:
8 224.71 (3) (b) 7. The department of veterans affairs when administering the
9 veteran's housing loan program under subch. II of ch. 45.

10 ***-1634/P6.43* SECTION 3030.** 227.01 (1) of the statutes, as affected by 1999
11 Wisconsin Act 9, section 2353n, is repealed and recreated to read:

12 227.01 (1) "Agency" means a board, commission, committee, department or
13 officer in the state government, except the governor, a district attorney or a military
14 or judicial officer.

15 ***-0335/2.1* SECTION 3031.** 227.01 (13) (zc) of the statutes is amended to read:
16 227.01 (13) (zc) Establishes ~~an inventory or a hazard ranking~~ a list or database
17 under s. 292.31.

18 ***-2155/1.1* SECTION 3032.** 227.117 of the statutes is created to read:

19 **227.117 Review of rules impacting energy policies.** (1) The public service
20 commission may conduct an energy assessment of any proposed rule submitted to the
21 legislative council staff for review under s. 227.15 (1). The energy assessment shall
22 evaluate the potential impact of the proposed rule on the energy policies of the state
23 related to electricity generation, transmission, or distribution or to fuels used in
24 generating electricity. If, after making such an assessment, the public service
25 commission concludes that the proposed rule may have a significant impact on those

1 policies, the public service commission may prepare an energy impact statement. An
2 energy impact statement prepared under this subsection shall evaluate the probable
3 impacts of the proposed rule on the state's energy policies and describe appropriate
4 alternatives to the proposed rule that will reduce any negative impacts on those
5 policies.

6 (2) The public service commission shall submit a copy of any energy impact
7 statement prepared under sub. (1) to the legislative council staff and to the agency
8 that proposed the rule that resulted in the statement.

9 (3) An agency that receives an energy impact statement under sub. (2), shall
10 consider the energy impact statement before submitting the notification and report
11 to the legislature under s. 227.19 (2) and (3).

12 ***-2155/1.2* SECTION 3033.** 227.19 (3) (intro.) of the statutes is amended to
13 read:

14 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be
15 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
16 the material specified in s. 227.14 (2) to (4), a copy of any energy impact statement
17 received from the public service commission under s. 227.117 (2), a copy of any
18 recommendations of the legislative council staff and an analysis. The analysis shall
19 include:

20 ***-2155/1.3* SECTION 3034.** 227.19 (3) (f) of the statutes is created to read:

21 227.19 (3) (f) If an energy impact statement regarding the proposed rule was
22 submitted with the report, an explanation of what changes, if any, that were made
23 in the proposed rule in response to that statement.

24 ***-0601/1.41* SECTION 3035.** 227.245 of the statutes is created to read:

1 **227.245 Permanent rules; exemptions.** (1) PROMULGATION OF UNIVERSAL
2 BANKING RULES. Except as provided in subs. (2) and (3), the division of banking may
3 promulgate a rule under s. 222.0413 (2) (b) without complying with the notice,
4 hearing, and publication procedures under this chapter.

5 (2) FILING AND PUBLICATION. The division of banking shall file a rule described
6 under sub. (1) as provided in s. 227.20. At the time that the rule is filed, the division
7 of banking shall mail a copy of the rule to the chief clerk of each house and to each
8 member of the legislature, shall publish in the official state newspaper a class 1
9 notice under ch. 985 containing a copy of the rule, and shall take any other step it
10 considers feasible to make the rule known to persons who will be affected by the rule.

11 (3) EFFECTIVE DATE. A rule described under sub. (1) takes effect as provided
12 under s. 227.22.

13 *-1536/3.18* SECTION 3036. 228.01 of the statutes is amended to read:

14 **228.01 Recording of documents and public records by mechanical**
15 **process authorized.** Whenever any officer of any county having a population of
16 500,000 or more is required or authorized by law to file, record, copy, recopy or replace
17 any document, court order, plat, paper, written instrument, writings, record or book
18 of record, on file or of record in his or her office, notwithstanding any other provisions
19 in the statutes, the officer may do so by photostatic, photographic,
20 microphotographic, microfilm, optical imaging, electronic formatting or other
21 mechanical process which produces a clear, accurate and permanent copy or
22 reproduction of the original document, court order, plat, paper, written instrument,
23 writings, record or book of record in accordance with the applicable standards
24 specified under ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such
25 processes or transfer from optical disk or electronic storage any document, court

1 order, plat, paper, written instrument, writings, record or book of record which has
2 previously been filed, recorded, copied or recopied. Optical imaging or electronic
3 formatting of any document is subject to authorization under s. 59.52 (14) (a).

4 ***-1536/3.19* SECTION 3037.** 228.03 (2) of the statutes is amended to read:

5 228.03 (2) Any photographic reproduction of an original record meeting the
6 applicable standards prescribed in s. 16.61 (7) or copy of a record generated from an
7 original record stored in optical disk or electronic format in compliance with the
8 applicable standards under ss. 16.61 and 16.612 shall be taken as and stand in lieu
9 of and have all of the effect of the original record and shall be admissible in evidence
10 in all courts and all other tribunals or agencies, administrative or otherwise, in all
11 cases where the original document is admissible. A transcript, exemplification or
12 certified copy of such a reproduction of an original record, or certified copy of a record
13 generated from an original record stored in optical disk or electronic format, for the
14 purposes specified in this subsection, is deemed to be a transcript, exemplification
15 or certified copy of the original. The custodian of a photographic reproduction shall
16 place the reproduction or optical disk in conveniently accessible storage and shall
17 make provision for preserving, examining and using the reproduction of the record
18 or generating a copy of the record from optical disk or electronic storage. An enlarged
19 copy of a photographic reproduction of a record made in accordance with the
20 applicable standards specified in s. 16.61 (7) or an enlarged copy of a record
21 generated from an original record stored in optical disk or electronic format in
22 compliance with the applicable standards under ss. 16.61 and 16.612 that is certified
23 by the custodian as provided in s. 889.18 (2) has the same effect as an actual-size
24 copy.

25 ***-1335/7.61* SECTION 3038.** 230.03 (3) of the statutes is amended to read:

1 230.03 (3) "Agency" means any board, commission, committee, council, or
2 department in state government or a unit thereof created by the constitution or
3 statutes if such board, commission, committee, council, department, unit, or the
4 head thereof, is authorized to appoint subordinate staff by the constitution or
5 statute, except a legislative or judicial board, commission, committee, council,
6 department, or unit thereof or an authority created under ~~ch.~~ chs. 231, 232, 233, 234,
7 or ~~235~~ 237. "Agency" does not mean any local unit of government or body within one
8 or more local units of government that is created by law or by action of one or more
9 local units of government.

 ****NOTE: This is reconciled s. 230.03 (3). This SECTION has been affected by drafts
with the following LRB numbers: -1335 and -1462.

10 *~~-0823/1.1~~* SECTION 3039. 230.03 (12) of the statutes is repealed.

11 *~~-0824/1.1~~* SECTION 3040. 230.04 (1m) of the statutes is amended to read:

12 230.04 (1m) The secretary may delegate, in writing, any of his or her functions
13 set forth in this chapter to an appointing authority, within prescribed standards if
14 the secretary finds that the agency has personnel management capabilities to
15 perform such functions effectively ~~and has indicated its approval and willingness to~~
16 ~~accept such responsibility by written agreement.~~ If the secretary determines that
17 any agency is not performing such delegated function within prescribed standards,
18 the secretary shall forthwith withdraw such delegated function. Subject to the
19 approval of the joint committee on finance, the secretary may order transferred to
20 the department from the agency to which delegation was made such agency staff and
21 other resources as necessary to perform such functions if increased staff was
22 authorized to that agency as a consequence of such delegation or if the department
23 reduced staff or shifted staff to new responsibilities as a result of such delegation.

1 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an
2 appointing authority may be appealed to the personnel commission under s. 230.44
3 (1) (b). The secretary shall be a party in such an appeal.

4 ***-0827/1.2* SECTION 3041.** 230.04 (9) (e) of the statutes is amended to read:

5 230.04 (9) (e) Annually Biennially, beginning in 2001, prepare and submit to
6 the governor and the legislature a summary of existing agency affirmative action
7 program accomplishments, including the information obtained from agencies under
8 sub. (10) (b), future goals and recommended actions.

9 ***-0827/1.3* SECTION 3042.** 230.04 (9) (em) of the statutes is amended to read:

10 230.04 (9) (em) Annually Biennially, beginning in 2001, prepare and submit
11 to the governor and the legislature a summary of the progress being made to provide
12 employment opportunities in civil service for veterans under this chapter, including
13 the information obtained from agencies under sub. (10) (c).

14 ***-0827/1.4* SECTION 3043.** 230.04 (9m) of the statutes is repealed.

15 ***-0827/1.5* SECTION 3044.** 230.04 (9r) of the statutes is repealed.

16 ***-0827/1.6* SECTION 3045.** 230.04 (13) (e) (intro.) of the statutes is amended
17 to read:

18 230.04 (13) (e) (intro.) On or before September 30 annually, biennially,
19 beginning in 1989 2001, prepare and submit to the chief clerk of each house of the
20 legislature for distribution to the legislature under s. 13.172 (2) a report that
21 includes all of the following information for the fiscal year preceding the date that
22 the report is due:

23 ***-0824/1.2* SECTION 3046.** 230.05 (2) (a) of the statutes is amended to read:

24 230.05 (2) (a) Except as provided under par. (b), the administrator may
25 delegate, in writing, any of his or her functions set forth in this subchapter to an

1 appointing authority, within prescribed standards if the administrator finds that the
2 agency has personnel management capabilities to perform such functions effectively
3 ~~and has indicated its approval and willingness to accept such responsibility by~~
4 ~~written agreement.~~ If the administrator determines that any agency is not
5 performing such delegated function within prescribed standards, the administrator
6 shall withdraw such delegated function. The administrator may order transfer to
7 the division from the agency to which delegation was made such agency staff and
8 other resources as necessary to perform such functions if increased staff was
9 authorized to that agency as a consequence of such delegation or if the division
10 reduced staff or shifted staff to new responsibilities as a result of such delegation
11 subject to the approval of the joint committee on finance. Any delegatory action
12 taken under this subsection by any appointing authority may be appealed to the
13 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in
14 such appeal.

15 *~~0827/1.7~~* SECTION 3047. 230.06 (1) (L) of the statutes is repealed.

16 *~~1857/5.116~~* SECTION 3048. 230.08 (2) (e) 1. of the statutes is amended to
17 read:

18 230.08 (2) (e) 1. Administration ~~12~~ 10.

19 *~~0985/8.47~~* SECTION 3049. 230.08 (2) (e) 3m. of the statutes is amended to
20 read:

21 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
22 administration determines that the federal communications commission has
23 approved the transfer of all broadcasting licenses held by the educational
24 communications board to the broadcasting corporation as defined in s. 39.81 (2), this

1 subdivision does not apply on and after the effective date of the last license
2 transferred as determined by the secretary of administration under s. 39.87 (2) (a).

3 ***-1857/5.117* SECTION 3050.** 230.08 (2) (e) 3r. of the statutes is created to read:

4 230.08 (2) (e) 3r. Electronic government — 3.

5 ***-0729/3.1* SECTION 3051.** 230.08 (2) (e) 13. of the statutes is amended to read:

6 230.08 (2) (e) 13. Veterans affairs — ~~2~~ 5.

7 ***-0985/8.48* SECTION 3052.** 230.08 (2) (km) of the statutes is created to read:

8 230.08 (2) (km) Persons employed by the department of administration who
9 were transferred to the department of administration under s. 39.86 (4) and who
10 immediately before their transfer occupied a position described under par. (e) 3m.,
11 (L) 2. or (we).

12 ***-0985/8.49* SECTION 3053.** 230.08 (2) (L) 2. of the statutes is amended to read:

13 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).

14 If the secretary of administration determines that the federal communications
15 commission has approved the transfer of all broadcasting licenses held by the
16 educational communications board to the broadcasting corporation, as defined in s.
17 39.81 (2), this subdivision does not apply on and after the effective date of the last
18 license transferred as determined by the secretary of administration under s. 39.87
19 (2) (a).

20 ***-1301/5.104* SECTION 3054.** 230.08 (2) (oe) of the statutes is created to read:

21 230.08 (2) (oe) Special masters employed by the elections board under s. 7.08
22 (7).

23 ***-2358/4.44* *-1880/3.27* SECTION 3055.** 230.08 (2) (vm) of the statutes is

24 created to read:

1 230.08 (2) (vm) The executive director of the board on education evaluation and
2 accountability.

3 ***-0985/8.50*** SECTION 3056. 230.08 (2) (we) of the statutes is amended to read:

4 230.08 (2) (we) Professional staff members of the educational communications
5 board authorized under s. 39.13 (2). If the secretary of administration determines
6 that the federal communications commission has approved the transfer of all
7 broadcasting licenses held by the educational communications board to the
8 broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on
9 and after the effective date of the last license transferred as determined by the
10 secretary of administration under s. 39.87 (2) (a).

11 ***-0751/2.1*** SECTION 3057. 230.08 (2) (xm) of the statutes is created to read:

12 230.08 (2) (xm) The commandant of the Southern Wisconsin Veterans
13 Retirement Center in the department of veterans affairs.

14 ***-2059/3.3*** SECTION 3058. 230.08 (2) (ya) of the statutes is created to read:

15 230.08 (2) (ya) The state-local government coordinator in the department of
16 administration.

17 ***-0985/8.51*** SECTION 3059. 230.08 (4) (a) of the statutes is amended to read:

18 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
19 includes all administrator positions specifically authorized by law to be employed
20 outside the classified service in each department, board or commission and the
21 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
22 “department” has the meaning given under s. 15.01 (5), “board” means the
23 educational communications board, investment board, public defender board and
24 technical college system board and “commission” means the public service
25 commission. Notwithstanding sub. (2) (z), no division administrator position

1 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
2 service.

3 ***-0985/8.52* SECTION 3060.** 230.08 (4) (am) of the statutes is created to read:

4 230.08 (4) (am) If the secretary of administration determines that the federal
5 communications commission has approved the transfer of all broadcasting licenses
6 held by the educational communications board to the broadcasting corporation, as
7 defined in s. 39.81 (2), on and after the effective date of the last license transferred
8 as determined by the secretary of administration under s. 39.87 (2) (a), “board” in par.
9 (a) means the investment board, public defender board, and technical college system
10 board.

11 ***-1857/5.118* SECTION 3061.** 230.09 (2) (g) of the statutes is amended to read:

12 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
13 that the classification for a position is different than that provided for by the
14 legislature as established by law or in budget determinations, or as authorized by the
15 joint committee on finance under s. 13.10, or as specified by the governor in creating
16 positions under s. 16.505 (1) (c) or (2), the chief information officer in transferring
17 positions under s. 16.505 (2e), the University of Wisconsin Hospitals and Clinics
18 Board in creating positions under s. 16.505 (2n) or the board of regents of the
19 University of Wisconsin System in creating positions under s. 16.505 (2m), or is
20 different than that of the previous incumbent, the secretary shall notify the
21 administrator and the secretary of administration. The administrator shall
22 withhold action on the selection and certification process for filling the position. The
23 secretary of administration shall review the position to determine that sufficient
24 funds exist for the position and that the duties and responsibilities of the proposed
25 position reflect the intent of the legislature as established by law or in budget

SECTION 3061

1 determinations, the intent of the joint committee on finance acting under s. 13.10,
2 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the chief
3 information officer transferring positions under s. 16.505 (2e), the University of
4 Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the
5 intent of the board of regents of the University of Wisconsin System creating
6 positions under s. 16.505 (2m). The administrator may not proceed with the selection
7 and certification process until the secretary of administration has authorized the
8 position to be filled.

9 ***-0825/1.1* SECTION 3062.** 230.15 (1) of the statutes is amended to read:

10 230.15 (1) Appointments to, and promotions in, the classified service shall be
11 made only according to merit and fitness, which shall be ascertained so far as
12 practicable by competitive examination. The administrator may waive competitive
13 examination for appointments made under subs. (1m), (1r), and (2) and shall waive
14 competitive examination for appointments made under sub. (2m).

15 ***-0825/1.2* SECTION 3063.** 230.15 (1r) of the statutes is created to read:

16 230.15 (1r) If a vacancy occurs in a position that is to be filled according to the
17 terms of a pilot program under s. 230.23 and the terms of the pilot program provide
18 that the competition requirements for filling the position may be waived, the
19 administrator may waive the competition requirements for filling the position.

20 ***-0826/1.1* SECTION 3064.** 230.19 (2) of the statutes is amended to read:

21 230.19 (2) If, in the judgment of the administrator, the group of applicants best
22 able to meet the requirements for vacancies in positions in the classified service are
23 available within the classified service, the vacancies shall be filled by competition
24 limited to persons in the classified service who are not employed under s. 230.26 or
25 230.27 and persons with the right of restoration resulting from layoff under s. 230.34

1 (2), unless it is necessary to go outside the classified service to be consistent with an
2 approved affirmative action plan or program. The administrator may also limit
3 competition for promotion to the employees of an agency or an employing unit within
4 an agency if the resulting group of applicants would fairly represent the proportion
5 of members of racial and ethnic, gender or disabled groups in the relevant labor pool
6 for the state, unless it is necessary to go outside the classified service to be consistent
7 with an approved affirmative action plan or program.

8 ***-0825/1.3*** SECTION 3065. 230.19 (4) of the statutes is created to read:

9 230.19 (4) If a vacancy occurs in a position that is to be filled according to the
10 terms of a pilot program under s. 230.23, the terms of the pilot program shall
11 supersede any inconsistent requirements established under this section.

12 ***-0827/1.8*** SECTION 3066. 230.21 (1m) (a) of the statutes is renumbered
13 230.21 (1m).

14 ***-0827/1.9*** SECTION 3067. 230.21 (1m) (b) of the statutes is repealed.

15 ***-0827/1.10*** SECTION 3068. 230.215 (3) (b) of the statutes is amended to read:

16 230.215 (3) (b) If the secretary, ~~upon review of the report submitted under sub.~~
17 (4), determines that an agency's past or proposed actions relating to permanent
18 part-time employment opportunities do not adequately reflect the policy under sub.
19 (1) (e), the secretary may recommend procedures designed to enable the agency to
20 effect such policy.

21 ***-0827/1.11*** SECTION 3069. 230.215 (4) of the statutes is repealed.

22 ***-0825/1.4*** SECTION 3070. 230.23 of the statutes is created to read:

23 **230.23 Merit recruitment and selection pilot programs.** (1) The
24 administrator may establish any number of pilot programs affecting one or more

1 agencies for appointments to, and promotions in, the classified service if all of the
2 following conditions are met:

3 (a) The administrator clearly specifies the purpose of the pilot program and the
4 evaluation criteria and evaluation methodology that he or she will use to evaluate
5 the pilot program.

6 (b) Appointments and promotions to positions under the pilot program are
7 made according to the applicant's merit and fitness for the position.

8 (c) The pilot program is not in effect for a period exceeding one year.

9 (d) The secretary approves the pilot program.

10 (e) The administrator submits a report describing the terms of the pilot
11 program to the governor and to each house of the legislature for distribution to the
12 legislature under s. 13.172 (2) no later than 30 days before the commencement of the
13 pilot program.

14 (2) No later than 60 days after completion of a pilot program, the administrator
15 shall submit a report evaluating the pilot program to the governor and to each house
16 of the legislature for distribution to the legislature under s. 13.172 (2).

17 ***-0827/1.12* SECTION 3071.** 230.25 (1p) of the statutes is repealed.

18 ***-0825/1.5* SECTION 3072.** 230.25 (5m) of the statutes is created to read:

19 230.25 (5m) Unless otherwise provided in the terms of a pilot program under
20 s. 230.23, this section shall not apply to any vacancy in a position that is to be filled
21 according to the terms of a pilot program under s. 230.23.

22 ***-0823/1.2* SECTION 3073.** 230.26 (1m) of the statutes is repealed.

23 ***-0825/1.6* SECTION 3074.** 230.26 (2) of the statutes is amended to read:

24 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
25 the classified service and the administrator is unable to certify to the appointing

1 authority, upon requisition by the latter, a list of persons eligible for appointment
2 from an appropriate employment register, the appointing authority may nominate
3 a person to the administrator for noncompetitive examination. If the nominee is
4 certified by the administrator as qualified, the nominee may be appointed
5 provisionally to fill the vacancy until an appointment can be made from a register
6 established after announcement of competition for the position, except that no
7 provisional appointment may be continued for more than 45 working days after the
8 date of certification from the register. Successive appointments may not be made
9 under this subsection. This subsection does not apply to a person appointed to a
10 vacant position in the classified service under s. 230.275 or to a vacant position in the
11 classified service that is to be filled according to the terms of a pilot program under
12 s. 230.23.

13 ***-0823/1.3*** SECTION 3075. 230.26 (5) of the statutes is amended to read:

14 230.26 (5) If the administrator determines that an agency is not in compliance
15 with the requirements of, or rules related to, sub. (1), ~~(1m)~~ or (2) regarding a
16 particular employee, the administrator shall direct the appointing authority to
17 terminate the employee.

18 ***-0823/1.4*** SECTION 3076. 230.27 (1m) of the statutes is repealed.

19 ***-0827/1.13*** SECTION 3077. 230.27 (2k) of the statutes is repealed.

20 ***-0825/1.7*** SECTION 3078. 230.28 (7) of the statutes is created to read:

21 230.28 (7) Unless otherwise provided in the terms of a pilot program under s.
22 230.23, this section shall not apply to any appointment to a vacancy in a position that
23 is to be filled according to the terms of a pilot program under s. 230.23.

24 ***-0695/2.2*** SECTION 3079. 230.35 (1m) (a) 5. of the statutes is created to read:

1 230.35 (1m) (a) 5. A position held by an employee of the state fair park board
2 who was employed on October 29, 1999, in a career executive position under the
3 program established under s. 230.24.

4 *~~2047/1.1~~ SECTION 3080. 230.35 (3) (a) of the statutes is amended to read:

5 230.35 (3) (a) Officials and employees of the state who have permanent status
6 and who are members of the national guard, the state defense force, or any other
7 reserve component of the military forces of the United States or this state now or
8 hereafter organized or constituted under federal or state law, are entitled to leaves
9 of absence without loss of time in the service of the state, to enable them to attend
10 military schools and annual field training or annual active duty for training, and any
11 other state or federal tours of active duty, except extended active duty or service as
12 a member of the active armed forces of the United States which have been duly
13 ordered but not exceeding 30 days, excluding Saturdays, Sundays and holidays
14 enumerated in sub. (4) in the calendar year in which so ordered and held. During
15 this leave of absence, each state official or employee shall receive base state pay less
16 the base military pay received for and identified with such attendance but such
17 reduction shall not be more than the base state pay. Such Other than for a leave of
18 absence for the adjutant general and any deputy adjutants general, such leave shall
19 not be granted for absences of less than 3 days. A state official or employee serving
20 on state active duty as a member of the national guard or state defense force, may
21 elect to receive pay from the state under s. 20.465 (1) in an amount equal to base state
22 salary for such period of state active duty. Leave granted by this section is in addition
23 to all other leaves granted or authorized by any other law. For the purpose of
24 determining seniority, pay or pay advancement and performance awards the status
25 of the employee shall be considered uninterrupted by such attendance.

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1 230.35 (1m) (a) 5. A position held by an employee of the state fair park board
2 who was employed on October 29, 1999, in a career executive position under the
3 program established under s. 230.24.

4 ***-2047/1.1* SECTION 3080.** 230.35 (3) (a) of the statutes is amended to read:

5 230.35 (3) (a) Officials and employees of the state who have permanent status
6 and who are members of the national guard, the state defense force, or any other
7 reserve component of the military forces of the United States or this state now or
8 hereafter organized or constituted under federal or state law, are entitled to leaves
9 of absence without loss of time in the service of the state, to enable them to attend
10 military schools and annual field training or annual active duty for training, and any
11 other state or federal tours of active duty, except extended active duty or service as
12 a member of the active armed forces of the United States which have been duly
13 ordered but not exceeding 30 days, excluding Saturdays, Sundays and holidays
14 enumerated in sub. (4) in the calendar year in which so ordered and held. During
15 this leave of absence, each state official or employee shall receive base state pay less
16 the base military pay received for and identified with such attendance but such
17 reduction shall not be more than the base state pay. Such Other than for a leave of

18 absence for the adjutant general and any deputy adjutants general, such leave shall
19 not be granted for absences of less than 3 days. A state official or employee serving
20 on state active duty as a member of the national guard or state defense force, may
21 elect to receive pay from the state under s. 20.465 (1) in an amount equal to base state
22 salary for such period of state active duty. Leave granted by this section is in addition
23 to all other leaves granted or authorized by any other law. For the purpose of
24 determining seniority, pay or pay advancement and performance awards the status
25 of the employee shall be considered uninterrupted by such attendance.

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1 ***-2411/3.33*** SECTION 3081. 230.35 (3) (a) of the statutes is amended to read:

2 230.35 (3) (a) Officials and employees of the state who have permanent status
3 and who are members of the national guard, the naval militia, the state defense force,
4 or any other reserve component of the military forces of the United States or this
5 state now or hereafter organized or constituted under federal or state law, are
6 entitled to leaves of absence without loss of time in the service of the state, to enable
7 them to attend military schools and annual field training or annual active duty for
8 training, and any other state or federal tours of active duty, except extended active
9 duty or service as a member of the active armed forces of the United States which
10 have been duly ordered but not exceeding 30 days, excluding Saturdays, Sundays
11 and holidays enumerated in sub. (4) in the calendar year in which so ordered and
12 held. During this leave of absence, each state official or employee shall receive base
13 state pay less the base military pay received for and identified with such attendance
14 but such reduction shall not be more than the base state pay. ~~Such~~ leave shall not
15 be granted for absences of less than 3 days. A state official or employee serving on
16 state active duty as a member of the national guard, naval militia, or state defense
17 force, may elect to receive pay from the state under s. 20.465 (1) in an amount equal
18 to base state salary for such period of state active duty. Leave granted by this section
19 is in addition to all other leaves granted or authorized by any other law. For the
20 purpose of determining seniority, pay or pay advancement and performance awards
21 the status of the employee shall be considered uninterrupted by such attendance.

22 ***-0408/1.1*** SECTION 3082. 230.36 (1m) (b) 2. (intro.) of the statutes is amended
23 to read:

24 230.36 (1m) (b) 2. (intro.) A conservation warden, conservation patrol boat
25 captain, conservation patrol boat engineer, member of the state patrol, state motor

SECTION 3082

1 vehicle inspector, University of Wisconsin System police officer, security officer, or
2 security person, ~~state fair park police officer~~, special tax agent, excise tax
3 investigator employed by the department of revenue, and special criminal
4 investigation agent employed by the department of justice at all times while:

5 ***-0408/1.2* SECTION 3083.** 230.36 (2m) (a) 13. of the statutes is repealed.

6 ***-1939/5.35* SECTION 3084.** 230.45 (1) (e) of the statutes is repealed.

7 ***-1939/5.36* SECTION 3085.** 230.45 (3) of the statutes is amended to read:

8 230.45 (3) The commission shall promulgate rules establishing a schedule of
9 filing fees to be paid by any person who files an appeal under sub. (1) (c) ~~or (e)~~ or s.
10 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules
11 promulgated under this subsection. Fees paid under this subsection shall be
12 deposited in the general fund as general purpose revenue – earned.

13 ***-0827/1.14* SECTION 3086.** 230.46 of the statutes is amended to read:

14 **230.46 Duties of council on affirmative action.** The council on affirmative
15 action in the department shall serve in a direct advisory capacity to the secretary and
16 as part of that relationship shall evaluate the progress of affirmative action
17 programs throughout the civil service system, seek compliance with state and
18 federal regulations and recommend improvements in the state's affirmative action
19 efforts as an employer. In carrying out its responsibilities, the council may
20 recommend legislation, consult with agency personnel and other interested persons,
21 conduct hearings and take other appropriate action to promote affirmative action.
22 The Beginning in 2001, the council shall report at least once per year every 2 years
23 to the governor and the legislature.

24 ***-1888/3.1* SECTION 3087.** 231.01 (4m) of the statutes is amended to read:

1 231.01 (4m) “Educational facility” means a facility used for education by a
2 regionally accredited, private, ~~postsecondary~~ educational institution that is
3 described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22
4 (4), and that is exempt from federal taxation under section 501 (a) of the Internal
5 Revenue Code.

6 ***-1528/8.20*** SECTION 3088. 231.01 (9) of the statutes is amended to read:

7 231.01 (9) “Revenues” means, with respect to any project, the rents, fees,
8 charges, and other income or profit derived therefrom and, with respect to any bonds
9 issued under s. 231.03 (6) (g), tobacco settlement revenues identified in the bond
10 resolution.

11 ***-1528/8.21*** SECTION 3089. 231.01 (11) of the statutes is created to read:

12 231.01 (11) “Tobacco settlement agreement” has the meaning given in s. 16.63
13 (1) (b).

14 ***-1528/8.22*** SECTION 3090. 231.01 (12) of the statutes is created to read:

15 231.01 (12) “Tobacco settlement revenues” has the meaning given in s. 16.63
16 (1) (c).

17 ***-1528/8.23*** SECTION 3091. 231.03 (6) (g) of the statutes is created to read:

18 231.03 (6) (g) Finance a purchase, or make a loan, under sub. (20). Bonds
19 issued under this paragraph shall be payable from, or secured by interests in, tobacco
20 settlement revenues and such other property pledged under the bond resolution and,
21 notwithstanding s. 231.08 (3), are not required to mature in 30 years or less from the
22 date of issue.

23 ***-1528/8.24*** SECTION 3092. 231.03 (20) of the statutes is created to read:

24 231.03 (20) Purchase the state’s right to receive any of the payments under the
25 tobacco settlement agreement, or make a loan to be secured by the state’s right to

1 receive any of the payments under the tobacco settlement agreement, upon such
2 terms and at such prices as the authority considers reasonable and as can be agreed
3 upon between the authority and the other party to the transaction. The authority
4 may issue certificates or other evidences of ownership interest in tobacco settlement
5 revenues upon such terms and conditions as specified by the authority in the
6 resolution under which the certificates or other evidences are issued or in a related
7 trust agreement or trust indenture.

8 *–1528/8.25* SECTION 3093. 231.09 of the statutes is amended to read:

9 **231.09 Bond security.** The authority may secure any bonds issued under this
10 chapter by a trust agreement, trust indenture, indenture of mortgage, or deed of
11 trust by and between the authority and one or more corporate trustees, which may
12 be any trust company or bank ~~in this state~~ having the powers of a trust company. The
13 bond resolution providing for the issuance of bonds so secured shall pledge the
14 revenues to be received by the authority as a result of the terms of the financing
15 referred to in the resolution, and may contain such provisions for protecting and
16 enforcing the rights and remedies of the bondholders as are reasonable and proper
17 and not in violation of law, including particularly such provisions as are specifically
18 authorized by this chapter to be included in any bond resolution of the authority, and
19 may restrict the individual right of action by bondholders. In addition, any bond
20 resolution may contain such other provisions as the authority deems reasonable and
21 proper for the security of the bondholders. All expenses incurred in carrying out the
22 provisions of the bond resolution may be treated as a part of the cost of the operation
23 of a project.

24 *–1528/8.26* SECTION 3094. 231.16 (1) of the statutes is amended to read:

1 231.16 (1) The authority may issue bonds to refund any outstanding bond of
2 the authority or indebtedness that a participating health institution, participating
3 educational institution, or participating child care provider may have incurred for
4 the construction or acquisition of a project prior to or after April 30, 1980, including
5 the payment of any redemption premium on the outstanding bond or indebtedness
6 and any interest accrued or to accrue to the earliest or any subsequent date of
7 redemption, purchase, or maturity, or to pay all or any part of the cost of constructing
8 and acquiring additions, improvements, extensions, or enlargements of a project or
9 any portion of a project. No Except for bonds to refund bonds issued under s. 231.03
10 (6) (g), no bonds may be issued under this section unless the authority has first
11 entered into a new or amended agreement with a participating health institution,
12 participating educational institution, or participating child care provider to provide
13 sufficient revenues to pay the costs and other items described in s. 231.13.

14 ***-1528/8.27*** SECTION 3095. 231.16 (3) of the statutes is amended to read:

15 231.16 (3) All bonds issued under this section shall be subject to this chapter
16 in the same manner and to the same extent as other bonds issued pursuant to this
17 chapter, except that the limitations with respect to dates under s. 231.03 (6) (e) and
18 (f) and (14) do not apply to bonds issued under this section, and the requirement
19 under s. 231.08 (3) that the bonds mature in 30 years or less from their date of issue
20 does not apply to bonds issued under this section to refund bonds issued under s.
21 231.03 (6) (g).

22 ***-1528/8.28*** SECTION 3096. 231.215 of the statutes is created to read:

23 **231.215 Incorporator for purpose related to purchase or sale of right**
24 **to payments.** The authority, or its executive director, may organize one or more
25 nonstock corporations under ch. 181 or limited liability companies under ch. 183 for

1 any purpose related to purchasing or selling the state's right to receive any of the
2 payments under the tobacco settlement agreement and may take any action
3 necessary to facilitate and complete the purchase or sale.

4 ***-1562/1.1* SECTION 3097.** 233.27 of the statutes is amended to read:

5 **233.27 Limit on the amount of outstanding bonds.** The authority may not
6 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
7 are issued or the indebtedness is incurred, the aggregate principal amount of the
8 authority's outstanding bonds, together with all indebtedness described under s.
9 233.03 (12) would exceed ~~\$106,500,000~~ \$175,000,000. Bonds issued to fund or refund
10 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding
11 indebtedness, is not included in calculating compliance with the ~~\$106,500,000~~
12 \$175,000,000 limit.

13 ***-1341/4.29* SECTION 3098.** 234.01 (4n) (a) 3m. a. of the statutes is amended
14 to read:

15 234.01 (4n) (a) 3m. a. The facility is in a tax incremental district or an
16 environmental remediation tax incremental district or is the subject of an urban
17 development action grant and will result in a net economic benefit to the state.

18 ***-0878/2.2* SECTION 3099.** 234.265 (2) of the statutes is amended to read:

19 234.265 (2) Records or portions of records consisting of personal or financial
20 information provided by a person seeking a grant or loan under s. 234.08, 234.49,
21 234.59, 234.61, 234.65, 234.67, 234.83, 234.84, 234.90, ~~234.905~~, 234.907, or 234.91,
22 seeking a loan under ss. 234.621 to 234.626, seeking financial assistance under s.
23 234.66, seeking investment of funds under s. 234.03 (18m), or in which the authority
24 has invested funds under s. 234.03 (18m), unless the person consents to disclosure
25 of the information.

1 ***-0880/5.1*** SECTION 3100. 234.65 (3) (f) of the statutes, as affected by 1999
2 Wisconsin Act 9, is amended to read:

3 234.65 (3) (f) The name of the person receiving the loan does not appear on the
4 statewide support lien docket under s. 49.854 (2) (b). ~~The condition under this~~
5 ~~paragraph is met for a person whose name does appear if or, if the person's name~~
6 appears on that docket, the person provides to the authority a payment agreement
7 that has been approved by the county child support agency under s. 59.53 (5) and that
8 is consistent with rules promulgated under s. 49.858 (2) (a).

9 ***-0878/2.3*** SECTION 3101. 234.67 (1) (f) of the statutes is amended to read:

10 234.67 (1) (f) "Percentage of guarantee" means the percentage established by
11 the authority under sub. (3) (a).

12 ***-0878/2.4*** SECTION 3102. 234.67 (3) (a) of the statutes is renumbered 234.67
13 (3) and amended to read:

14 234.67 (3) GUARANTEE OF COLLECTION. ~~Subject to par. (b), the~~ The authority
15 shall guarantee collection of a percentage, not exceeding 90%, of the principal of any
16 loan eligible for a guarantee under sub. (2). The authority shall establish the
17 percentage of the unpaid principal of an eligible loan that will be guaranteed, using
18 the procedures described in the guarantee agreement under s. 234.93 (2) (a). The
19 authority may establish a single percentage for all guaranteed loans or establish
20 different percentages for eligible loans on an individual basis.

21 ***-0878/2.5*** SECTION 3103. 234.67 (3) (b) of the statutes is repealed.

22 ***-0880/5.2*** SECTION 3104. 234.83 (1) of the statutes is renumbered 234.83
23 (1m).

24 ***-0880/5.3*** SECTION 3105. 234.83 (1c) of the statutes is created to read:

25 234.83 (1c) DEFINITIONS. In this section:

SECTION 3105

1 (a) "Rural community" means a city, town, or village in this state with a
2 population of less than 50,000.

3 (b) "Small business" means a business, as defined in s. 560.60 (2), that employs
4 50 or fewer employees on a full-time basis.

5 ***-0880/5.4* SECTION 3106.** 234.83 (2) (a) (intro.) of the statutes is amended to
6 read:

7 234.83 (2) (a) (intro.) A business, ~~as defined in s. 560.60 (2)~~, to which all of the
8 following apply:

9 ***-0880/5.5* SECTION 3107.** 234.83 (2) (a) 2. of the statutes is amended to read:
10 234.83 (2) (a) 2. The business employs ~~50 or fewer employees on a full-time~~
11 basis is a small business.

12 ***-0880/5.6* SECTION 3108.** 234.83 (2) (a) 3. of the statutes, as affected by 1999
13 Wisconsin Act 9, is amended to read:

14 234.83 (2) (a) 3. The name of the owner of the business does not appear on the
15 statewide support lien docket under s. 49.854 (2) (b). ~~The condition under this~~
16 subdivision is met for an owner whose name does appear if or, if the name of the
17 owner of the business appears on that docket, the owner of the business provides to
18 the authority a payment agreement that has been approved by the county child
19 support agency under s. 59.53 (5) and that is consistent with rules promulgated
20 under s. 49.858 (2) (a).

21 ***-0880/5.7* SECTION 3109.** 234.83 (3) (a) 2. of the statutes is amended to read:
22 234.83 (3) (a) 2. The start-up, ~~expansion or acquisition~~ of a day care business,
23 including the purchase or improvement of land, buildings, machinery, equipment, or
24 inventory.

25 ***-0880/5.8* SECTION 3110.** 234.83 (3) (a) 3. of the statutes is created to read:

1 234.83 (3) (a) 3. The start-up of a small business in a vacant storefront in the
2 downtown area of a rural community, including the purchase or improvement of
3 land, buildings, machinery, equipment, or inventory.

4 ***-0878/2.6*** SECTION 3111. 234.83 (4) (a) of the statutes is renumbered 234.83
5 (4) and amended to read:

6 234.83 (4) GUARANTEE OF REPAYMENT. ~~Subject to par. (b), the~~ The authority may
7 guarantee repayment of a portion of the principal of any loan eligible for a guarantee
8 under sub. ~~(1)~~ (1m). That portion may not exceed 80% of the principal of the loan or
9 \$200,000, whichever is less. The authority shall establish the portion of the principal
10 of an eligible loan that will be guaranteed, using the procedures described in the
11 agreement under s. 234.93 (2) (a). The authority may establish a single portion for
12 all guaranteed loans that do not exceed \$250,000 and a single portion for all
13 guaranteed loans that exceed \$250,000 or establish on an individual basis different
14 portions for eligible loans that do not exceed \$250,000 and different portions for
15 eligible loans that exceed \$250,000.

 ****NOTE: This is reconciled s. 234.83 (4) (a). This SECTION has been affected by
 drafts with the following LRB numbers: LRB-0878/1 and LRB-0880/4.

16 ***-0878/2.7*** SECTION 3112. 234.83 (4) (b) of the statutes is repealed.

17 ***-0880/5.9*** SECTION 3113. 234.90 (3) (d) of the statutes, as affected by 1999
18 Wisconsin Act 9, is amended to read:

19 234.90 (3) (d) The farmer's name does not appear on the statewide support lien
20 docket under s. 49.854 (2) (b). ~~The condition under this paragraph is met for a farmer~~
21 ~~whose name does appear if or, if the farmer's name appears on that docket, the farmer~~
22 provides to the authority a payment agreement that has been approved by the county

SECTION 3113

1 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
2 under s. 49.858 (2) (a).

3 ***-0880/5.10* SECTION 3114.** 234.90 (3g) (c) of the statutes, as affected by 1999
4 Wisconsin Act 9, is amended to read:

5 234.90 (3g) (c) The farmer's name does not appear on the statewide support lien
6 docket under s. 49.854 (2) (b). ~~The condition under this paragraph is met for a farmer~~
7 ~~whose name does appear if or, if the farmer's name appears on that docket,~~ the farmer
8 provides to the authority a payment agreement that has been approved by the county
9 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
10 under s. 49.858 (2) (a).

11 ***-0878/2.8* SECTION 3115.** 234.90 (4) (a) of the statutes is renumbered 234.90
12 (4) and amended to read:

13 234.90 (4) GUARANTEE. ~~Except as provided in par. (b), the~~ The authority shall
14 guarantee repayment of 90% of the principal of any agricultural production loan
15 eligible for guarantee under sub. (2) made to a farmer eligible for a guaranteed loan
16 under sub. (3) or (3g).

17 ***-0878/2.9* SECTION 3116.** 234.90 (4) (b) of the statutes is repealed.

18 ***-0878/2.10* SECTION 3117.** 234.905 of the statutes is repealed.

19 ***-0878/2.11* SECTION 3118.** 234.907 (1) (f) of the statutes is amended to read:

20 234.907 (1) (f) "Percentage of guarantee" means the percentage established by
21 the authority under sub. (3) (a).

22 ***-0878/2.12* SECTION 3119.** 234.907 (3) (a) of the statutes is renumbered
23 234.907 (3) and amended to read:

24 234.907 (3) GUARANTEE OF COLLECTION. ~~Subject to par. (b), the~~ The authority
25 shall guarantee collection of a percentage, not exceeding 90%, of the principal of any

1 loan eligible for a guarantee under sub. (2). The authority shall establish the
2 percentage of the unpaid principal of an eligible loan that will be guaranteed, using
3 the procedures described in the guarantee agreement under s. 234.93 (2) (a). The
4 authority may establish a single percentage for all guaranteed loans or establish
5 different percentages for eligible loans on an individual basis.

6 ***-0878/2.13* SECTION 3120.** 234.907 (3) (b) of the statutes is repealed.

7 ***-0878/2.14* SECTION 3121.** 234.91 (5) (a) of the statutes is amended to read:

8 234.91 (5) (a) ~~Subject to par. (c), the~~ The authority shall guarantee collection
9 of a percentage of the principal of a loan eligible for a guarantee under sub. (2). The
10 principal amount of an eligible loan that the authority may guarantee may not
11 exceed the borrower's net worth or 25% of the total loan amount, whichever is less,
12 calculated at the time the loan is made.

13 ***-0878/2.15* SECTION 3122.** 234.91 (5) (c) of the statutes is repealed.

14 ***-0878/2.16* SECTION 3123.** 234.93 (3) (title) of the statutes is amended to
15 read:

16 234.93 (3) (title) ~~INCREASES OR DECREASES IN LOAN~~ LOAN GUARANTEES; INCREASES
17 OR DECREASES.

18 ***-0878/2.17* SECTION 3124.** 234.93 (3) of the statutes is renumbered 234.93
19 (3) (b) and amended to read:

20 234.93 (3) (b) The authority may request the joint committee on finance to take
21 action under s. 13.10 to permit the authority to increase or decrease the total
22 principal amount or total outstanding guaranteed principal amount of loans that it
23 may guarantee under ~~a program~~ the aggregate of the programs guaranteed by the
24 Wisconsin development reserve fund. Included with its request, the authority shall
25 provide a projection, for the next June 30, that compares the amounts required on

SECTION 3124

1 that date to pay outstanding claims and to fund guarantees under all the aggregate
2 of the programs guaranteed by funds from the Wisconsin development reserve fund,
3 and the balance remaining in the Wisconsin development reserve fund on that date
4 after deducting such amounts, if the increase or decrease is approved, with such
5 amounts and the balance remaining, if the increase or decrease is not approved.

6 ***-0878/2.18* SECTION 3125.** 234.93 (3) (a) of the statutes is created to read:

7 234.93 (3) (a) Except as provided in par. (b), the total principal amount or total
8 outstanding guaranteed principal amount of all loans that the authority may
9 guarantee under the aggregate of the programs guaranteed by funds from the
10 Wisconsin development reserve fund, excluding the program under s. 234.935, 1997
11 stats., may not exceed \$62,000,000.

12 ***-0774/1.1* SECTION 3126.** 234.93 (4) (a) 2. of the statutes is amended to read:

13 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
14 funds from the Wisconsin development reserve fund, except for the program under
15 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to ~~\$4.50~~ \$5.50 of total
16 outstanding principal and outstanding guaranteed principal that the authority may
17 guarantee under all of those programs.

18 ***-0774/1.2* SECTION 3127.** 234.93 (4m) of the statutes is amended to read:

19 234.93 (4m) LIMITATION ON LOAN GUARANTEES. The authority shall regularly
20 monitor the cash balance in the Wisconsin development reserve fund. The authority
21 shall ensure that the cash balance in the fund is sufficient for the purposes specified
22 in sub. (4) (a) 1. ~~and~~, 2., ~~and~~ 3.

23 ***-1462/3.5* SECTION 3128.** Chapter 235 of the statutes is repealed.

24 ***-1335/7.62* SECTION 3129.** Chapter 237 of the statutes is created to read:

1 performance of his or her powers and duties under this chapter, unless the person
2 asserting liability proves that the act or omission constitutes willful misconduct.

3 (5) The members of the board of directors shall annually elect a chairperson
4 and may elect other officers as they consider appropriate. Five voting members of
5 the board of directors constitute a quorum for the purpose of conducting the business
6 and exercising the powers of the authority, notwithstanding the existence of any
7 vacancy. The board of directors may take action upon a vote of a majority of the
8 members present, unless the bylaws of the authority require a larger number.

9 (6) The board of directors shall appoint a chief executive officer who shall not
10 be a member of the board of directors and who shall serve at the pleasure of the board
11 of directors. The authority may delegate by resolution to one or more of its members
12 or its executive director any powers and duties that it considers proper. The chief
13 executive officer shall receive such compensation as may be determined by the board
14 of directors. The chief executive officer or other person designated by resolution of
15 the board of directors shall keep a record of the proceedings of the authority and shall
16 be custodian of all books, documents, and papers filed with the authority, the minute
17 book or journal of the authority, and its official seal. The chief executive officer or
18 other person may cause copies to be made of all minutes and other records and
19 documents of the authority and may give certificates under the official seal of the
20 authority to the effect that such copies are true copies, and all persons dealing with
21 the authority may rely upon such certificates.

22 **237.03 Duties of authority. (1) GENERAL DUTIES.** In addition to all other
23 duties imposed under this chapter, the authority shall do all of the following:

24 (a) Adopt bylaws and policies and procedures for the regulation of its affairs
25 and the conduct of its business.

1 (b) Contract for any legal services required for the authority.

2 (c) Establish the authority's annual budget and monitor the fiscal management
3 of the authority.

4 (d) Procure liability insurance covering its officers and employees and procure
5 insurance against any loss in connection with its property and other assets.

6 (e) Make every reasonable effort to contract with one or more corporations to
7 provide the services specified under s. 237.09 (2).

8 (2) DUTIES UPON LEASING. Upon entering into the lease under s. 237.06, the
9 authority shall rehabilitate, repair, replace, operate, and maintain the navigational
10 system.

11 **237.04 Powers of authority.** The authority shall have all the powers
12 necessary or convenient to carry out the purposes and provisions of this chapter. In
13 addition to all other powers granted by this chapter, the authority may:

14 (1) Incur debt, except as restricted under s. 237.05 (1).

15 (2) Sue and be sued.

16 (3) Hire employees, define their duties, and fix their rate of compensation.

17 (4) Have a seal and alter the seal at pleasure; have perpetual existence; and
18 maintain an office.

19 (5) Appoint any technical or professional advisory committee that the
20 authority finds necessary to assist the authority in exercising its duties and powers.
21 The authority shall define the duties of the committee, and provide reimbursement
22 for the expenses of the committee.

23 (6) Enter into contracts with 3rd parties as are necessary for the rehabilitation,
24 repair, replacement, operation, or maintenance of the navigational system.

1 (7) Acquire, lease, subject to s. 237.05 (2), and dispose of property as is
2 necessary for the rehabilitation, repair, replacement, operation, or maintenance of
3 the navigational system.

4 (8) Accept gifts and other funding for the rehabilitation, repair, replacement,
5 operation, or maintenance of the navigational system.

6 (9) Charge user fees for services the authority provides to the operators of
7 watercraft using the navigational system.

8 (10) Charge fees for use of facilities of the navigational system as provided in
9 s. 16.845.

10 **237.05 Restrictions on authority.** (1) The authority may not issue bonds.

11 (2) The authority may not sublease all, or any part of, the navigational system
12 without the approval of the department of administration.

13 **237.06 Lease.** Upon transfer of the ownership of the navigational system by
14 the federal government to the state, the department of administration on behalf of
15 the state and the authority shall enter into a lease agreement under which the state
16 shall lease the navigational system to the authority for nominal consideration. The
17 secretary of administration shall determine the amount of the rental payments.

18 **237.07 Management plan; financial statements.** (1) (a) The authority
19 shall submit to the department of administration a plan that does all the following:

20 1. Addresses the costs of and funding for the rehabilitation, repair,
21 replacement, operation, and maintenance of the navigational system.

22 2. Describes how the authority will manage its funds to ensure that sufficient
23 funding is available to abandon the navigational system if the operation of the
24 navigational system is no longer feasible.

1 (b) The authority shall submit the plan under par. (a) within 180 days after the
2 date on which the state and the authority enter into the lease agreement specified
3 in s. 237.06.

4 (2) The authority shall update and resubmit the plan under sub. (1) upon the
5 request of the department of administration.

6 (3) (a) For each fiscal year, the authority shall submit to the department of
7 administration an audited financial statement of the funding received by the
8 authority from the department of natural resources under s. 237.08 (2) and by the
9 authority from contributions and other funding accepted by the authority under s.
10 237.08 (3).

11 (b) The financial statement under par. (a) shall include notes that explain in
12 detail the specific sources of funding contained in the financial statement.

13 (4) For each fiscal year in which moneys are to be released to the authority by
14 the department of natural resources under s. 237.08, each corporation specified in
15 s. 237.09 shall submit to the authority an audited financial statement of the amount
16 raised by the corporation under s. 237.09 (2) (b) for that fiscal year.

17 **237.08 Sources of funding. (1) FEDERAL FUNDING.** The authority shall accept
18 federal funding for the rehabilitation, repair, replacement, operation, and
19 maintenance of the navigational system and shall agree with any conditions
20 attached to the funding.

21 (2) **STATE FUNDING.** From the appropriation under s. 20.370 (5) (cq) and before
22 applying the percentages under s. 30.92 (4) (b) 6., the department of natural
23 resources shall set aside for the rehabilitation and repair of the navigational system
24 \$400,000 in each fiscal year to be matched by the moneys raised under s. 237.09 (2)

25 (b). The funding shall be set aside beginning with the first fiscal year beginning after

1 the submittal of the initial management plan submitted under s. 237.07 (1) and shall
2 continue to be set aside in each of the next 6 consecutive fiscal years. From the
3 funding that is set aside, the department shall release to the authority for each fiscal
4 year an amount equal to the total amount raised by each corporation under s. 237.09
5 (2) (b) for which matching funding has not been previously released.

6 (3) OTHER FUNDING. The authority shall encourage and may accept
7 contributions and funding for the rehabilitation, repair, replacement, operation, or
8 maintenance of the navigational system. The authority shall also accept funding
9 raised by each corporation under s. 237.09 (2).

10 **237.09 Requirements for nonprofit corporations.** (1) Each corporation
11 contracted with under s. 237.03 (1) (e) shall be a nonprofit corporation as described
12 in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income
13 tax under section 501 (a) of the Internal Revenue Code and shall be based in one or
14 more of the counties in which the navigational system is located.

15 (2) Each corporation contracted with under s. 237.03 (1) (e) shall do all of the
16 following:

17 (a) Provide marketing and fund-raising services for the authority.

18 (b) Make every reasonable effort to raise \$2,750,000 of local or private funding
19 for the rehabilitation and repair of the navigational system.

20 (c) Accept for investment moneys received by the authority for rehabilitation
21 and repair under s. 237.08 and invest the moneys at a rate of return that the
22 authority finds adequate to enable the authority to exercise its duties and powers in
23 rehabilitating and repairing the navigational system.

24 (3) If the authority contracts with more than one corporation under s. 237.03
25 (1) (e), all of the corporations shall make the effort to raise the total of \$2,750,000.

1 **237.10 Rapide Croche lock.** (1) Upon entering into the lease under s.
2 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche
3 lock according to specifications of the department of natural resources in order to
4 prevent sea lampreys and other aquatic nuisance from moving upstream.

5 (2) If the authority decides to construct a means to transport watercraft around
6 the Rapide Croche lock, the authority shall develop a plan for the construction that
7 includes steps to be taken to control sea lampreys and other aquatic nuisance species.
8 The authority shall submit the plan to the department of natural resources and may
9 not implement the plan unless it has been approved by the department.

10 **237.11 Political activities.** (1) No employee of the authority may directly
11 or indirectly solicit or receive subscriptions or contributions for any partisan political
12 party or any political purpose while engaged in his or her official duties as an
13 employee. No employee of the authority may engage in any form of political activity
14 calculated to favor or improve the chances of any political party or any person seeking
15 or attempting to hold partisan political office while engaged in his or her official
16 duties as an employee or engage in any political activity while not engaged in his or
17 her official duties as an employee to such an extent that the person's efficiency during
18 working hours will be impaired or that he or she will be tardy or absent from work.
19 Any violation of this section is adequate grounds for dismissal.

20 (2) If an employee of the authority declares an intention to run for partisan
21 political office the employee shall be placed on a leave of absence for the duration of
22 the election campaign and if elected shall no longer be employed by the authority on
23 assuming the duties and responsibilities of such office.

24 (3) An employee of the authority may be granted by the chief executive officer
25 a leave of absence to participate in partisan political campaigning.

1 (4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the
2 restrictions of sub. (1), except as they apply to the solicitation of assistance,
3 subscription, or support from any other employee in the authority.

4 **237.12 Liability limited.** (1) Neither the state nor any political subdivision
5 of the state nor any officer, employee, or agent of the state or a political subdivision
6 who is acting within the scope of employment or agency is liable for any debt,
7 obligation, act, or omission of the authority.

8 (2) All of the expenses incurred by the authority in exercising its duties and
9 powers under this chapter shall be payable only from funds of the authority.

10 **237.13 Exemption.** Any activity or project involving the navigational system,
11 including abandonment of the navigational system, is exempt from any permit,
12 license, or other approval required under ch. 30 or 31.

13 **237.14 Abandonment.** If the authority determines the operation of the
14 navigational system is no longer feasible, the authority shall submit a plan to the
15 department of administration and to the department of natural resources describing
16 the steps the authority will take in abandoning the navigational system. The
17 navigational system may not be abandoned unless both the department of
18 administration and the department of natural resources determine that the plan for
19 abandonment will preserve the public rights in the Fox River, will ensure safety, and
20 will protect life, health, and property.

21 **237.15 Transitional provisions.** (1) FUNDING. The department of
22 administration shall transfer the unencumbered balances in the appropriation
23 accounts under s. 20.370 (9) (jL) and (ju) to the authority on the day after the date
24 on which the state and the authority enter into the lease agreement specified in s.
25 237.06.

1 (2) TRANSFERS. (a) The chairperson of the Fox River management commission
2 and the chairperson of the board of directors of the authority, acting jointly, shall
3 identify all of the following that will transfer from the commission to the authority:

4 1. Any assets and liabilities of the commission.

5 2. Any tangible personal property, including records, of the commission.

6 3. Any contracts entered into by the commission, and any policies and
7 procedures of the commission that will be in effect on the day after the date on which
8 the state and the authority enter into the lease agreement specified in s. 237.06.

9 (b) On the day after the date on which the state and the authority enter into
10 the lease agreement specified in s. 237.06, all of the assets, liabilities, and personal
11 property identified for transfer under par. (a) 1. and 2. shall become the assets,
12 liabilities, and personal property of the authority.

13 (c) On the day after the date on which the state and the authority enter into
14 the lease agreement specified in s. 237.06, all the contracts identified under par. (a)
15 3. shall remain in effect and the authority shall, beginning on that day, carry out any
16 such contractual obligations until modified or rescinded to the extent allowed under
17 the contract.

18 (d) On the day after the date on which the state and the authority enter into
19 the lease agreement specified in s. 237.06, all policies and procedures identified in
20 par. (a) 3. shall become policies and procedures of the authority and shall remain in
21 effect until their expiration date or until modified or rescinded by the authority.

22 (e) In case of disagreement with respect to any matter specified in pars. (a) to
23 (d), the secretary of administration shall determine the matter and shall develop a
24 plan for an orderly transfer of the item subject to the disagreement.

25 *-0420/4.2* SECTION 3130. 252.12 (title) of the statutes is amended to read:

1 **252.12** (title) ~~Services relating to acquired immunodeficiency~~
2 ~~syndrome~~ HIV and related infections, including hepatitis C virus
3 infections; services and prevention.

4 ***-0420/4.3*** SECTION 3131. 252.12 (2) (a) (intro.) of the statutes is amended to
5 read:

6 252.12 (2) (a) ~~Acquired immunodeficiency syndrome~~ HIV and related
7 infections, including hepatitis C virus infections; services. (intro.) From the
8 appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute
9 funds for the provision of services to individuals with or at risk of contracting
10 ~~acquired immunodeficiency syndrome~~ HIV infection, as follows:

11 ***-0420/4.4*** SECTION 3132. 252.12 (2) (a) 1. of the statutes is amended to read:

12 252.12 (2) (a) 1. 'Partner referral and notification.' The department shall
13 contact an individual known to have received an HIV infection and encourage him
14 or her to refer for counseling and, HIV testing, and, if appropriate, testing for
15 hepatitis C virus infection any person with whom the individual has had sexual
16 relations or has shared intravenous equipment.

17 ***-0420/4.5*** SECTION 3133. 252.12 (2) (a) 2. of the statutes is amended to read:

18 252.12 (2) (a) 2. 'Grants to local projects.' The department shall make grants
19 to applying organizations for the provision of ~~acquired immunodeficiency syndrome~~
20 HIV and related infection prevention information, the establishment of counseling
21 support groups and the provision of direct care to persons with, ~~acquired~~
22 ~~immunodeficiency syndrome~~ HIV infection, including those persons with hepatitis
23 C virus infection.

24 ***-0420/4.6*** SECTION 3134. 252.12 (2) (a) 3. (intro.) of the statutes is amended
25 to read:

1 252.12 (2) (a) 3. 'Statewide public education campaign.' (intro.) The
2 department shall promote public awareness of the risk of contracting ~~acquired~~
3 ~~immunodeficiency syndrome~~ HIV and related infections and measures for ~~acquired~~
4 ~~immunodeficiency syndrome~~ HIV and related infections protection by development
5 and distribution of information through clinics providing family planning services,
6 as defined in s. 253.07 (1) (b), offices of physicians and clinics for sexually transmitted
7 diseases and by newsletters, public presentations or other releases of information to
8 newspapers, periodicals, radio and television stations and other public information
9 resources. The information ~~would~~ shall be targeted at individuals whose behavior
10 puts them at risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and
11 related infections and ~~would~~ shall encompass the following topics:

12 *~~0420/4.7~~* SECTION 3135. 252.12 (2) (a) 3. a. of the statutes is amended to
13 read:

14 252.12 (2) (a) 3. a. ~~Acquired immunodeficiency syndrome and HIV infection~~
15 and related infections.

16 *~~0420/4.8~~* SECTION 3136. 252.12 (2) (a) 3. b. of the statutes is amended to
17 read:

18 252.12 (2) (a) 3. b. Means of identifying whether or not individuals may be at
19 risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

20 *~~0420/4.9~~* SECTION 3137. 252.12 (2) (a) 3. c. of the statutes is amended to
21 read:

22 252.12 (2) (a) 3. c. Measures individuals may take to protect themselves from
23 contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

24 *~~0420/4.10~~* SECTION 3138. 252.12 (2) (a) 4. of the statutes is amended to read:

1 252.12 (2) (a) 4. ‘Information network.’ The department shall establish a
2 network to provide information to local health officers and other public officials who
3 are responsible for ~~acquired immunodeficiency syndrome~~ HIV infection and related
4 infection prevention and training.

5 *~~0420/4.11~~* SECTION 3139. 252.12 (2) (a) 5. of the statutes is amended to read:

6 252.12 (2) (a) 5. ‘HIV seroprevalence studies.’ The department shall perform
7 tests for the presence of HIV, ~~antigen or nonantigenic products of HIV or an antibody~~
8 ~~to HIV and, if appropriate, related infections~~ and shall conduct behavioral surveys
9 among population groups determined by the department to be highly at risk of
10 becoming infected with or transmitting HIV and related infections. Information
11 obtained shall be used to develop targeted HIV infection and related infection
12 prevention efforts for these groups and to evaluate the state’s prevention strategies.

13 *~~0420/4.12~~* SECTION 3140. 252.12 (2) (a) 6. of the statutes is amended to read:

14 252.12 (2) (a) 6. ‘Grants for targeted populations and intervention services.’
15 The department shall make grants to those applying organizations ~~determined by~~
16 that the department to be determines are best able to contact individuals who are
17 determined to be highly at risk of contracting ~~acquired immunodeficiency syndrome~~
18 HIV for the provision of ~~acquired immunodeficiency syndrome~~ HIV and related
19 infection information and intervention services.

20 *~~0420/4.13~~* SECTION 3141. 252.12 (2) (a) 7. of the statutes is amended to read:

21 252.12 (2) (a) 7. ‘Contracts for counseling and laboratory testing services.’ The
22 department shall distribute funding in each fiscal year to contract with
23 organizations to provide, at alternate testing sites, anonymous or confidential
24 counseling services for HIV and laboratory testing services for the presence of HIV
25 and, if appropriate, related viruses.

1 ***-0420/4.14*** SECTION 3142. 252.12 (2) (c) 2. of the statutes is amended to read:

2 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
3 department shall award \$75,000 in each fiscal year as grants for services to prevent
4 HIV infection and related infections, including hepatitis C virus infection. Criteria
5 for award of the grants shall include the criteria specified under subd. 1. The
6 department shall award 60% of the funding to applying organizations that receive
7 funding under par. (a) 8. and 40% of the funding to applying community-based
8 organizations that are operated by minority group members, as defined in s. 560.036
9 (1) (f).

10 ***-0420/4.15*** SECTION 3143. 252.12 (2) (c) 3. of the statutes is amended to read:

11 252.12 (2) (c) 3. From the appropriation under s. 20.435 (5) (am), the
12 department shall award to the African American AIDS task force of the Black Health
13 Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to
14 prevent HIV infection and related infections, including hepatitis C infection.

15 ***-0295/2.2*** SECTION 3144. 253.13 (2) of the statutes is amended to read:

16 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;
17 FEES. The department shall contract with the state laboratory of hygiene to perform
18 the tests specified under this section and to furnish materials for use in the tests.
19 The department shall provide necessary diagnostic services, special dietary
20 treatment as prescribed by a physician for a patient with a congenital disorder as
21 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and
22 his or her family. The state laboratory of hygiene board, on behalf of the department,
23 shall impose a fee for tests performed under this section sufficient to pay for services
24 provided under the contract ~~and.~~ The state laboratory of hygiene board shall include
25 as part of this fee and pay to the department an amount amounts the department

SECTION 3144

1 determines is are sufficient to fund the provision of diagnostic and counseling
2 services, special dietary treatment, and periodic evaluation of infant screening
3 programs, the costs of consulting with experts under sub. (5), and the costs of
4 administering the congenital disorder program under this section and shall credit
5 these amounts to the appropriations under s. 20.435 (1) (jb) and (5) (ja).

6 ***-0191/1.1* SECTION 3145.** 254.31 (10) of the statutes is amended to read:

7 254.31 (10) "Source material" means ~~any material except special nuclear~~
8 ~~material, which contains by weight 0.05 per cent or more of uranium, thorium, or any~~
9 ~~combination thereof~~ in any physical or chemical form, or ores that contain by weight
10 0.05% or more of uranium, thorium, or any combination thereof. "Source material"
11 does not include special nuclear material.

12 ***-0191/1.2* SECTION 3146.** 254.34 (1) (a) of the statutes is amended to read:

13 254.34 (1) (a) Promulgate and enforce rules, including registration and
14 licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent
15 unnecessary radiation exposure. The rules may incorporate by reference the
16 recommended standards of nationally recognized bodies in the field of radiation
17 protection and other fields of atomic energy, under the procedure established by s.
18 227.21 (2). The rules for ~~by-product material, source material and special nuclear~~
19 ~~material~~ may be no less stringent than shall be in accordance with the requirements
20 of 42 USC 2021 (c) and shall otherwise be compatible with the requirements under
21 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114.

22 ***-0191/1.3* SECTION 3147.** 254.34 (2) (c) of the statutes is created to read:

23 254.34 (2) (c) Develop requirements for qualification, certification, training,
24 and experience of an individual who does any of the following:

- 25 1. Operates radiation generating equipment.

1 2. Utilizes, stores, transfers, transports, or possesses radioactive materials.

2 3. Acts as a radiation safety consultant to any person who possesses a license
3 or registration issued by the department under this subchapter.

4 ***-0191/1.4*** SECTION 3148. 254.34 (2) (d) of the statutes is created to read:

5 254.34 (2) (d) Recognize certification by another state or by a nationally
6 recognized certifying organization of an individual to perform acts under par. (c) 1.
7 to 3. if the standards for the other state's certification or the organization's
8 certification are substantially equivalent to the standards of the department for
9 certification of individuals under par. (c).

10 ***-0421/2.1*** SECTION 3149. 254.47 (1m) of the statutes is created to read:

11 254.47 (1m) The department or a local health department granted agent status
12 under s. 254.69 (2) may not, without a preinspection, grant a permit to a person
13 intending to operate a new public swimming pool, campground, or recreational or
14 educational camp or to a person intending to be the new operator of an existing public
15 swimming pool, campground, or recreational or educational camp.

16 ***-0421/2.2*** SECTION 3150. 254.47 (2) of the statutes is amended to read:

17 254.47 (2) A separate permit is required for each campground, camping resort,
18 recreational ~~and~~ or educational camp and public swimming pool. No permit issued
19 under this section is transferable from one premises to another or from one person,
20 state or local government to another, except that the permit may be transferred from
21 an individual to an immediate family member, as defined in s. 254.64 (4) (a), if the
22 individual is transferring operation of the campground, camping resort, recreational
23 ~~and~~ or educational camp or public swimming pool to the immediate family member.

24 ***-0421/2.3*** SECTION 3151. 254.47 (4) of the statutes is amended to read:

SECTION 3151

1 254.47 (4) Permits issued under this section expire on June 30, except that
2 permits initially issued during the period beginning on April 1 and ending on June
3 30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and
4 (e), the department shall promulgate rules that establish, for permits issued under
5 this section, amounts of permit fees, preinspection fees, reinspection fees, fees for
6 operating without a license, and late fees for untimely permit renewal.

7 ***-0421/2.4*** SECTION 3152. 254.64 (1) (b) of the statutes is amended to read:

8 254.64 (1) (b) No person may maintain, manage or operate a bed and breakfast
9 establishment for more than 10 nights in a year without having first obtained a
10 ~~biennial~~ an annual permit from the department.

11 ***-0421/2.5*** SECTION 3153. 254.64 (4) (b) of the statutes is amended to read:

12 254.64 (4) (b) Except as provided in ~~pars. (e) and~~ par. (d), no permit is
13 transferable from one premises to another or from one person to another.

14 ***-0421/2.6*** SECTION 3154. 254.64 (4) (c) of the statutes is repealed.

15 ***-0421/2.7*** SECTION 3155. 254.68 of the statutes is amended to read:

16 **254.68 Fees.** Except as provided in s. 254.69 (2) (d) and (e), the department
17 shall promulgate rules that establish, for permits issued under s. 254.64, permit fees,
18 preinspection fees and, reinspection fees, fees for operating without a permit, late
19 fees for untimely permit renewal, fees for comparable compliance or variance
20 requests, and fees for pre-permit review of restaurant plans.

21 ***-0421/2.8*** SECTION 3156. 254.69 (2) (am) of the statutes is amended to read:

22 254.69 (2) (am) In the administration of this subchapter or s. 254.47, the
23 department may enter into a written agreement with a local health department with
24 a jurisdictional area that has a population greater than 5,000, which designates the
25 local health department as the department's agent in issuing permits to and making

1 investigations or inspections of hotels, restaurants, temporary restaurants, tourist
2 rooming houses, bed and breakfast establishments, campgrounds and camping
3 resorts, recreational and educational camps and public swimming pools. In a
4 jurisdictional area of a local health department without agent status, the
5 department of health and family services may issue permits, collect permit fees
6 established by rule under s. 254.68 and make investigations or inspections of hotels,
7 restaurants, temporary restaurants, tourist rooming houses, bed and breakfast
8 establishments, campgrounds and camping resorts, recreational and educational
9 camps and public swimming pools. If the department designates a local health
10 department as its agent, the department or local health department may require no
11 permit for the same operations other than the permit issued by the local health
12 department under this subsection. The department shall coordinate the designation
13 of agents under this subsection with the department of agriculture, trade and
14 consumer protection to ensure that, to the extent feasible, the same local health
15 department is granted agent status under this subsection and under s. 97.41. Except
16 as otherwise provided by the department, a local health department granted agent
17 status shall regulate all types of establishments for which this subchapter permits
18 the department of health and family services to delegate regulatory authority.

19 ***-0294/1.2* SECTION 3157.** 255.06 (2) (b) of the statutes is repealed.

20 ***-0294/1.3* SECTION 3158.** 255.075 of the statutes is renumbered 255.075
21 (intro.) and amended to read:

22 **255.075 Health screening for low-income women.** (intro.) From the
23 appropriation account under s. 20.435 (5) (cb), the department shall ~~en~~ do all of the
24 following:

SECTION 3158

1 **(1)** On a regional basis award funds, as determined by the department, to
2 applicants to provide health care screening, referral, follow-up and patient
3 education to low-income, underinsured and uninsured women. Award of a grant to
4 an applicant under this ~~section~~ subsection is conditioned upon receipt by the
5 department of an agreement by the applicant to provide funds or in-kind services to
6 match 25% of the amount of a grant awarded.

7 ***-0294/1.4*** **SECTION 3159.** 255.075 (2) of the statutes is created to read:

8 255.075 (2) Allocate and expend at least \$20,000 in each fiscal year to develop
9 and provide media announcements and educational materials to promote health
10 care screening services for women that are available under a grant awarded under
11 sub. (1) and to promote breast cancer screening services that are available under s.
12 255.06.

13 ***-1205/4.4*** **SECTION 3160.** 255.10 (intro.) of the statutes is amended to read:

14 **255.10 Thomas T. Melvin youth tobacco prevention and education**
15 **program.** (intro.) From the appropriation under s. 20.435 (5) (dg) and from the
16 moneys distributed under s. 255.15 (3) (a) 2., the department shall administer the
17 Thomas T. Melvin youth tobacco prevention and education program, with the
18 primary purpose of reducing the use of cigarettes and tobacco products by minors.
19 The department shall award grants for the following purposes:

20 ***-1205/4.5*** **SECTION 3161.** 255.15 (3) (a) 2. of the statutes is amended to read:

21 255.15 (3) (a) 2. The Thomas T. Melvin youth tobacco prevention and education
22 program under s. 255.10, ~~\$1,000,000~~ \$1,500,000 in fiscal year ~~1999-2000~~ and not
23 less than \$1,000,000 in fiscal year 2000-01 2001-02 and \$2,000,000 in each fiscal
24 year thereafter.

25 ***-0313/2.21*** **SECTION 3162.** 281.17 (2) of the statutes is amended to read:

1 281.17 (2) The department shall supervise chemical treatment of waters for the
2 suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing
3 plants and organisms that are not regulated by the program established under s.
4 23.24 (2). It may purchase equipment and may make a charge for the use of the same
5 and for materials furnished, together with a per diem charge for any services
6 performed in such work. The charge shall be sufficient to reimburse the department
7 for the use of the equipment, the actual cost of materials furnished, and the actual
8 cost of the services rendered.

9 ***-0286/3.1*** SECTION 3163. 281.58 (8) (c) of the statutes is amended to read:

10 281.58 (8) (c) Except as provided in par. (k), financial assistance may be
11 provided for the design, planning, and construction of a collection system,
12 interceptor, or individual system project in an unsewered municipality or an
13 unsewered area of a municipality, only if the department finds that at least
14 two-thirds of the initial flow will be for wastewater originating from residences in
15 existence on October 17, 1972 the date that is 10 years before the day on which the
16 department approves the facility plan under sub. (8s) for the project.

17 ***-0321/5.3*** SECTION 3164. 281.58 (9) (e) of the statutes is amended to read:

18 281.58 (9) (e) If the governor's recommendation, as set forth in the executive
19 budget bill, for the amount under s. 281.59 (3e) (b), the amount available under s.
20 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) for a biennium is ~~85%~~
21 75% or less of the amount of present value subsidy, general obligation bonding
22 authority, or revenue bonding authority, respectively, requested for that biennium
23 in the biennial finance plan submitted under s. 281.59 (3) (bm) 1., the department
24 shall inform municipalities that, if the governor's recommendations are approved,
25 clean water fund program assistance during a fiscal year of that biennium will only

SECTION 3164

1 be available to municipalities that submit financial assistance applications by the
2 June 30 preceding that fiscal year.

3 ***-0321/5.4* SECTION 3165.** 281.58 (9m) (f) (intro.) of the statutes is amended
4 to read:

5 281.58 (**9m**) (f) (intro.) If the amount approved under s. 281.59 (3e) (b), the
6 amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4)
7 (f) for a biennium is ~~85%~~ 75% or less of the amount of present value subsidy, general
8 obligation bonding authority, or revenue bonding authority, respectively, requested
9 for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1.,
10 all of the following apply:

11 ***-0321/5.5* SECTION 3166.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
12 to read:

13 281.59 (**3e**) (b) 1. Equal to ~~\$85,200,000~~ \$90,000,000 during the ~~1999-01~~
14 2001-03 biennium.

15 3. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

16 ***-0321/5.6* SECTION 3167.** 281.59 (3m) (b) 1. and 2. of the statutes are
17 amended to read:

18 281.59 (**3m**) (b) 1. Equal to ~~\$9,400,000~~ \$9,110,000 during the ~~1999-01~~ 2001-03
19 biennium.

20 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

21 ***-0321/5.7* SECTION 3168.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
22 to read:

23 281.59 (**3s**) (b) 1. Equal to ~~\$12,600,000~~ \$10,900,000 during the ~~1999-01~~
24 2001-03 biennium.

25 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

1 ***-0321/5.8* SECTION 3169.** 281.59 (4) (f) of the statutes is amended to read:

2 281.59 (4) (f) Revenue obligations may be contracted by the building
3 commission when it reasonably appears to the building commission that all
4 obligations incurred under this subsection can be fully paid on a timely basis from
5 moneys received or anticipated to be received. Revenue obligations issued under this
6 subsection for the clean water fund program shall not exceed ~~\$1,297,755,000~~
7 \$1,389,755,000 in principal amount, excluding obligations issued to refund
8 outstanding revenue obligation notes.

9 ***-0291/1.1* SECTION 3170.** 281.61 (3) (b) of the statutes is repealed.

10 ***-0291/1.2* SECTION 3171.** 281.61 (3) (c) of the statutes is amended to read:

11 281.61 (3) (c) The department may waive par. (a) ~~or (b)~~ upon the written request
12 of a local governmental unit.

13 ***-0373/2.1* SECTION 3172.** 281.65 (4) (f) of the statutes is amended to read:

14 281.65 (4) (f) Administer the distribution of grants and aids to governmental
15 units for local administration and implementation of the program under this section.
16 A grant awarded under this section may be used for cost-sharing for management
17 practices and capital improvements, easements, or other activities determined by
18 the department to satisfy the requirements of this section. A grant under this section
19 to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for
20 plan preparation, technical assistance, educational and training assistance, and
21 ordinance development and administration. A grant may not be used for
22 promotional items, except for promotional items that are used for informational
23 purposes, such as brochures or videos.

24 ***-0390/2.1* SECTION 3173.** 281.65 (4c) (am) 1. a. of the statutes is amended to

25 read:

SECTION 3173

1 281.65 (4c) (am) 1. a. The need for compliance with performance standards
2 established by the department under s. 281.16 (2) and (3).

3 ***-0390/2.2*** **SECTION 3174.** 281.65 (4c) (am) 2. of the statutes is amended to
4 read:

5 281.65 (4c) (am) 2. The ~~project cannot be conducted with department, in~~
6 consultation with the department of agriculture, trade and consumer protection,
7 determines that funding provided under s. 92.14 is insufficient to fund the project.

8 ***-1813/4.14*** **SECTION 3175.** 281.65 (4g) of the statutes is amended to read:

9 281.65 (4g) The department may contract with any person from the
10 appropriation account under s. 20.370 (4) ~~(at)~~ (ac) for services to administer or
11 implement this section, including information and education and training services.
12 The department shall allocate \$500,000 in each fiscal year from the appropriation
13 account under s. 20.370 (4) ~~(at)~~ (ac) for contracts for educational and technical
14 assistance related to the program under this section provided by the University of
15 Wisconsin–Extension.

16 ***-0407/2.1*** **SECTION 3176.** 281.65 (5m) of the statutes is amended to read:

17 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), the
18 governmental unit or regional planning commission under sub. (4m) and the
19 department of agriculture, trade and consumer protection under sub. (5), ~~and upon~~
20 ~~receiving the approval of the land and water conservation board,~~ the department
21 shall prepare ~~and approve~~ the final plan for a priority watershed or priority lake
22 project. The department shall submit the final plan to the land and water
23 conservation board for approval and may not implement the plan without that
24 approval.

25 ***-0407/2.2*** **SECTION 3177.** 281.65 (5q) of the statutes is created to read:

1 281.65 (5q) Notwithstanding sub. (5s), neither the department nor the land
2 and water conservation board may extend funding under this section for a priority
3 watershed or priority lake project beyond the following date:

4 (a) If a funding termination date was established for the priority watershed or
5 priority lake project before January 1, 2001, that funding termination date.

6 (b) If a funding termination date was not established for the priority watershed
7 or priority lake project before January 1, 2001, the funding termination date first
8 established after December 31, 2000.

9 ***-0353/3.13*** SECTION 3178. 281.68 (1) (ac) of the statutes is created to read:

10 281.68 (1) (ac) "Aquatic nuisance species" has the meaning given in s. 30.1255

11 (1).

12 ***-0353/3.14*** SECTION 3179. 281.68 (1) (ar) of the statutes is created to read:

13 281.68 (1) (ar) "Paid membership" means members of a premier lake
14 association that are current in the payment of their annual membership fees.

15 ***-0353/3.15*** SECTION 3180. 281.68 (1) (au) of the statutes is created to read:

16 281.68 (1) (au) "Premier lake association" is an association that meets the
17 qualifications under sub. (3m) (d).

18 ***-0353/3.16*** SECTION 3181. 281.68 (1) (b) (intro.) of the statutes is
19 renumbered 281.68 (1) (b) and amended to read:

20 281.68 (1) (b) "Qualified lake association" means ~~a group incorporated under~~
21 ~~ch. 181 that meets all of the following conditions:~~ an association that meets the
22 qualifications under sub. (3m) (a).

23 ***-0353/3.17*** SECTION 3182. 281.68 (1) (b) 1. of the statutes is renumbered
24 281.68 (3m) (a) 2. and amended to read:

1 281.68 (3m) (a) 2. ~~Specifies~~ Specify in its articles of incorporation or bylaws
2 that a substantial purpose of its being incorporated is to support the protection or
3 improvement of one or more inland lakes for the benefit of the general public.

4 ***-0353/3.18*** SECTION 3183. 281.68 (1) (b) 2. of the statutes is renumbered
5 281.68 (3m) (a) 3. and amended to read:

6 281.68 (3m) (a) 3. ~~Demonstrates~~ Demonstrate that the substantial purpose of
7 its past actions was to support the protection or improvement of one or more inland
8 lakes for the benefit of the general public.

9 ***-0353/3.19*** SECTION 3184. 281.68 (1) (b) 3. of the statutes is renumbered
10 281.68 (3m) (a) 4. and amended to read:

11 281.68 (3m) (a) 4. ~~Allows~~ Allow to be a member any individual who for at least
12 one month each year resides on or within one mile of an inland lake for which the
13 association was incorporated.

14 ***-0353/3.20*** SECTION 3185. 281.68 (1) (b) 4. of the statutes is renumbered
15 281.68 (3m) (a) 5. and amended to read:

16 281.68 (3m) (a) 5. ~~Allows~~ Allow to be a member any individual who owns real
17 estate on or within one mile of an inland lake for which the association was
18 incorporated.

19 ***-0353/3.21*** SECTION 3186. 281.68 (1) (b) 5. of the statutes is renumbered
20 281.68 (3m) (a) 6. and amended to read:

21 281.68 (3m) (a) 6. ~~Does not~~ Not have articles of incorporation or bylaws which
22 limit or deny the right of any member or any class of members to vote as permitted
23 under s. 181.0721 (1).

24 ***-0353/3.22*** SECTION 3187. 281.68 (1) (b) 6. of the statutes is renumbered
25 281.68 (3m) (a) 7. and amended to read:

1 281.68 (3m) (a) 7. ~~Has been~~ Demonstrate that it has been in existence for at
2 least one year.

3 ***-0353/3.23*** SECTION 3188. 281.68 (1) (b) 7. of the statutes is renumbered
4 281.68 (3m) (a) 8. and amended to read:

5 281.68 (3m) (a) 8. ~~Has~~ Demonstrate that it has at least 25 members.

6 ***-0353/3.24*** SECTION 3189. 281.68 (1) (b) 8. of the statutes is renumbered
7 281.68 (3m) (a) 9. and amended to read:

8 281.68 (3m) (a) 9. ~~Requires~~ Require payment of an annual membership fee of
9 not less than \$10 nor more than \$25 as set by the department by rule under par. (b).

10 ***-0353/3.25*** SECTION 3190. 281.68 (1) (c) of the statutes is created to read:

11 281.68 (1) (c) “Qualified school district” is a school district that meets the
12 qualifications under sub. (3m) (c).

13 ***-0353/3.26*** SECTION 3191. 281.68 (2) of the statutes is renumbered 281.68
14 (2) (a) and amended to read:

15 281.68 (2) (a) AMOUNT OF GRANTS. The department may provide a grant of 75%
16 of the cost of a lake management planning project ~~up to a total of \$10,000 per grant.~~
17 Each grant may not exceed \$10,000, except as provided in par. (b).

18 ***-0353/3.27*** SECTION 3192. 281.68 (2) (b) of the statutes is created to read:

19 281.68 (2) (b) A grant made to a premier lake association under par. (a) may
20 not exceed \$25,000.

21 ***-0353/3.28*** SECTION 3193. 281.68 (3) (a) of the statutes is amended to read:

22 281.68 (3) (a) Eligible recipients to consist of nonprofit conservation
23 organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified
24 lake associations, premier lake associations, town sanitary districts, qualified school
25 districts, public inland lake protection and rehabilitation districts, and other local

SECTION 3193

1 governmental units, as defined in s. 66.0131 (1) (a), that are established for the
2 purpose of lake management.

3 ***-0353/3.29* SECTION 3194.** 281.68 (3) (b) 6. of the statutes is created to read:
4 281.68 (3) (b) 6. Providing programs and materials that promote the
5 monitoring of private sewage systems, the reduction in the use of environmentally
6 harmful chemicals, water safety, and the protection of natural lake ecosystems.

7 ***-0353/3.30* SECTION 3195.** 281.68 (3m) (title) and (a) (intro.) of the statutes
8 are created to read:

9 281.68 (3m) (title) QUALIFIED ENTITIES. (a) (intro.) To be a qualified lake
10 association, an association shall do all of the following:

11 ***-0353/3.31* SECTION 3196.** 281.68 (3m) (a) 1. of the statutes is created to read:
12 281.68 (3m) (a) 1. Demonstrate that it is incorporated under ch. 181.

13 ***-0353/3.32* SECTION 3197.** 281.68 (3m) (b) of the statutes is created to read:
14 281.68 (3m) (b) For purposes of par. (a) 9., the department shall set by rule the
15 maximum amount and the minimum amount that may be charged as an annual
16 membership fee.

17 ***-0353/3.33* SECTION 3198.** 281.68 (3m) (c) of the statutes is created to read:
18 281.68 (3m) (c) To be a qualified school district, the board of the school district
19 shall adopt a resolution to conduct a lake management planning project that will do
20 all of the following:

21 1. Provide information or education on the use of lakes or natural lake
22 ecosystems, on the quality of water in lakes, or on the quality of natural lake
23 ecosystems.

24 2. Allow another eligible recipient of grants under this section to cooperate with
25 the school district in the project.

1 ***-0353/3.34*** SECTION 3199. 281.68 (3m) (d) of the statutes is created to read:

2 281.68 (3m) (d) To be a premier lake association, an association shall do all of
3 the following:

4 1. Meet the qualifications for a qualified lake association under par. (a).

5 2. Demonstrate at the time of application for a grant under this section or s.
6 281.69 that it has a paid membership that is at least equal to 50% of the allowable
7 combined membership under par. (a) 4. and 5.

8 3. Hold at least 2 regularly scheduled meetings of its members each year.

9 4. Distribute at least one annual newsletter published by the association.

10 5. Promote annual monitoring of private sewage systems and encourage real
11 estate owners who are allowed to be members of the association under par. (a) 5. to
12 upgrade failing systems.

13 6. Promote the use of phosphate-free or other environmentally safe soaps and
14 detergent products by the residents and real estate owners who are allowed to be
15 members of the association under par. (a) 4. and 5.

16 7. Promote water safety and the protection of the natural fish population in and
17 wildlife population near each inland lake for which the association was incorporated.

18 8. Cooperate with any local, state, or federal programs that provide support for
19 the protection or improvement of any of the inland lakes for which the association
20 was incorporated.

21 9. Actively raise funds for all of the following:

22 a. Signs at public access sites on each inland lake for which the association was
23 incorporated that provide information on aquatic nuisance species.

24 b. Washing stations to wash boats, boat trailers, and boating equipment.

1 c. In-kind contributions to assist any efforts of the department to control
2 aquatic nuisance species in each inland lake for which the association was
3 incorporated.

4 d. Manuals for real estate owners and residents who are members of the
5 association that address the issue of owner and resident responsibility for managing
6 the resources of each inland lake for which the association was incorporated.

7 e. Surveys, on a regular basis, that monitor the water quality in each inland
8 lake for which the association was incorporated.

9 ***-0353/3.35* SECTION 3200.** 281.69 (1b) of the statutes is renumbered 281.69
10 (1b) (intro.) and amended to read:

11 281.69 (1b) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, “lake”:

12 (ag) “Lake” includes a flowage.

13 ***-0353/3.36* SECTION 3201.** 281.69 (1b) (b) of the statutes is created to read:

14 281.69 (1b) (b) “Premier lake association” is an association that meets the
15 qualifications under s. 281.68 (3m) (d).

16 ***-0353/3.37* SECTION 3202.** 281.69 (1b) (c) of the statutes is created to read:

17 281.69 (1b) (c) “Qualified lake association” is an association that meets the
18 qualifications under s. 281.68 (3m) (a).

19 ***-0353/3.38* SECTION 3203.** 281.69 (1b) (d) of the statutes is created to read:

20 281.69 (1b) (d) “Wetland” has the meaning given in s. 23.32 (1).

21 ***-0353/3.39* SECTION 3204.** 281.69 (3) (a) of the statutes is amended to read:

22 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
23 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,
24 villages, qualified lake associations, ~~as defined in s. 281.68 (1) (b), premier lake~~
25 associations, town sanitary districts, public inland lake protection and

1 rehabilitation districts, and other local governmental units, as defined in s. 66.0131
2 (1) (a), that are established for the purpose of lake management.

3 ***-0353/3.40* SECTION 3205.** 281.69 (3) (am) of the statutes is created to read:

4 281.69 (3) (am) That the department in providing grants for lake management
5 projects give higher priority to premier lake associations over the other eligible
6 recipients.

7 ***-0353/3.41* SECTION 3206.** 281.69 (3) (b) 2. of the statutes is amended to read:

8 281.69 (3) (b) 2. The restoration of a wetland, ~~as defined in s. 23.32 (1)~~, if the
9 restoration will protect or improve a lake's water quality or its natural ecosystem.

10 ***-0353/3.42* SECTION 3207.** 281.69 (3) (b) 2m. of the statutes is created to read:

11 281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along
12 its shoreline if the restoration will protect or improve the lake's water quality or its
13 natural ecosystem.

14 ***-0353/3.43* SECTION 3208.** 281.69 (4m) of the statutes is created to read:

15 281.69 (4m) SIGNS FOR PREMIER LAKES. The department may expend up to
16 \$5,000 in each fiscal year from the appropriation under s. 20.370 (6) (ar) for the
17 design and manufacture of signs, to be provided to premier lake associations, that
18 identify the lakes for which the premier lake associations were incorporated.

19 ***-1335/7.63* SECTION 3209.** 281.75 (4) (b) 3. of the statutes is amended to read:

20 281.75 (4) (b) 3. An authority created under ch. 231, 233 ~~or~~, 234, or 237.

21 ***-0372/1.1* SECTION 3210.** 283.15 (5) (b) of the statutes is amended to read:

22 283.15 (5) (b) A variance applies for the term established by the secretary, but
23 not to exceed ~~3~~ 5 years. The term of the initial variance and any renewals thereof
24 may not exceed the time that the secretary determines is necessary to achieve the
25 water quality based effluent limitation. Initial and interim effluent limitations

1 established under par. (c) 1. apply, as appropriate, for the term of the underlying
2 permit as issued, reissued or modified to implement the decision under sub. (4) (b)
3 or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51
4 (2) shall apply for the purposes of continuing the provisions of a permit pending the
5 issuance or reissuance of a permit. Upon the issuance or reissuance of the new
6 permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.

7 ***-0372/1.2* SECTION 3211.** 283.15 (6) of the statutes is amended to read:

8 283.15 (6) RENEWAL. A variance may be renewed using the procedures in and
9 subject to subs. (2) to (5), except that a permittee shall submit the application for
10 renewal of its variance with the application for reissuance of its permit. A variance
11 may not be renewed if the permittee did not submit the reports required under sub.
12 (5) (c) 2. or substantially comply with all other conditions of the variance.

13 ***-0367/3.2* SECTION 3212.** 283.33 (1) (b) of the statutes is amended to read:

14 283.33 (1) (b) A discharge of storm water from a municipal separate storm
15 sewer system serving an incorporated area with a population of 100,000 or more, as
16 determined by the 1990 federal census.

17 ***-0367/3.3* SECTION 3213.** 283.33 (1) (c) of the statutes is created to read:

18 283.33 (1) (c) A discharge of storm water from a municipal separate storm
19 sewer system serving an area located in an urbanized area, as determined by the U.S.
20 bureau of the census based on the latest decennial federal census.

21 ***-0367/3.4* SECTION 3214.** 283.33 (1) (cg) of the statutes is created to read:

22 283.33 (1) (cg) A discharge of storm water from a municipal separate storm
23 sewer system serving an area with a population of 10,000 or more and a population
24 density of 1,000 or more per square mile, if the system is designated by the
25 department to be regulated under this section based on an evaluation of whether the

1 storm water discharge results in, or has the potential to result in, water quality
2 standards being exceeded, including impairment of designated uses, or in other
3 significant water quality impacts, including habitat and biological impacts.

4 ***-0367/3.5* SECTION 3215.** 283.33 (1) (cr) of the statutes is created to read:

5 283.33 (1) (cr) A discharge of storm water from a municipal separate storm
6 sewer system that is designated by the department to be regulated under this section
7 because the system contributes substantially to the pollutant loadings of a physically
8 interconnected municipal separate storm sewer system that is regulated under this
9 section.

10 ***-0367/3.6* SECTION 3216.** 283.33 (1) (d) of the statutes is amended to read:

11 283.33 (1) (d) A discharge of storm water from a facility or activity, other than
12 a facility or activity under ~~par. pars. (a) or (b)~~ to (cr), if the department determines
13 that the discharge either contributes to a violation of a water quality standard or is
14 a significant contributor of pollutants to the waters of the state.

15 ***-0367/3.7* SECTION 3217.** 283.33 (4) (a) (intro.) of the statutes is amended to
16 read:

17 283.33 (4) (a) (intro.) In addition to obtaining a permit under this section, the
18 owner or operator of an industrial activity described in sub. (1) (a) that discharges
19 storm water through a municipal separate storm sewer system described in sub. (1)
20 (b) to (cr) shall submit the following information to the owner or operator of the
21 municipal separate storm sewer system:

22 ***-0367/3.8* SECTION 3218.** 283.33 (8) of the statutes is amended to read:

23 283.33 (8) RULE MAKING. The department shall promulgate rules ~~containing~~
24 ~~criteria for identifying storm water discharges for which permits are required under~~
25 ~~sub. (1) for the administration of this section.~~ The department may not require a

1 permit under this section for diffused surface drainage or agricultural storm water
2 discharges.

3 ***-1857/5.119* SECTION 3219.** 283.84 (1) (c) of the statutes is amended to read:

4 283.84 (1) (c) Reaches an agreement with the department or a local
5 governmental unit, as defined in s. ~~16.97~~ 22.01 (7), under which the person pays
6 money to the department or local governmental unit and the department or local
7 governmental unit uses the money to reduce water pollution in the project area.

8 ***-0367/3.9* SECTION 3220.** 283.89 (2m) of the statutes is amended to read:

9 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
10 a person is subject to a forfeiture under s. 283.91 (2), the department ~~shall~~ may issue
11 a citation and, if the department does issue a citation, the procedures in ss. 23.50 to
12 23.99 apply.

13 ***-1335/7.64* SECTION 3221.** 285.59 (1) (b) of the statutes is amended to read:

14 285.59 (1) (b) "State agency" means any office, department, agency, institution
15 of higher education, association, society or other body in state government created
16 or authorized to be created by the constitution or any law which is entitled to expend
17 moneys appropriated by law, including the legislature and the courts, the Wisconsin
18 Housing and Economic Development Authority, the Bradley Center Sports and
19 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
20 Authority, the Fox River Navigational System Authority, and the Wisconsin Health
21 and Educational Facilities Authority.

22 ***-0359/1.1* SECTION 3222.** 285.60 (2m) of the statutes is created to read:

23 285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,
24 specify types of stationary sources that may obtain general construction permits. A
25 general construction permit may cover numerous similar stationary sources. A

1 general construction permit shall require any stationary source that is covered by
2 the general construction permit to comply with ss. 285.61 to 285.69. The department
3 shall issue a general construction permit using the procedures and criteria in ss.
4 285.61, 285.63, 285.65, 285.66, and 285.69.

5 ***-1838/1.1* SECTION 3223.** 285.69 (2) (a) 8. of the statutes is amended to read:
6 285.69 (2) (a) 8. That the fee billed for each stationary source in each year after
7 2001 is based on the actual emissions of all regulated pollutants, and any other air
8 contaminant specified by the department in the rules, in the preceding 5 years, using
9 a 5-year rolling average year.

10 ***-0290/2.2* SECTION 3224.** 287.23 (4) (intro.) of the statutes is renumbered
11 287.23 (4) and amended to read:

12 287.23 (4) APPLICATION. A responsible unit that seeks assistance under the
13 program shall submit an application to the department on forms provided by the
14 department. To qualify for a full grant, the responsible unit must submit the
15 application no later than October 1 in the year preceding the year for which the
16 assistance is sought. For the purpose of this subsection and sub. (5p), if an
17 application is postmarked, it is considered to be submitted on the date that it is
18 postmarked. ~~An application shall include all of the following:~~

19 ***-0290/2.3* SECTION 3225.** 287.23 (4) (a) to (c) of the statutes are repealed.

20 ***-0290/2.4* SECTION 3226.** 287.23 (5) (c) 2. of the statutes is amended to read:
21 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other
22 responsible units, the amount of the grant for 1993 through 2000 1999 equals either
23 66% of the difference between eligible expenses and avoided disposal costs or \$8
24 times the population of the responsible unit, whichever is less.

25 ***-0290/2.5* SECTION 3227.** 287.23 (5m) of the statutes is amended to read:

1 287.23 (5m) ALTERNATE PROCESS. The department shall establish, by rule, a
2 process for distributing grants if the amount that would be awarded under sub. (5)
3 or (5e) exceeds the amount of funds available under s. 20.370 (6) (bq).

4 *-1819/5.2* SECTION 3228. 287.24 of the statutes is created to read:

5 **287.24 Regional recycling program grants.** (1) Subject to sub. (2), from
6 the appropriation under s. 20.370 (6) (bt), the department shall provide grants to
7 groups of local governmental units, on a competitive basis, to assist those groups to
8 establish regional recycling programs. The department shall select recipients based
9 on the potential for reducing the costs of operating local recycling programs.

10 (2) The amount of a grant under this section may not exceed twice the amount
11 contributed by the grant recipients. No group of local governmental units may
12 receive more than one grant under this section.

13 (3) A grant under this section may be used for planning, acquiring a regional
14 recycling processing facility and equipment for such a facility, and developing a
15 regional collection system.

16 (4) The department shall promulgate rules for the administration of the grant
17 program under this section.

18 *-0363/5.1* SECTION 3229. 289.43 (8) (b) 4. of the statutes is created to read:

19 289.43 (8) (b) 4. Authorize use of the solid waste in public works projects.

20 *-1307/1.1* SECTION 3230. 292.11 (9) (e) 1m. f. of the statutes is amended to
21 read:

22 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
23 funds appropriated under s. 20.866 (2) (ta) or (tz).

24 *-1310/1.1* SECTION 3231. 292.13 (1m) (intro.) of the statutes is amended to
25 read:

1 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
2 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence
3 of a hazardous substance in the soil, including sediments, on property possessed or
4 controlled by the person if all of the following apply:

5 ***-1311/1.1*** SECTION 3232. 292.15 (2) (a) 4. of the statutes is amended to read:

6 292.15 (2) (a) 4. ~~The~~ If the voluntary party owns or controls the property, the
7 voluntary party maintains and monitors the property as required under rules
8 promulgated by the department and any contract entered into under those rules.

9 ***-1311/1.2*** SECTION 3233. 292.15 (2) (ae) 4. of the statutes is amended to read:

10 292.15 (2) (ae) 4. ~~The~~ If the voluntary party owns or controls the property, the
11 voluntary party maintains and monitors the property as required under rules
12 promulgated by the department and any contract entered into under those rules.

13 ***-1312/2.1*** SECTION 3234. 292.15 (2) (ae) 7. of the statutes is created to read:

14 292.15 (2) (ae) 7. If the voluntary party owns the property, the voluntary party
15 allows the department, any authorized representative of the department, a
16 representative of a company that has issued insurance required under subd. 3m.,
17 any party that possessed or controlled the hazardous substance or caused the
18 discharge of the hazardous substance, and any consultant or contractor of any of
19 those persons to enter the property to determine whether natural attenuation has
20 failed and to take action to respond to the discharge if natural attenuation has failed.

21 ***-0332/2.1*** SECTION 3235. 292.15 (2) (ag) of the statutes is amended to read:

22 292.15 (2) (ag) *Property affected by off-site discharge.* (intro.) Except as
23 provided in sub. (6) or (7), for a property on which there exists a hazardous substance
24 for which a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a
25 voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42

SECTION 3235

1 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and
2 292.31 (8), and rules promulgated under those provisions, with respect to discharges
3 of hazardous substances on or originating from the property, if the release of those
4 hazardous substances occurred prior to the date on which the department approves
5 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.
6 to 6. apply and all of the following occur at any time before or after the date of
7 acquisition:

8 1. The environment is restored to the extent practicable with respect to the
9 discharges and the harmful effects from the discharges are minimized in accordance
10 with rules promulgated by the department and any contract entered into under those
11 rules, except that this requirement does not apply with respect to the hazardous
12 substance for which the voluntary party is exempt from liability under s. 292.13 (1)
13 or (1m).

14 2. The voluntary party obtains a certificate of completion from the department
15 stating that the environment has been satisfactorily restored to the extent
16 practicable with respect to the discharges and that the harmful effects from the
17 discharges have been minimized, except with respect to the hazardous substance for
18 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

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

22 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
23 (d) to (g) or (1m) (d) to (g).

24 *-1309/1.1* **SECTION 3236.** 292.15 (2) (at) of the statutes is repealed.

25 *-1311/1.3* **SECTION 3237.** 292.15 (2) (b) 4. of the statutes is created to read:

1 292.15 (2) (b) 4. If the voluntary party does not own or control the property, the
2 person who owns or controls the property fails to maintain and monitor the property
3 as required under rules promulgated by the department or any contract entered into
4 under those rules.

5 ***-1312/2.2*** SECTION 3238. 292.15 (2) (b) 5. of the statutes is created to read:

6 292.15 (2) (b) 5. If the voluntary party does not own or control the property, the
7 person who owns or controls the property fails to allow the department, any
8 authorized representative of the department, any representative of a company that
9 has issued insurance required under par. (ae) 3m., any party that possessed or
10 controlled the hazardous substance or caused the discharge of the hazardous
11 substance, or any consultant or contractor of any of those persons to enter the
12 property to determine whether natural attenuation has failed and to take action to
13 respond to the discharge if natural attenuation has failed.

14 ***-1309/1.2*** SECTION 3239. 292.15 (2) (c) of the statutes is amended to read:

15 292.15 (2) (c) *Prohibition on action.* The department of justice may not
16 commence an action under 42 USC 9607 against any voluntary party meeting the
17 criteria of this subsection to recover costs for which the voluntary party is exempt
18 under pars. (a), (ae), (ag), (am), ~~(at)~~ and (b).

19 ***-1309/1.3*** SECTION 3240. 292.15 (2) (e) of the statutes is amended to read:

20 292.15 (2) (e) *Contract with insurer.* If the department requires insurance
21 under par. (ae) 3m. ~~or (at) 3.~~, the department may contract with an insurer to provide
22 insurance required under par. (ae) 3m. ~~or (at) 3.~~ and may require voluntary parties
23 to obtain coverage under the contract.

24 ***-1312/2.3*** SECTION 3241. 292.15 (3) of the statutes is amended to read:

SECTION 3241

1 292.15 (3) SUCCESSORS AND ASSIGNS. An exemption provided in sub. (2) applies
2 to any successor or assignee of the voluntary party if the successor or assignee
3 complies with the provisions of sub. (2) (a) 4. and 5. or (ae) 3m., 4. and 5. and 7. and,
4 if applicable, sub. (2) (ag) 4. or (am) as though the successor or assignee were the
5 voluntary party except that the exemption in sub. (2) does not apply if the successor
6 or assignee knows that a certificate under sub. (2) (a) 3., (ae) 3., (ag)2. or (am) was
7 obtained by any of the means or under any of the circumstances specified in sub. (2)
8 (a) 6.

9 *-1309/1.4* SECTION 3242. 292.15 (6) (a) of the statutes is renumbered 292.15
10 (6).

11 *-1309/1.5* SECTION 3243. 292.15 (6) (b) of the statutes is repealed.

12 *-0335/2.2* SECTION 3244. 292.21 (1) (c) 2. g. of the statutes is amended to
13 read:

14 292.21 (1) (c) 2. g. A review to determine if the real property is listed in any of
15 the written compilations of sites or facilities considered to pose a threat to human
16 health or the environment, including the national priorities list under 42 USC 9605
17 (a) (8) (B); the federal environmental protection agency's information system for the
18 comprehensive environmental response, compensation and liability act, 42 USC
19 9601 to 9675, (CERCLIS); and the department's most recent Wisconsin remedial
20 response site evaluation report, including the inventory list or database of sites or
21 ~~facilities which may cause or threaten to cause environmental pollution that are~~
22 environmentally contaminated required by s. 292.31 (1) (a); ~~and the department's~~
23 ~~registry of abandoned landfills.~~

24 *-1308/3.1* SECTION 3245. 292.23 of the statutes is created to read:

292.23 Responsibility of local governmental units; solid waste. (1)

DEFINITION. In this section, "local governmental unit" means a municipality, a redevelopment authority created under s. 66.1333, a public body designated by a municipality under s. 66.1337 (4), a community development authority, or a housing authority.

(2) EXEMPTION FROM LIABILITY. Except as provided in sub. (3), a local governmental unit is exempt from s. 289.05, and rules promulgated under that section, with respect to property acquired by the local governmental unit before, on, or after the effective date of this subsection [revisor inserts date], if any of the following applies:

(a) The local governmental unit acquired the property through tax delinquency proceedings or as the result of an order by a bankruptcy court.

(b) The local governmental unit acquired the property from a local governmental unit that is exempt under this subsection with respect to the property.

(c) The local governmental unit acquired the property through a condemnation or other proceeding under ch. 32.

(d) The local governmental unit acquired the property for the purpose of slum clearance or blight elimination.

(e) The local governmental unit acquired the property through escheat.

(f) The local governmental unit acquired the property using funds appropriated under s. 20.866 (2) (ta) or (tz).

(3) EXCEPTIONS. (a) Subsection (2) does not apply with respect to a discharge of a hazardous substance caused by any of the following:

1. An action taken by the local governmental unit.

SECTION 3245

1 2. A failure of the local governmental unit to take appropriate action to restrict
2 access to the property in order to minimize costs or damages that may result from
3 unauthorized persons entering the property.

4 3. A failure of the local governmental unit to sample and analyze unidentified
5 substances in containers stored aboveground on the property.

6 4. A failure of the local governmental unit to remove and properly dispose of,
7 or to place in a different container and properly store, any hazardous substance
8 stored aboveground on the property in a container that is leaking or is likely to leak.

9 (b) Subsection (2) does not apply if, after considering the intended development
10 and use of the property, the department determines that action is necessary to reduce
11 to acceptable levels any substantial threat to public health or safety when the
12 property is developed or put to that intended use, the department directs the local
13 governmental unit to take that necessary action, and the local governmental unit
14 does not take that action as directed.

15 (c) Subsection (2) only applies if the local governmental unit agrees to allow the
16 department, any authorized representatives of the department, any party that
17 possessed or controlled a hazardous substance that was discharged or caused the
18 discharge of a hazardous substance, and any consultant or contractor of such a party
19 to enter the property to take action to respond to the discharge.

20 (d) Subsection (2) does not apply to property described in sub. (2) (f) unless the
21 local governmental unit enters into an agreement with the department to ensure
22 that the conditions in pars. (a) and (b) are satisfied.

23 (e) Subsection (2) does not apply to any solid waste facility, as defined in s.
24 289.01 (35), that was operated by the local governmental unit or was owned by the

1 local governmental unit while it was operated, to a municipal waste landfill, as
2 defined in s. 289.01 (22), or to an approved facility.

3 ***-0335/2.3*** SECTION 3246. 292.31 (1) (title) of the statutes is amended to read:

4 292.31 (1) (title) INVENTORY LIST OR DATABASE; ANALYSIS; HAZARD RANKING.

5 ***-0335/2.4*** SECTION 3247. 292.31 (1) (a) (title) of the statutes is repealed and
6 recreated to read:

7 292.31 (1) (a) (title) *List or database.*

8 ***-0335/2.5*** SECTION 3248. 292.31 (1) (a) 1. of the statutes is repealed and
9 recreated to read:

10 292.31 (1) (a) 1. The department shall compile and make available a list or
11 database of all known sites or facilities in this state that are environmentally
12 contaminated.

13 ***-0335/2.6*** SECTION 3249. 292.31 (1) (a) 2. of the statutes is repealed.

14 ***-0335/2.7*** SECTION 3250. 292.31 (1) (a) 3. of the statutes is amended to read:

15 292.31 (1) (a) 3. The decision of the department to include a site or facility on
16 the inventory list or database under subd. 1. or exclude a site or facility from the
17 inventory list or database is not subject to judicial review.

18 ***-0335/2.8*** SECTION 3251. 292.31 (1) (a) 4. of the statutes is amended to read:

19 292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the list or
20 database of sites or facilities ~~which results from the inventory under subd. 1.~~ is not
21 a rule.

22 ***-0335/2.9*** SECTION 3252. 292.31 (1) (b) 1. of the statutes is amended to read:

23 292.31 (1) (b) 1. The department may take direct action under subd. 2. or 3. or
24 may enter into a contract with any person to take the action. The department may

1 take action under subd. 2. or 3. regardless of whether a site or facility is included on
2 the inventory list or database under par. (a) ~~or the hazard ranking list under par. (c).~~

3 ***-0335/2.10* SECTION 3253.** 292.31 (1) (c) of the statutes is repealed.

4 ***-0335/2.11* SECTION 3254.** 292.31 (2) (a) of the statutes is amended to read:

5 292.31 (2) (a) Methods for preparing the inventory and ~~conducting the analysis~~
6 list or database under sub. (1).

7 ***-0335/2.12* SECTION 3255.** 292.31 (3) (c) of the statutes is amended to read:

8 292.31 (3) (c) *Sequence of remedial action.* In determining the sequence for
9 taking remedial action under this subsection, the department shall consider the
10 ~~hazard ranking of~~ degree to which each site or facility presents a substantial danger
11 to public health or welfare or the environment, the potential urgency of taking
12 remedial action at each site or facility, the amount of funds available, the information
13 available about each site or facility, the willingness and ability of an owner, operator
14 or other responsible person to undertake or assist in remedial action, the availability
15 of federal funds under 42 USC 9601, et seq., and other relevant factors. The
16 department shall give the highest priority to remedial action at sites or facilities
17 which have caused contamination of a municipal water system in a town with a
18 population greater than 10,000. If any such site or facility is eligible for federal funds
19 under 42 USC s. 9601 to 9675, but the federal funds will not be available before
20 January 1, 2000, the department shall proceed with remedial action using state
21 funds.

22 ***-0335/2.13* SECTION 3256.** 292.31 (3) (cm) of the statutes is amended to read:

23 292.31 (3) (cm) *Remedial action schedule.* The department shall commence
24 remedial action as required under this paragraph for sites or facilities ~~which are~~
25 ~~included on the hazard ranking list and that~~ that are determined to present a substantial

1 danger to public health or welfare or the environment. The department shall
2 commence remedial action at no less than 2 of the sites or facilities by January 1,
3 1989. The department shall commence remedial action at all of the sites or facilities
4 by January 1, 2000. After January 1, 1989, and before January 1, 2000, the
5 department shall annually commence remedial action at no less than 2 of the sites
6 or facilities.

7 ***-0335/2.14*** SECTION 3257. 292.31 (3) (d) of the statutes is amended to read:

8 292.31 (3) (d) *Emergency responses.* Notwithstanding rules promulgated
9 under this section, ~~the hazard ranking list~~, the considerations for taking action
10 under par. (c) or the remedial action schedule under par. (cm), the department may
11 take emergency action under this subsection and subs. (1) and (7) at a site or facility
12 if delay will result in imminent risk to public health or safety or the environment.
13 The department is not required to hold a hearing under par. (f) if emergency action
14 is taken under this paragraph. The decision of the department to take emergency
15 action is a final decision of the agency subject to judicial review under ch. 227.

16 ***-0335/2.15*** SECTION 3258. 292.31 (4) of the statutes is amended to read:

17 292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY
18 MUNICIPALITIES. Notwithstanding the ~~inventory, analysis and hazard ranking list or~~
19 database under sub. (1), the environmental response plan prepared under sub. (2)
20 or the environmental repair authority, remedial action sequence and emergency
21 response requirements under sub. (3), the department shall pay that portion of the
22 cost of any monitoring requirement which is to be paid under s. 289.31 (7) (f) from
23 the appropriation under s. 20.370 (2) (dv) prior to making other payments from that
24 appropriation.

25 ***-0335/2.16*** SECTION 3259. 292.31 (5) of the statutes is amended to read:

1 292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the ~~inventory,~~
2 ~~analysis and hazard ranking list or database~~ under sub. (1), the environmental
3 response plan prepared under sub. (2), the environmental repair authority, remedial
4 action sequence and emergency response requirements under sub. (3), or the
5 monitoring costs under sub. (4), the department shall pay the cost incurred by a
6 municipality after June 30, 1986, and before January 30, 1988, for testing required
7 to determine whether the ash from a municipally owned incinerator is hazardous.
8 The department shall make payments under this subsection from the appropriation
9 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

10 ***-0333/1.1*** SECTION 3260. 292.31 (7) (am) of the statutes is created to read:

11 292.31 (7) (am) 1. The department may accept the transfer of an interest in
12 property that was acquired by the federal environmental protection agency as part
13 of a remedial action under the federal Comprehensive Environmental Response,
14 Compensation, and Liability Act, 42 USC 9601 to 9675.

15 2. The department may acquire an interest in property from any person as part
16 of a remedial action conducted in cooperation with the federal environmental
17 protection agency if the acquisition is necessary to implement the remedy. Under
18 this subdivision, the department may acquire an interest in property that is
19 necessary to ensure that restrictions on the use of land or groundwater are
20 enforceable. The department may expend moneys from the appropriations under ss.
21 20.370 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an interest
22 in property acquired by the department under this subdivision.

23 3. The department may enforce the terms of any interest in property that it
24 acquires under this paragraph.

25 ***-0360/2.1*** SECTION 3261. 292.35 (1) (am) of the statutes is created to read:

1 292.35 (1) (am) "Financial assistance" means money, other than a loan,
2 provided by this state to pay a portion of the cost of investigation and remedial action
3 for a site or facility, except that "financial assistance" does not include money
4 provided by the state because the state is a responsible party at a site or facility.

5 ***-0360/2.2*** SECTION 3262. 292.35 (1) (d) of the statutes is created to read:

6 292.35 (1) (d) "Remedial action" means action that is taken in response to a
7 discharge of a hazardous substance to restore the environment and minimize the
8 harmful effects of the discharge on the air, lands, and waters of this state, including
9 actions taken immediately after the discharge occurs.

10 ***-0360/2.3*** SECTION 3263. 292.35 (2) of the statutes is renumbered 292.35 (2)
11 (intro.) and amended to read:

12 292.35 (2) APPLICABILITY. (intro.) This section only applies to a site or facility
13 if the any of the following criteria is satisfied:

14 (a) The site or facility is owned by a local governmental unit. This section does
15 not apply to a landfill until January 1, 1996 and, if the site or facility is a landfill, the
16 landfill is closed under s. 289.05 (3).

17 ***-0360/2.4*** SECTION 3264. 292.35 (2) (b) of the statutes is created to read:

18 292.35 (2) (b) The local governmental unit is a responsible party at the site or
19 facility and all of the following apply:

20 1. The local governmental unit commits itself, by resolution of its governing
21 body, to paying more than 50% of the amount determined by subtracting any
22 financial assistance received for the site or facility from the total cost of investigation
23 and remedial action for the site or facility.

24 2. If the site or facility is a landfill, the landfill is closed.

25 ***-0360/2.5*** SECTION 3265. 292.35 (2g) (bg) of the statutes is created to read:

SECTION 3265

1 292.35 (2g) (bg) 1. A transporter who is notified by certified mail by a local
2 governmental unit that the transporter is a responsible party at a site or facility shall
3 submit any records requested by the local governmental unit relating to the
4 transport and disposal of waste at the site or facility. The transporter shall submit
5 the records to the local governmental unit within 90 days of receiving the request.

6 2. If any records requested under subd. 1. were lost or destroyed before the
7 transporter received notice under subd. 1., the transporter may, within 90 days of
8 receiving the request under subd. 1., submit an affidavit that includes all of the
9 following:

10 a. A statement that the records are no longer available.

11 b. A statement that the transporter will cooperate by providing depositions,
12 statements, and other materials reasonably sought by the local governmental unit,
13 or an allocator appointed under sub. (3) (a), that will aid in the process of allocating
14 responsibility for the costs of investigation and remedial action at the site or facility.

15 c. A description of the process used by the transporter to search for the records.

16 3. A transporter shall provide depositions, statements, and other materials
17 reasonably sought by the local governmental unit, or an allocator appointed under
18 sub. (3) (a), that will aid in the process of allocating responsibility for the costs of
19 investigation and remedial action at the site or facility.

20 4. If a transporter discovers additional records more than 90 days after
21 receiving a request under subd. 1., the transporter shall immediately submit the
22 records to the local governmental unit, along with an explanation of why the records
23 were not submitted earlier.

24 *-0360/2.6* SECTION 3266. 292.35 (2g) (br) of the statutes is created to read: