

1 maintained by the political subdivision that is determined by the department to be
2 caused by reason of the road's use as a detour incident to the maintenance, repair,
3 or construction by the department of any state trunk highway, if the gravel road is
4 not part of a detour route designated by the department. The political subdivision
5 shall include with the claim a description of the nature and cause of the alleged
6 damage, the asserted value of the claim, and all known evidence in support of the
7 claim. In making its determination after submittal of the claim, the department
8 shall consider each of the following factors:

9 *b1495/1.25* SECTION 2308t. 84.30 (17) of the statutes is amended to read:

10 84.30 (17) TRANSPORTATION FUND. All fees collected for the issuance of permits
11 provided for under this section shall be paid into the state and local highways
12 account in the transportation fund.”

13 *b1519/2.198* **1311.** Page 868, line 2: after that line insert:

14 *b1519/2.198* “SECTION 2308t. 84.28 of the statutes is amended to read:

15 **84.28 State park, forest and riverway roads.** (1) Moneys from the
16 appropriation under s. 20.370 (7) (mc) may be expended for the renovation, marking
17 and maintenance of a town or county highway located within the boundaries of any
18 state park, state forest or other property under the jurisdiction of the department of
19 ~~natural resources~~ fish, wildlife, parks, and forestry. Moneys from the appropriation
20 under s. 20.370 (7) (mc) may be expended for the renovation, marking and
21 maintenance of a town or county highway located in the lower Wisconsin state
22 riverway as defined in s. 30.40 (15). Outside the lower Wisconsin state riverway as
23 defined in s. 30.40 (15), or outside the boundaries of these parks, forests or property,
24 moneys from the appropriation under s. 20.370 (7) (mc) may be expended for the

1 renovation, marking and maintenance of roads which the department of ~~natural~~
2 ~~resources~~ fish, wildlife, parks, and forestry certifies are utilized by a substantial
3 number of visitors to state parks, state forests or other property under the
4 jurisdiction of the department of ~~natural resources~~ fish, wildlife, parks, and forestry.
5 The department of ~~natural resources~~ fish, wildlife, parks, and forestry shall
6 authorize expenditures under this subsection. The department of ~~natural resources~~
7 fish, wildlife, parks, and forestry shall rank projects eligible for assistance under a
8 priority system and funding may be restricted to those projects with highest priority.

9 (2) The department may administer a program for the construction,
10 maintenance and marking of roads, including fire roads, service areas, trailer or
11 vehicle parking stalls or parking areas and other facilities consistent with highway
12 construction and for the marking of scenic routes in the state parks, state forests, the
13 ~~lower~~ Lower Wisconsin state riverway State Riverway as defined under s. 30.40 (15),
14 state fish hatcheries, other public used areas under the jurisdiction of the
15 department of ~~natural resources~~ fish, wildlife, parks, and forestry and other public
16 lands as defined in ch. 24, for highways or fire roads leading from the most
17 convenient state trunk highways to such lands, and for the relocation and
18 construction of state trunk highways in or near state parks when required in the
19 interests of public safety. Within the limitations and for the purposes of this section,
20 work may be performed by or under the supervision or authority or with the approval
21 of the department, upon the request for such work filed by the department of ~~natural~~
22 ~~resources~~ fish, wildlife, parks, and forestry as to the ~~lower~~ Lower Wisconsin state
23 ~~riverway~~ State Riverway, as defined in s. 30.40 (15), or as to state park or forest lands,
24 or by the board of commissioners of the public lands as to other classes of public lands.
25 Outside the ~~lower~~ Lower Wisconsin state riverway State Riverway, as defined in s.

1 30.40 (15), and outside the limits of the park, state forest and public land areas, direct
2 connections to the most convenient state trunk highway may be built or maintained
3 under this section. Roads in unincorporated areas within 5 miles of the boundaries
4 of the Horicon national wildlife refuge or the Horicon ~~marsh~~ Marsh wildlife area may
5 be built or maintained under this section upon request of the town board, if the
6 department of transportation certifies that such roads are or will be used by a
7 substantial number of visitors to such area. Costs incurred under this section shall
8 be the responsibility of the department of ~~natural resources~~ fish, wildlife, parks, and
9 forestry, commissioners of public lands or town board, as appropriate.”.

10 *b1495/1.26* **1312.** Page 868, line 10: after that line insert:

11 *b1495/1.26* “SECTION 2309m. 84.59 (3) of the statutes is amended to read:
12 84.59 (3) The secretary may pledge revenues received or to be received in the
13 fund established in sub. (2) to secure revenue obligations issued under this section.
14 The pledge shall provide for the transfer to this state of all pledged revenues,
15 including any interest earned on the revenues, which are in excess of the amounts
16 required to be paid under s. 20.395 (6) (as). The pledge shall provide that the
17 transfers be made at least twice yearly, that the transferred amounts be deposited
18 in the transportation fund and that the transferred amounts are free of any prior
19 pledge. The secretary shall deposit any amounts transferred under this subsection
20 in the state and local highways account in the transportation fund.”.

21 *b1491/1.2* **1313.** Page 868, line 24: after that line insert:

22 *b1491/1.2* “SECTION 2310m. 85.027 of the statutes is created to read:

23 **85.027 Highway corridor planning grant program. (1)** In this section:

1 (a) “Highway corridor” means the area up to 10 miles on either side of a state
2 trunk highway that is expected by the department to need additional capacity for
3 vehicular traffic or to have possible safety or operational problems resulting from
4 pressure for development adjacent to the highway.

5 (b) “Local governmental unit” means a city, village, town, county, regional
6 planning commission, or metropolitan planning organization, as defined in s. 85.243
7 (1) (c).

8 (2) The department shall administer a highway corridor planning grant
9 program. From the appropriation under s. 20.395 (3) (bq), the department shall
10 award grants to local governmental units for highway corridor planning activities.
11 In any fiscal year, the department may not expend more than \$500,000 for grants
12 under this subsection.”.

13 *b1495/1.27* **1314.** Page 868, line 24: after that line insert:

14 *b1495/1.27* “SECTION 2310m. 85.028 of the statutes is amended to read:

15 **85.028 Milwaukee east-west transportation corridor.** Upon
16 implementation of a funding source to provide local funds for a Milwaukee east-west
17 transportation corridor project, local units of government that will be affected by
18 such a project shall reimburse the transportation fund for 50% of the nonfederal
19 share of preliminary engineering costs relating to a Milwaukee east-west
20 transportation corridor project. The department shall deposit any moneys received
21 under this section in the state and local highways account in the transportation
22 fund.”.

23 *b1443/1.1* **1315.** Page 868, line 25: after that line insert:

24 *b1443/1.1* “SECTION 2311p. 85.103 (6) of the statutes is amended to read:

1 85.103 (6) The department may disclose the personal identifier of any person
2 who has made a designation under sub. (2) or (3) if the department discloses the
3 personal identifier under s. 341.17 (9), 343.234, 343.235, 343.24 (3) and (4), or
4 343.245 (3m).”.

5 ***b1493/2.1* 1316.** Page 868, line 25: after that line insert:

6 ***b1493/2.1* “SECTION 2311g.** 85.061 (3) (b) of the statutes is repealed and
7 recreated to read:

8 85.061 (3) (b) The department may not use any proceeds from the bond issue
9 authorized under s. 20.866 (2) (up) unless the use of the proceeds is specifically
10 enumerated in a list under par. (c) and state funds are used for not more than 20%
11 of the cost of an enumerated project.

12 ***b1493/2.1* SECTION 2311j.** 85.061 (3) (c) of the statutes is created to read:

13 85.061 (3) (c) The department may use proceeds from the bond issue authorized
14 under s. 20.866 (2) (up) for the following purposes:

15 1. No purposes enumerated under this subdivision as of the effective date of
16 this subdivision [revisor inserts date].”.

17 ***b1495/1.28* 1317.** Page 868, line 25: after that line insert:

18 ***b1495/1.28* “SECTION 2311m.** 85.09 (4i) of the statutes is amended to read:

19 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
20 private sale rail property acquired under sub. (4) when the department determines
21 that the rail property is not necessary for a public purpose and, if real property, the
22 real property is not the subject of a petition under s. 16.375 (2). Upon receipt of the
23 full purchase price, the department shall, by appropriate deed or other instrument,
24 transfer the rail property to the purchaser. The funds derived from sales under this

1 subsection shall be deposited in the public transportation account in the
2 transportation fund, and the expense incurred by the department in connection with
3 the sale shall be paid from the appropriation under s. 20.395 (2) (bq).”.

4 *b1484/1.2* **1318.** Page 870, line 22: after that line insert:

5 *b1484/1.2* “SECTION 2321p. 85.12 (5) of the statutes is created to read:

6 85.12 (5) Beginning with fiscal year 2001–02, from the appropriations under
7 s. 20.395 (5) (dk) of moneys received by the department from the department and
8 under s. 20.395 (5) (dq), the amount provided by the department in any fiscal year
9 for the statewide public safety radio management program under this section may
10 not exceed 50% of the costs of the statewide public safety radio management program
11 or \$138,000, whichever is less.”.

12 *b1519/2.199* **1319.** Page 870, line 22: after that line insert:

13 *b1519/2.199* “SECTION 2321mb. 85.12 (4) of the statutes, as created by 2001
14 Wisconsin Act (this act), is amended to read:

15 85.12 (4) Beginning with fiscal year 2001–02, if the department of
16 transportation provides radio services under this section to the department of
17 natural resources fish, wildlife, parks, and forestry in any fiscal year, the department
18 of natural resources fish, wildlife, parks, and forestry shall make quarterly
19 payments from the appropriation under s. 20.370 (8) ~~(mu)~~ (1) (su) of \$111,450 to the
20 department of transportation.

21 *b1519/2.199* SECTION 2321p. 85.19 (1) of the statutes is amended to read:

22 85.19 (1) STANDARDS. The department, in consultation with the department of
23 natural resources environmental management, shall, by rule, establish standards
24 for the control of soil erosion related to highway and bridge construction that is

1 funded in whole or in part with state or federal funds. At a minimum, the standards
2 shall require the use of best management practices.

3 *b1519/2.199* SECTION 2321q. 85.19 (2) (c) of the statutes is amended to read:

4 85.19 (2) (c) The department shall establish the training program in
5 consultation with the department of ~~natural resources~~ environmental
6 management.”.

7 *b1494/2.1* 1320. Page 873, line 18: after that line insert:

8 *b1494/2.1* “SECTION 2330g. 85.205 (title) of the statutes is amended to read:

9 85.205 (title) **Prohibited expenditures and construction for light rail.**

10 *b1494/2.1* SECTION 2330h. 85.205 of the statutes is renumbered 85.205 (1)
11 and amended to read:

12 85.205 (1) Notwithstanding ss. 85.022, 85.062 and 85.063, the department may
13 not encumber or expend any federal funds received under P.L. 102–240, section 1045,
14 or P.L. 105–277, section 373, or state funds for any purpose related to a light rail mass
15 transit system. This section Notwithstanding any other provision of ch. 59, 60, 61,
16 62, or 66, no governing body of any city, village, town, or county and no agency,
17 corporation, instrumentality, or subunit of a city, village, town, or county may enter
18 into a contract for any purpose related to a light rail mass transit system if the cost
19 of any of the contracted items would be paid for by, or reimbursed with, federal funds
20 received under P.L. 102–240, section 1045, or P.L. 105–277, section 373, or any funds
21 received from the state. This subsection does not apply to any light rail mass transit
22 system that is being constructed on October 29, 1999. This section subsection does
23 not apply to any funds expended or activity related to a mass transit system that is
24 done under the memorandum of agreement concerning USH 12 between Middleton

1 and Lake Delton, Wisconsin, that was executed by the governor, the secretary of
2 transportation, the secretary of natural resources, the county executive of Dane
3 County, the administrative coordinator of Sauk County, and others, and that became
4 effective on April 22, 1999. ~~This section does not apply after June 30, 2001.~~

5 ***b1494/2.1* SECTION 2330j.** 85.205 (2) of the statutes is created to read:

6 85.205 (2) A light rail mass transit system may not be constructed in
7 Milwaukee County after the effective date of this subsection [revisor inserts date],
8 unless the Milwaukee County board authorizes construction of the light rail mass
9 transit system by resolution and the resolution is ratified by the electors of
10 Milwaukee County at a referendum held at the next general election.”.

11 ***b1495/1.29* 1321.** Page 873, line 18: after that line insert:

12 ***b1495/1.29* “SECTION 2330m.** 85.21 (3) (c) of the statutes is amended to read:

13 85.21 (3) (c) To make and execute contracts with counties to ensure the
14 provision of specialized transportation service. Payments under such contracts to
15 eligible applicants shall not exceed the county proportionate share, except as
16 supplemented under par. (e) or (f). A contract under this section shall require the
17 county to make a matching contribution of 20% of the contract amount and to furnish
18 information determined necessary by the department for periodic program
19 monitoring and year-end auditing and evaluation. A contract may permit a county
20 to hold aids received under this section on or after July 2, 1983, in trust, according
21 to rules promulgated by the department, for the exclusive purpose of acquiring or
22 maintaining equipment used for services authorized under this section. All aids held
23 in trust, as well as any accumulated interest, not expended for the authorized
24 purposes, shall be returned to the department for deposit in the public

1 transportation account in the transportation fund. Nothing in this paragraph
2 entitles a county to any investment interest accumulated prior to the time the aid
3 payment is actually received by the county.”.

4 *b1495/1.30* **1322.** Page 875, line 21: after that line insert:

5 *b1495/1.30* “SECTION 2337d. 85.25 (5) of the statutes is amended to read:
6 85.25 (5) MORAL OBLIGATION. Recognizing its moral obligation to do so, the
7 legislature expresses its expectation and aspiration that, if ever called upon to do so,
8 it shall make an appropriation from the state and local highways account in the
9 transportation fund to meet all demands for funds relating to defaulted mobilization
10 loans and deficiencies under this section.”.

11 *b1519/2.200* **1323.** Page 875, line 21: after that line insert:

12 *b1519/2.200* “SECTION 2337c. 85.245 (1) of the statutes is renumbered
13 85.245.

14 *b1519/2.200* SECTION 2337d. 85.245 (2) of the statutes is repealed.

15 *b1519/2.200* SECTION 2337f. 86.255 (2) (a) of the statutes is amended to read:
16 86.255 (2) (a) The purchase of any land that is acquired as compensatory
17 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an
18 adverse impact by degradation or destruction as part of a highway project.”.

19 *b1495/1.31* **1324.** Page 878, line 10: after that line insert:

20 *b1495/1.31* “SECTION 2340m. 85.52 (3) (cm) of the statutes is renumbered
21 85.52 (3) (cm) 1. and amended to read:

22 85.52 (3) (cm) 1. The joint committee on finance may transfer moneys, at the
23 request of the department, in amounts not to exceed the amounts necessary to meet
24 the requirements under P.L. 104–59, section 350, from the state and local highways

1 account in the transportation fund to the highway account in the transportation
2 infrastructure loan fund. The department shall submit to the joint committee on
3 finance for its review and approval proposed reductions among the transportation
4 fund appropriations to the department equal to the amount transferred under this
5 paragraph subdivision. The joint committee on finance may approve, disapprove or
6 modify the proposed reductions. Upon approval of the proposed reductions, as may
7 be modified by the committee, an amount equivalent to each approved reduction is
8 lapsed from the appropriation account for each reduced appropriation to the state
9 and local highways account in the transportation fund.

10 *b1495/1.31* SECTION 2340n. 85.52 (3) (cm) 2. of the statutes is created to
11 read:

12 85.52 (3) (cm) 2. The joint committee on finance may transfer moneys, at the
13 request of the department, in amounts not to exceed the amounts necessary to meet
14 the requirements under P.L. 104–59, section 350, from the public transportation
15 account in the transportation fund to the transit account in the transportation
16 infrastructure loan fund. The department shall submit to the joint committee on
17 finance for its review and approval proposed reductions among the transportation
18 fund appropriations to the department equal to the amount transferred under this
19 subdivision. The joint committee on finance may approve, disapprove, or modify the
20 proposed reductions. Upon approval of the proposed reductions, as may be modified
21 by the committee, an amount equivalent to each approved reduction is lapsed from
22 the appropriation account for each reduced appropriation to the public
23 transportation account in the transportation fund.”

24 *b1294/3.1* 1325. Page 878, line 23: after that line insert:

1 ***b1294/3.1*** “SECTION 2340vg. 86.03 (5m) of the statutes is created to read:

2 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

3 (a) In this subsection, “vegetation” means any tree, shrub, hedge, or other foliage.

4 (b) Notwithstanding any other provision of this section, if any vegetation
5 located in a highway right-of-way prevents the operator of a vehicle traveling on a
6 highway at the posted speed limit from viewing for 6 uninterrupted seconds a
7 business premises located adjacent to the highway right-of-way, a sign located on
8 a business premises adjacent to the highway right-of-way that advertises the
9 business to motorists on the adjacent highway, or any sign erected under this chapter
10 or s. 84.30 that is permitted to be located in or adjacent to the highway right-of-way,
11 any person who maintains a majority ownership interest in the business adjacent to
12 the highway right-of-way or who owns a sign identified in this paragraph may trim
13 or remove any obstructing vegetation located in the highway right-of-way if all of
14 the following requirements are met:

15 1. The person obtains a permit from the department under par. (c).

16 2. The person pays for the cost of trimming or removing the obstructing
17 vegetation, including the cost of cleanup and disposal, and for replacing any removed
18 vegetation, including the cost of purchasing and planting the replacement
19 vegetation.

20 3. If the person has removed vegetation, the person replaces the removed
21 vegetation with comparable vegetation along the same highway right-of-way,
22 provided that the person may not locate replacement vegetation in a manner that
23 obstructs, or will obstruct in the foreseeable future, the view from the highway of
24 another existing business or sign identified in this paragraph.

1 (c) The department shall issue permits to eligible applicants for the trimming
2 or removal of vegetation located in a highway right-of-way under par. (b). Any
3 permit issued under this paragraph shall specify the vegetation or the portion of the
4 highway right-of-way to which the permit applies. The department shall grant or
5 deny an application for a permit within 30 days of receipt of the application.”.

6 *b1812/2.1* **1326.** Page 878, line 24: delete that line.

7 *b1812/2.2* **1327.** Page 879, line 1: delete lines 1 to 6 and substitute:

8 *b1812/2.2* “SECTION 2340y. 86.193 of the statutes is created to read:

9 **86.193 Agricultural tourism signs.** (1) In this section, “agricultural
10 tourism facility” means a facility located in this state that is open to the public at
11 least 4 days a week for a minimum of 3 months and which does any of the following:

12 (a) Markets Wisconsin farm products.

13 (b) Processes and markets agricultural products, of which at least 50% are
14 grown and produced in this state.

15 (c) Promotes tourism by providing tours and on-site sales or samples of
16 Wisconsin agricultural products.

17 (2) The department shall develop and, no later than March 1, 2002, implement
18 a plan, consistent with federal and state laws, to promote and maximize the erection
19 of agricultural tourism signs on highways in this state to identify and provide
20 directional information to any agricultural tourism facility.

21 (3) (a) Except as provided in par. (b), the department may assess and collect
22 from an agricultural tourism facility the actual costs of erection of any agricultural
23 tourism sign that identifies and provides directional information to the facility.

1 (b) A local authority shall permit erection of a trailblazer sign that identifies
2 and provides directional information to an agricultural tourism facility on a highway
3 under the jurisdiction of the local authority if the facility is located more than 5 miles
4 from the highway and the local authority assesses and collects from the facility the
5 actual costs of erection of the trailblazer sign. The department shall promulgate
6 rules defining “trailblazer sign” for purposes of this paragraph.

7 (4) In developing and implementing the plan under sub. (2), the department
8 shall consult with the department of agriculture, trade and consumer protection.”.

9 *b1599/2.22* **1328.** Page 879, line 6: after that line insert:

10 *b1599/2.22* “SECTION 2340zg. 86.21 (2) (a) of the statutes is amended to read:

11 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
12 section, a resolution authorizing the construction or acquisition thereof, and
13 specifying the method of payment therefor, shall be adopted by a majority of the
14 members of the governing body of such county, town, village or city at a regular
15 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
16 resolution shall include a general description of the property it is proposed to acquire
17 or construct. Any county, town, village or city constructing or acquiring a toll bridge
18 under this section may provide for the payment of the same or any part thereof from
19 the general fund, from taxation, or from the proceeds of either municipal bonds,
20 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
21 until 15 days after its passage and publication. If within said 15 days a petition
22 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
23 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
24 requesting that the question of acquiring such toll bridge be submitted to the said

1 electors, such question shall be submitted at ~~any general or regular municipal~~ the
2 next election authorized under s. 8.065 (2) or an election authorized under s. 8.065
3 (3) that is held not sooner than 42 days from the date of filing such petition. In case
4 no such general or regular municipal election is to be held within such stated period,
5 then the governing body of such municipality shall order a special election to be held
6 within 30 days from the filing of such petition upon the question of whether such toll
7 bridge shall be acquired by said municipality. The question submitted to the electors
8 shall specify the method of payment for such toll bridge as provided in the resolution
9 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
10 at such referendum election are in favor of the acquisition of such toll bridge, then
11 the resolution of the governing body for the acquisition of such toll bridge shall be in
12 effect.”.

13 *b1488/3.6* **1329.** Page 881, line 4: after that line insert:

14 *b1488/3.6* “SECTION 2348g. 88.01 (8m) of the statutes is repealed.

15 *b1488/3.6* SECTION 2348r. 88.11 (1) (f) of the statutes is amended to read:

16 88.11 (1) (f) Assist districts in applying for permits under ~~s. 88.31~~ chs. 30 and
17 31.”.

18 *b1519/2.201* **1330.** Page 881, line 4: after that line insert:

19 *b1519/2.201* “SECTION 2349c. 86.315 (1) of the statutes is amended to read:

20 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
21 shall annually, on March 10, pay to counties having county forests established under
22 ch. 28, for the improvement of public roads within the county forests which are open
23 and used for travel and which are not state or county trunk highways or town roads
24 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road

1 designated in the comprehensive county forest land use plan as approved by the
2 county board and the department of ~~natural resources~~ fish, wildlife, parks, and
3 forestry. If the amount appropriated under s. 20.395 (1) (fu) is insufficient to make
4 the payments required under this subsection, the department shall prorate the
5 amount appropriated in the manner it considers desirable.

6 *b1519/2.201* SECTION 2349g. 87.01 (1) of the statutes is amended to read:

7 87.01 (1) "Department" means the department of ~~natural resources~~
8 environmental management.

9 *b1519/2.201* SECTION 2349n. 87.02 (intro.) of the statutes is amended to
10 read:

11 **87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01
12 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

13 *b1519/2.201* SECTION 2349r. 87.14 of the statutes is amended to read:

14 **87.14 Operation and maintenance.** The flood control board is authorized
15 to sell, lease, or lease with power to purchase, any reservoir proposed to be
16 constructed, in the process of construction or completed, to a duly organized river
17 improvement company as defined by s. 182.016, on such terms and conditions as are
18 approved by the department of ~~natural resources~~ as hereinafter provided. Unless so
19 leased or sold it shall be the duty of the flood control board to maintain and operate
20 said improvement. The cost of operation and maintenance during the period
21 intervening between the completion of said improvement and the date when funds
22 provided under this section become available shall be paid from the funds provided
23 for maintenance pursuant to the estimate made by the department as provided in s.
24 87.07 (3). Prior to the first day of November in each year the flood control board shall
25 certify to the clerk of each town, village and city in which lands to be benefited by the

1 improvement are located an estimated budget, detailed as far as practicable, of the
2 cost of operation and maintenance of said improvement for the succeeding calendar
3 year, together with the amount due upon any judgments outstanding against the
4 board, except those judgments from which the board has appealed or intends to
5 appeal, and shall certify at the same time the portion of such cost to be borne by each
6 such town, village and city. This shall be determined in the same manner and
7 according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon
8 become the duty of each such town, village and city to include in its next succeeding
9 tax levy the amount so certified and to forward such amount, on or before March 15
10 following, to the flood control board.

11 ***b1519/2.201* SECTION 2349w.** 87.18 of the statutes is amended to read:

12 **87.18 Lease, sale and lease with option to purchase the project.**
13 Whenever the flood control project consists of a storage reservoir and authority to
14 create, operate and maintain a reservoir on the river affected by such storage
15 reservoir is vested in a duly organized river improvement company as defined by s.
16 182.016, and the petitioners file with the department of natural resources a petition
17 and a proposed contract with such improvement company for a lease, sale, or lease
18 with option to purchase said reservoir, and the department finds the terms and
19 conditions of such contract are sufficient to assure the payment of the amount the
20 board will be obligated to pay for the cost of the reservoir and the maintenance and
21 operation of the same, and the project will secure effective flood control and
22 promotion of the public welfare, then notices, proceedings and assessments provided
23 by ss. 87.04 to 87.12 are not required. The department, however, shall make findings
24 as required by s. 87.05 and shall order that the flood control board be appointed and
25 shall so certify to the governor as provided by s. 87.12. The governor shall thereupon

1 appoint the board as provided in said s. 87.12. The proposed contract filed with the
2 department by petitioners for the sale, lease, or lease with option to purchase said
3 reservoir property shall not be binding upon the board so appointed unless the board
4 approves such contract. Upon approval the board shall so report to the department
5 and file with it a final contract executed by the board and lessee or purchaser. The
6 department has authority to approve or disapprove such contract. If the department
7 approves such contract, then it shall be final and the department shall thereupon
8 order the board to proceed with the work. When such reservoir property is sold and
9 the purchase price has been fully paid and any indebtedness assumed by the
10 purchaser has been paid and discharged, including the fees and expenses of the
11 board, and the department so finds, the said board shall thereupon be dissolved by
12 order of the department.

13 *b1519/2.201* SECTION 2350e. 88.05 (4) (a) of the statutes is amended to read:

14 88.05 (4) (a) The chairperson of the county highway committee except in a
15 county with a highway commissioner appointed under s. 83.01 (1) (c), the highway
16 commissioner; the chairperson of the county land conservation committee in the
17 county involved; the secretary of ~~natural resources~~ environmental management; the
18 state drainage engineer; and, where a railroad company is involved, the person
19 specified in sub. (6).

20 *b1519/2.201* SECTION 2350v. 88.11 (1) (e) of the statutes is amended to read:

21 88.11 (1) (e) Coordinate district activities with the department of ~~natural~~
22 ~~resources~~ environmental management.

23 *b1519/2.201* SECTION 2351c. 88.11 (1) (i) of the statutes is amended to read:

24 88.11 (1) (i) Establish, by rule, performance standards for drainage district
25 structures, ditches, maintenance and operations, in order to minimize adverse

1 effects on water quality. The performance standards shall be consistent with any
2 requirements imposed by the department of ~~natural resources~~ environmental
3 management under s. 88.31.

4 *b1519/2.201* SECTION 2351e. 88.11 (2) of the statutes is amended to read:

5 88.11 (2) The state drainage engineer shall provide technical assistance to
6 improve district operations on the request of the department of ~~natural resources~~
7 environmental management, drainage board, landowners in the district or the
8 judge.”.

9 *b1488/3.7* **1331.** Page 881, line 10: after that line insert:

10 *b1488/3.7* “SECTION 2353b. 88.31 (title) of the statutes is amended to read:
11 **88.31 (title) ~~Special procedure in cases affecting Drainage work in~~**
12 **navigable waters.**

13 *b1488/3.7* SECTION 2353e. 88.31 (1) to (7m) of the statutes are repealed. +

14 *b1488/3.7* SECTION 2353g. 88.31 (8) (intro.) of the statutes is amended to
15 read:

16 88.31 (8) (intro.) Subject to other restrictions imposed by this chapter, a
17 drainage board which has obtained all of the permits as required under ~~this chapter~~
18 ~~and~~ ch. 30 may:

19 *b1488/3.7* SECTION 2353i. 88.35 (5m) of the statutes is repealed.

20 *b1488/3.7* SECTION 2353k. 88.35 (6) (intro.) of the statutes is amended to
21 read:

22 88.35 (6) (intro.) Upon the completion of its duties under subs. (1) to ~~(5m)~~ (5),
23 the board shall prepare a written report, including a copy of any maps, plans or

1 profiles that it has prepared. The assessment of benefits and awards of damages
2 shall be set forth in substantially the following form:

3 *b1488/3.7* SECTION 2353m. 88.62 (3) (a) of the statutes is renumbered 88.62
4 (3) and amended to read:

5 88.62 (3) If drainage work is undertaken in navigable waters, the drainage
6 board shall obtain ~~a permit under s. 30.20 or 88.31 or ch. 31, as directed by the~~
7 ~~department of natural resources, except as provided in par. (b) any permit that is~~
8 required under ch. 30 or 31.

9 *b1488/3.7* SECTION 2353p. 88.62 (3) (b) of the statutes is repealed.

10 *b1488/3.7* SECTION 2353r. 88.72 (3) of the statutes is amended to read:

11 88.72 (3) At the hearing on the petition, any interested person may appear and
12 contest its sufficiency and the necessity for the work. If the drainage board finds that
13 the petition has the proper number of signers and that to afford an adequate outlet
14 it is necessary to remove dams or other obstructions from waters and streams which
15 may be navigable, or to straighten, clean out, deepen, or widen any waters or streams
16 either within or beyond the limits of the district, the board shall obtain any permit
17 that is required under ~~this chapter or~~ ch. 30 or 31.

18 *b1488/3.7* SECTION 2353t. 88.72 (4) of the statutes is amended to read:

19 88.72 (4) Within 30 days after the department of natural resources has issued
20 all of the permits as required under ~~this chapter and~~ chs. 30 and 31, the board shall
21 proceed to estimate the cost of the work, including the expenses of the proceeding
22 together with the damages that will result from the work, and shall, within a
23 reasonable time, award damages to all lands damaged by the work and assess the
24 cost of the work against the lands in the district in proportion to the assessment of
25 benefits then in force.

1 ***b1488/3.7* SECTION 2378m.** 88.95 of the statutes is created to read:

2 **88.95 Geographic information system maps.** If a county prepares a
3 geographic information system map in preliminary form and the map includes a
4 stream, ditch, dike, or levee, the county shall furnish each drainage district in which
5 the land is located with a copy of the map. No later than 120 days after the drainage
6 district receives the map, the drainage district shall provide notice to the county if
7 the drainage district determines that there is an error or omission in the map. If the
8 drainage district provides such notice, the county shall correct the error or omission
9 on the map. If the county does not correct the error or omission because it does not
10 concur with the drainage district, the county shall notify the drainage district and
11 the land information board and the land information board shall resolve the
12 conflict.”.

13 ~~***b1519/2.202* 1332.** Page 881, line 10: after that line insert:~~

14 ~~***b1519/2.202* “SECTION 2353b.** 88.31 (1) of the statutes is amended to read:~~

15 ~~88.31 (1) If it is necessary to enter upon any waters that may be navigable, or
16 to acquire and remove any dam or obstruction from the waters, or to clean out, widen,
17 deepen or straighten any stream that may be navigable, the board shall file with the
18 department of natural resources environmental management an application for a
19 permit to do the work. The board shall file with the application any information that
20 the board or the department of natural resources environmental management
21 considers necessary. The department shall specify by rule the information to be
22 included in an application. The application shall state that the public health or
23 welfare will be promoted by the removal of the dam or other obstruction or by the
24 straightening, cleaning out, deepening or widening of the waters and that other~~

1 public rights in and public uses of the waters will not be materially impaired. The
2 application shall be duly verified.

3 *b1519/2.202* SECTION 2353d. 88.31 (2) of the statutes is amended to read:

4 88.31 (2) Upon receipt of the application the department of ~~natural resources~~
5 environmental management shall fix a time and place for a hearing on the
6 application, not less than 3 nor more than 8 weeks from the date of filing, at a place
7 convenient to the interested parties. If the application is for a permit to remove a
8 dam, notice of the hearing shall be given to all interested persons as provided by s.
9 31.06. In all other cases, the department shall direct the applicant to give notice
10 under s. 88.05 (2) (b) to the persons specified in s. 88.05 (4) (b).

11 *b1519/2.202* SECTION 2353f. 88.31 (4) (intro.) of the statutes is amended to
12 read:

13 88.31 (4) (intro.) Upon the conclusion of the hearing and investigation, the
14 department of ~~natural resources~~ environmental management shall grant the permit
15 if it finds:

16 *b1519/2.202* SECTION 2353h. 88.31 (4m) of the statutes is amended to read:

17 88.31 (4m) The department of ~~natural resources~~ environmental management
18 shall grant or deny the permit within 6 weeks after the conclusion of the hearing on
19 the application.

20 *b1519/2.202* SECTION 2353j. 88.31 (5) of the statutes is amended to read:

21 88.31 (5) When granting a permit under this section the department of ~~natural~~
22 ~~resources~~ environmental management also shall establish the minimum level at
23 which the affected waters may be maintained.

24 *b1519/2.202* SECTION 2353L. 88.31 (6) of the statutes is amended to read:

1 ~~88.31 (6) The department of natural resources environmental management~~
2 ~~may require the applicant for the permit to submit a plan for the work to be done in~~
3 ~~the waters in question and may amend or modify such plan before approving it. The~~
4 ~~department may at any time, on the application of any interested person, further~~
5 ~~amend such plan when the same can be done without materially impairing the~~
6 ~~navigability of any such waters and without materially impairing any other public~~
7 ~~right.~~

8 ***b1519/2.202* SECTION 2357b.** 88.62 (3) of the statutes is amended to read:

9 88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage
10 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
11 department of natural resources environmental management, except as provided in
12 par. (b).

13 (b) If drainage work is undertaken in navigable waters located in the Duck
14 Creek Drainage District, the board for that district shall obtain a permit under s.
15 30.20 or ch. 31, as directed by the department of natural resources environmental
16 management.

17 ***b1519/2.202* SECTION 2360b.** 88.72 (4) of the statutes is amended to read:

18 88.72 (4) Within 30 days after the department of natural resources
19 environmental management has issued all of the permits as required under this
20 chapter and chs. 30 and 31, the board shall proceed to estimate the cost of the work,
21 including the expenses of the proceeding together with the damages that will result
22 from the work, and shall, within a reasonable time, award damages to all lands
23 damaged by the work and assess the cost of the work against the lands in the district
24 in proportion to the assessment of benefits then in force.

25 ***b1519/2.202* SECTION 2360f.** 91.01 (6) of the statutes is amended to read:

1 91.01 (6) “Eligible farmland” means a parcel of 35 or more acres of contiguous
2 land which is devoted primarily to agricultural use, including land designated by the
3 department of ~~natural resources~~ fish, wildlife, parks, and forestry as part of the ice
4 age trail under s. 23.17, which during the year preceding application for a farmland
5 preservation agreement produced gross farm profits, as defined in s. 71.58 (4), of not
6 less than \$6,000 or which, during the 3 years preceding application produced gross
7 farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or
8 more acres of which at least 35 acres, during part or all of the year preceding
9 application, were enrolled in the conservation reserve program under 16 USC 3831
10 to 3836.

11 ***b1519/2.202* SECTION 2378e.** 92.04 (2) (e) of the statutes is amended to read:

12 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
13 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
14 recommendations on the plan to the department and to the department of ~~natural~~
15 ~~resources~~ environmental management.

16 ***b1519/2.202* SECTION 2378h.** 92.05 (1) of the statutes is amended to read:

17 92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state
18 responsible for setting and implementing statewide soil and water conservation
19 policies and administering the state’s soil and water conservation programs. The
20 department shall coordinate its soil and water conservation program with the
21 nonpoint source water pollution abatement program established under s. 281.65, the
22 inland lake protection and rehabilitation program established under ch. 33 and other
23 programs with objectives related to soil and water conservation administered by the
24 department of ~~natural resources~~ environmental management or by other state or
25 federal agencies.

1 ***b1519/2.202* SECTION 2379k.** 92.10 (6) (a) 1. of the statutes is amended to
2 read:

3 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
4 conditions throughout the county, including any assessment available from the
5 department of ~~natural resources~~ environmental management.

6 ***b1519/2.202* SECTION 2379n.** 92.10 (8) of the statutes is amended to read:

7 92.10 (8) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
8 MANAGEMENT. The department of ~~natural resources~~ environmental management
9 shall provide counties with assistance in land and water resource management
10 planning, including providing available water quality data and information,
11 providing training and support for water resource assessments and appraisals and
12 providing related program information.

13 ***b1519/2.202* SECTION 2379t.** 92.14 (2) (j) of the statutes is amended to read:

14 92.14 (2) (j) Enhancing the administration and coordination of state nonpoint
15 source water pollution abatement activities by the department and the department
16 of ~~natural resources~~ environmental management, including providing a single
17 process for grant application, funding allocation, reporting and evaluation.”.

18 ***b1634/2.1* 1333.** Page 881, line 25: delete “, equal to at least” and
19 substitute “by rule, equal to”.

20 ***b1634/2.2* 1334.** Page 882, line 1: delete “at least”.

21 ***b1461/3.10* 1335.** Page 882, line 11: after that line insert:

22 ***b1461/3.10* “SECTION 2382.** 93.06 (8) of the statutes is amended to read:

23 93.06 (8) PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,
24 issue any permit, certificate, registration or license on a temporary or conditional

1 basis, contingent upon pertinent circumstances or acts. If the temporary or
2 conditional permit, certificate, registration or license is conditioned upon compliance
3 with chs. 93 to 100, ch. ~~127~~ 126, a rule promulgated by the department or a regulation
4 adopted under s. 97.41 (7) within a specified period of time and the condition is not
5 met within the specified period, the permit, certificate, registration or license shall
6 be void.”.

7 *b1519/2.203* **1336.** Page 882, line 11: after that line insert:

8 *b1519/2.203* “SECTION 2380c. 92.14 (6) (b) of the statutes is amended to read:

9 92.14 (6) (b) The department and the department of ~~natural resources~~
10 environmental management shall prepare an annual grant allocation plan
11 identifying the amounts to be provided to counties under this section and ss. 281.65
12 and 281.66. In the allocation plan, the departments shall attempt to provide funding
13 under this section for an average of 3 staff persons per county with full funding for
14 the first staff person, 70% funding for the 2nd staff person and 50% funding for any
15 additional staff persons and to provide an average of \$100,000 per county for
16 cost-sharing grants. The department shall submit that plan to the board.

17 *b1519/2.203* SECTION 2380d. 92.14 (6) (d) of the statutes is amended to read:

18 92.14 (6) (d) The board shall review the annual allocation plan submitted to
19 it under par. (b) and make recommendations to the department of agriculture, trade
20 and consumer protection and the department of ~~natural resources~~ environmental
21 management on approval, modification or disapproval of the plan.

22 *b1519/2.203* SECTION 2380e. 92.14 (6) (h) 3. of the statutes is amended to
23 read:

1 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
2 department of ~~natural resources~~ environmental management to act under ch. 283.

3 ***b1519/2.203* SECTION 2380f.** 92.14 (6) (m) of the statutes is amended to read:

4 92.14 (6) (m) The department of agriculture, trade and consumer protection
5 and the department of ~~natural resources~~ environmental management shall assist
6 counties in conducting the activities for which grants under sub. (3) may be used.

7 ***b1519/2.203* SECTION 2380g.** 92.14 (8) of the statutes is amended to read:

8 92.14 (8) RULES. In consultation with the department of ~~natural resources~~
9 environmental management, the department shall promulgate rules to administer
10 this section and the department's duties under s. 281.65.

11 ***b1519/2.203* SECTION 2380h.** 92.14 (12) of the statutes is amended to read:

12 92.14 (12) ANNUAL REPORT. Annually, the department, in cooperation with the
13 department of ~~natural resources~~ environmental management, shall submit a report
14 on the progress of the program under this section and s. 281.65 to the board.

15 ***b1519/2.203* SECTION 2380j.** 92.14 (13) of the statutes is amended to read:

16 92.14 (13) EVALUATION PLAN. The department, jointly with the department of
17 ~~natural resources~~ environmental management, shall prepare a plan, which includes
18 water quality monitoring and analysis, for evaluating the program administered
19 under this section and s. 281.65 and submit the plan to the board. The board shall
20 make recommendations to the department and the department of ~~natural resources~~
21 environmental management on the plan. The department shall review and approve
22 or disapprove the plan and shall notify the board of its final action on the plan. The
23 department shall implement any part of the plan for which the plan gives it
24 responsibility.

25 ***b1519/2.203* SECTION 2380k.** 92.14 (14) of the statutes is amended to read:

1 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The
2 department, jointly with the department of ~~natural resources~~ environmental
3 management, shall develop a single set of grant application, reporting and
4 evaluation forms for use by counties receiving grants under this section and ss.
5 281.65 and 281.66. The department, jointly with the department of ~~natural~~
6 ~~resources~~ environmental management, shall implement a single process for grant
7 application, funding allocation, reporting and evaluation for counties receiving
8 grants under this section and ss. 281.65 and 281.66.

9 ***b1519/2.203* SECTION 2380L.** 92.14 (14m) of the statutes is amended to read:

10 92.14 (14m) COORDINATION. The department of agriculture, trade and
11 consumer protection and the department of ~~natural resources~~ environmental
12 management, jointly, shall review applications from counties for grants under sub.
13 (5r) and, for projects and activities selected to receive funding shall determine
14 whether to provide funding under this section or under s. 281.65 or 281.66.

15 ***b1519/2.203* SECTION 2380n.** 92.14 (15) of the statutes is amended to read:

16 92.14 (15) FINANCIAL INFORMATION. The department shall consult with the
17 department of ~~natural resources~~ environmental management when it prepares the
18 information which it submits to the department of administration under s. 16.42.

19 ***b1519/2.203* SECTION 2380p.** 92.15 (3) of the statutes is amended to read:

20 92.15 (3) (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit
21 may enact regulations of livestock operations that exceed the performance
22 standards, prohibitions, conservation practices and technical standards under s.
23 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the
24 department of agriculture, trade and consumer protection or the department of

1 ~~natural resources~~ environmental management that the regulations are necessary to
2 achieve water quality standards under s. 281.15.

3 (b) The department of agriculture, trade and consumer protection and the
4 department of ~~natural resources~~ environmental management shall, by rule, specify
5 procedures for review and approval of proposed local governmental unit regulations
6 under par. (a).

7 ***b1519/2.203* SECTION 2380r.** 92.18 (4) of the statutes is amended to read:

8 92.18 (4) The department shall promulgate rules under this section in
9 consultation with the department of ~~natural resources~~ environmental management.

10 ***b1519/2.203* SECTION 2380s.** 92.18 (5) of the statutes is amended to read:

11 92.18 (5) Any training required under this section may be conducted by the
12 department or the department of ~~natural resources~~ environmental management or
13 by another person with the approval of the department.”.

14 ***b1527/1.1* 1337.** Page 882, line 11: after that line insert:

15 ***b1527/1.1* “SECTION 2381.** 93.01 (1m) of the statutes is amended to read:

16 93.01 (1m) “Business” includes any business, except that of banks, savings
17 banks, credit unions, savings and loan associations, and insurance companies.

18 “Business” includes public utilities and telecommunications carriers to the extent
19 that their activities, beyond registration, notice, and reporting activities, are not

20 regulated by the public service commission and includes public utility and
21 telecommunications carrier methods of competition or trade and advertising

22 practices that are exempt from regulation by the public service commission under s.
23 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the

24 commission.”.

1 ***b1459/1.1* 1338.** Page 882, line 13: delete the material beginning with
2 “From” and ending with “provide” on line 14 and substitute “Provide”.

3 ***b1461/3.11* 1339.** Page 882, line 16: after that line insert:

4 ***b1461/3.11* “SECTION 2385.** 93.135 (1) (rm) of the statutes is amended to
5 read:

6 93.135 (1) (rm) A ~~registration certificate~~ license under s. ~~100.03 (2)~~ 126.56.

7 ***b1461/3.11* SECTION 2386.** 93.135 (1) (s) of the statutes is amended to read:

8 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

9 ***b1461/3.11* SECTION 2387.** 93.135 (1) (sm) of the statutes is amended to read:

10 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

11 ***b1461/3.11* SECTION 2388.** 93.20 (1) of the statutes is amended to read:

12 93.20 (1) DEFINITION. In this section, “action” means an action that is
13 commenced in court by, or on behalf of, the department of agriculture, trade and
14 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

15 ***b1461/3.11* SECTION 2389.** 93.21 (5) (a) of the statutes is amended to read:

16 93.21 (5) (a) In this subsection, “license” means a permit, certificate,
17 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.”.

18 ***b1519/2.204* 1340.** Page 882, line 16: after that line insert:

19 ***b1519/2.204* “SECTION 2384g.** 93.12 (5) of the statutes is amended to read:

20 93.12 (5) The department shall establish uniform minimum standards to be
21 used in the evaluation and certification of laboratory examinations. The department
22 shall submit any rules proposed under this subsection which affect the laboratory
23 certification program under s. 299.11 to the department of ~~natural resources~~
24 environmental management and to the state laboratory of hygiene for review and

1 comment. These rules may not take effect unless they are approved by the
2 department of ~~natural resources~~ environmental management within 6 months after
3 submission.

4 ***b1519/2.204* SECTION 2384j.** 93.12 (8) of the statutes is amended to read:

5 93.12 (8) The department shall enter into a memorandum of understanding
6 with the department of ~~natural resources~~ environmental management setting forth
7 the responsibilities of each department in administering the laboratory certification
8 programs under sub. (5) and s. 299.11. The memorandum of understanding shall
9 include measures to be taken by each department to avoid duplication of application
10 and compliance procedures for laboratory certification.

11 ***b1519/2.204* SECTION 2384L.** 93.12 (9) of the statutes is amended to read:

12 93.12 (9) The department shall recognize the certification or registration of a
13 laboratory by the department of ~~natural resources~~ environmental management
14 under s. 299.11 and shall accept the results of any test conducted by a laboratory
15 certified or registered to conduct that category of test under that section.”.

16 ***b1366/1.3* 1341.** Page 882, line 17: after that line insert:

17 ***b1366/1.3* “SECTION 2390p.** 93.32 of the statutes is created to read:

18 **93.32 Agriculture in the classroom program.** From the appropriation
19 account under s. 20.115 (4) (q), the department shall provide grants to the
20 organization that conducts an agriculture in the classroom program in cooperation
21 with the federal department of agriculture to help teachers educate students about
22 agriculture.”.

23 ***b1502/1.4* 1342.** Page 882, line 17: after that line insert:

24 ***b1502/1.4* “SECTION 2390v.** 93.45 of the statutes is created to read:

1 **93.45 Wisconsin agricultural research and development initiative. (1)**

2 From the appropriation account under s. 20.115 (4) (am), the department shall
3 provide funds to a nonprofit corporation for grants for agricultural research and
4 development projects and administrative costs associated with making those grants
5 if all of the following apply:

6 (a) The nonprofit corporation is described in section 501 (c) of the Internal
7 Revenue Code, as defined in s. 71.22 (4), and is exempt from federal taxation under
8 section 501 (a) of the Internal Revenue Code.

9 (b) The nonprofit corporation has as its primary purpose the promotion and
10 funding of agricultural research and development projects to benefit agricultural
11 producers in this state.

12 (c) The board of directors of the nonprofit corporation consists of persons
13 selected by organizations that represent agricultural production in this state.

14 (d) The board of directors of the nonprofit corporation selects agricultural
15 research and development projects for funding based on research priorities
16 identified by the board of directors and recommendations by technical advisory
17 groups established by the board of directors.

18 **(1m)** A nonprofit corporation that receives funds under this section may make
19 a grant only pursuant to an agreement with the recipient. The nonprofit corporation
20 shall submit a final draft of any proposed agreement between the nonprofit
21 corporation and a grant recipient to the department for review. The department
22 shall either approve or disapprove the proposed agreement within 30 days after
23 receiving it. The decision of the department approving or disapproving a proposed
24 agreement is final and is not subject to judicial review under ch. 227. A proposed

1 agreement, a final agreement between the nonprofit corporation and a grant
2 recipient, and any amendments to an agreement are public records.

3 (2) A nonprofit corporation that receives funds under this section shall do all
4 of the following:

5 (a) Require each recipient of a grant to submit a final research report to the
6 nonprofit corporation and require an annual report for each project funded for more
7 than 12 months.

8 (b) Require each recipient of a grant to convey research findings to potential
9 users of those findings.

10 (c) Submit an annual report to the legislature, under s. 13.172 (2), and to the
11 governor describing expenditures of funds received under this section and the
12 progress and results of research and development projects funded under this section.

13 (3) A nonprofit corporation that receives funds under this section may do any
14 of the following:

15 (a) Require a person receiving a grant for an agricultural research and
16 development project to obtain a portion of the funds needed for the project from other
17 sources.

18 (b) Use funds received under this section to purchase administrative services
19 from any public or private entity.

20 (4) The department shall promulgate rules for the implementation of this
21 section.”.

22 *b1519/2.205* **1343.** Page 882, line 17: after that line insert:

23 *b1519/2.205* **SECTION 2390p.** 93.46 (1m) (a) 2. of the statutes is amended
24 to read:

1 93.46 (1m) (a) 2. Coordinating the aquaculture activities of the department
2 with the aquaculture activities of the department of ~~natural resources~~ fish, wildlife,
3 parks, and forestry and the University of Wisconsin System.

4 ***b1519/2.205* SECTION 2390q.** 93.46 (1m) (a) 3. of the statutes is amended to
5 read:

6 93.46 (1m) (a) 3. Conducting meetings on a quarterly basis between
7 representatives of the department, the department of ~~natural resources~~ fish,
8 wildlife, parks, and forestry and the University of Wisconsin System to exchange
9 information regarding the progress of their efforts to promote commercial
10 aquaculture in this state.

11 ***b1519/2.205* SECTION 2390t.** 93.46 (1m) (b) of the statutes is amended to
12 read:

13 93.46 (1m) (b) The department of ~~natural resources~~ fish, wildlife, parks, and
14 forestry and the department of environmental management shall assist persons in
15 obtaining any license or approval required by any state or federal agency to conduct
16 a commercial aquaculture operation.”.

17 ***b1461/3.12* 1344.** Page 882, line 24: after that line insert:

18 ***b1461/3.12* “SECTION 2394.** 93.50 (1) (g) of the statutes is amended to read:

19 93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable
20 procurement contract” in s. 100.03 (1) (vm) 126.55 (15).”

21 ***b1468/2.1* 1345.** Page 882, line 24: after that line insert:

22 ***b1468/2.1* “SECTION 2394p.** 93.80 of the statutes is created to read:

23 **93.80 Arsenic in wood. (1)** The department, jointly with the department of
24 commerce, shall review scientific evidence to determine whether there is a

1 substantial likelihood that wood treated with copper, chromium, and arsenic is
2 harmful to the environment. The departments shall report the results of their review
3 to the legislature under s. 13.172 (2) no later than June 30, 2002.

4 (2) If the department and the department of commerce determine under sub.
5 (1) that there is a substantial likelihood that wood treated with copper, chromium,
6 and arsenic is harmful to the environment, the departments jointly shall promulgate
7 rules that phase in restrictions on the use of wood treated with copper, chromium,
8 and arsenic. The departments may not prohibit the use of wood treated with copper,
9 chromium, and arsenic for a purpose unless there is a substitute wood preservative
10 that may be used for that purpose and that is less harmful.

11 (3) Any person who violates a rule promulgated under sub. (2) may be required
12 to forfeit not more than \$500 for each violation.”.

13 *b1519/2.206* **1346.** Page 882, line 24: after that line insert:

14 *b1519/2.206* “SECTION 2395b. 94.02 (4) of the statutes is amended to read:
15 94.02 (4) This section pertains to the abatement of pests on agricultural lands
16 and on agricultural business premises. This section does not affect the authority of
17 the department of ~~natural resources~~ fish, wildlife, parks, and forestry under ch. 26.

18 *b1519/2.206* SECTION 2395t. 94.65 (3) (a) 3. of the statutes is amended to
19 read:

20 94.65 (3) (a) 3. No permit is required for the landspreading of sewage sludge
21 under a pollutant discharge elimination system permit issued by the department of
22 ~~natural resources~~ environmental management under s. 283.31 or 283.35.”.

23 *b1465/2.6* **1347.** Page 882, line 25: delete the material beginning with that
24 line and ending with page 888, line 10.

1 ***b1519/2.207* 1348.** Page 888, line 10: after that line insert:

2 ***b1519/2.207* “SECTION 2397c.** 94.73 (1) (b) of the statutes is amended to read:

3 94.73 (1) (b) “Corrective action” means action that is taken in response to a
4 discharge and that is necessary to restore the environment to the extent practicable
5 and to minimize the harmful effects of the discharge to the air, lands or waters of this
6 state. “Corrective action” includes action taken or ordered by the department of
7 ~~natural resources~~ environmental management under s. 292.11 (7) in response to a
8 discharge, but does not include action ordered by the department of ~~natural~~
9 ~~resources~~ environmental management under s. 291.37 (2) or 291.95. “Corrective
10 action” does not include action taken, or ordered to be completed, before
11 January 1, 1989.

12 ***b1519/2.207* SECTION 2397e.** 94.73 (2) (a) of the statutes is amended to read:

13 94.73 (2) (a) The department may issue an order requiring a responsible person
14 to take corrective action. Except as provided in a memorandum of understanding
15 under sub. (12), if a discharge involves a hazardous substance that may also become
16 a hazardous waste, the department and the department of ~~natural resources~~
17 environmental management shall consult to determine whether corrective action
18 should be taken under this section or s. 291.37 (2), 291.95 (1) or 292.31 (3).

19 ***b1519/2.207* SECTION 2397f.** 94.73 (2m) (intro.) of the statutes is amended
20 to read:

21 94.73 (2m) **CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL**
22 **RESOURCES** ENVIRONMENTAL MANAGEMENT. (intro.) The department of ~~natural~~
23 ~~resources~~ environmental management may take action under s. 292.11 (7) (a) or may

1 issue an order under s. 292.11 (7) (c) in response to a discharge only if one or more
2 of the following apply:

3 ***b1519/2.207* SECTION 2397g.** 94.73 (2m) (b) of the statutes is amended to
4 read:

5 94.73 (2m) (b) The department of agriculture, trade and consumer protection
6 requests the department of ~~natural resources~~ environmental management to take
7 the action or issue the order.

8 ***b1519/2.207* SECTION 2397h.** 94.73 (2m) (c) of the statutes is amended to
9 read:

10 94.73 (2m) (c) The secretary of ~~natural resources~~ environmental management
11 approves the action or order in advance after notice to the secretary of agriculture,
12 trade and consumer protection.

13 ***b1519/2.207* SECTION 2397i.** 94.73 (2m) (d) of the statutes is amended to
14 read:

15 94.73 (2m) (d) The department of ~~natural resources~~ environmental
16 management takes action under s. 292.11 (7) (a) after the responsible person fails to
17 comply with an order that was issued under s. 292.11 (7) (c) in compliance with this
18 subsection.

19 ***b1519/2.207* SECTION 2397j.** 94.73 (2m) (e) of the statutes is amended to
20 read:

21 94.73 (2m) (e) The department of ~~natural resources~~ environmental
22 management takes the action or issues the order in compliance with a memorandum
23 of understanding under sub. (12) between the department of agriculture, trade and
24 consumer protection and the department of ~~natural resources~~ environmental
25 management

1 ***b1519/2.207* SECTION 2397k.** 94.73 (3) (d) of the statutes is amended to read:

2 94.73 (3) (d) The applicant has complied with every corrective action order
3 issued to the applicant by the department under sub. (2) or the department of ~~natural~~
4 ~~resources~~ environmental management under s. 292.11 (7) (c).

5 ***b1519/2.207* SECTION 2397L.** 94.73 (3) (f) of the statutes is amended to read:

6 94.73 (3) (f) The applicant, upon discovery of the discharge, promptly reported
7 the discharge to the department or, if the applicant was required to report the
8 discharge under s. 292.11 (2), to the department of ~~natural resources~~ environmental
9 management.

10 ***b1519/2.207* SECTION 2397n.** 94.73 (3m) (a) of the statutes is amended to
11 read:

12 94.73 (3m) (a) Costs for corrective action taken in response to a discharge that
13 is an intentional use of an agricultural chemical for agricultural purposes, unless the
14 corrective action is ordered by the department under sub. (2) or by the department
15 of ~~natural resources~~ environmental management under s. 292.11 (7) (c).

16 ***b1519/2.207* SECTION 2397p.** 94.73 (3m) (b) of the statutes is amended to
17 read:

18 94.73 (3m) (b) Costs of reimbursing the department of ~~natural resources~~
19 environmental management for action taken under s. 292.11 (7) (a) or 292.31 (1), (3)
20 or (7) because the applicant failed to respond adequately to a discharge.

21 ***b1519/2.207* SECTION 2397q.** 94.73 (3m) (e) of the statutes is amended to
22 read:

23 94.73 (3m) (e) Costs for corrective action taken in response to a discharge from
24 a facility that is required to be licensed under s. 289.31 or that would be required to
25 be licensed except that the department of ~~natural resources~~ environmental

1 management has issued a specific exemption under s. 289.43 or rules promulgated
2 under s. 289.05 (1) or (2).

3 *b1519/2.207* SECTION 2397r. 94.73 (3m) (r) of the statutes is amended to
4 read:

5 94.73 (3m) (r) The cost of providing alternative sources of drinking water,
6 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible
7 person who applies for reimbursement a total of not more than \$20,000 for the
8 replacement of private wells if the department or the department of ~~natural~~
9 ~~resources~~ environmental management orders the well replacement in response to a
10 discharge.

11 *b1519/2.207* SECTION 2397s. 94.73 (4) (b) of the statutes is amended to read:

12 94.73 (4) (b) Except as agreed under sub. (12), the department of agriculture,
13 trade and consumer protection shall promptly furnish the department of ~~natural~~
14 ~~resources~~ environmental management with a copy of each work plan submitted to
15 the department of agriculture, trade and consumer protection under par. (a) for
16 comment by the department of ~~natural resources~~ environmental management.
17 Within 14 days after it receives a copy of a work plan or within a different time period
18 agreed to under sub. (12), the department of ~~natural resources~~ environmental
19 management may provide the department of agriculture, trade and consumer
20 protection with any comments of the department of ~~natural resources~~ environmental
21 management on the work plan. If the department of ~~natural resources~~
22 environmental management timely submits written comments on a proposed work
23 plan, the department of agriculture, trade and consumer protection shall either
24 incorporate those comments into the approved work plan or give the department of

1 ~~natural resources environmental management~~ a written explanation of why the
2 comments were not incorporated.

3 *b1519/2.207* SECTION 2397t. 94.73 (9) of the statutes is amended to read:

4 94.73 (9) SAMPLING REQUIREMENTS. The department, in cooperation with the
5 department of ~~natural resources environmental management~~, shall establish a
6 program for the collection and analysis of soil and other environmental samples at
7 sites where discharges may have occurred, including sites required to be registered
8 according to rules promulgated by the department of agriculture, trade and
9 consumer protection under sub. (11).

10 *b1519/2.207* SECTION 2397u. 94.73 (12) of the statutes is amended to read:

11 94.73 (12) MEMORANDUM OF UNDERSTANDING. The department and the
12 department of ~~natural resources environmental management~~ shall enter into a
13 memorandum of understanding establishing their respective functions in the
14 administration of this section. The memorandum of understanding shall establish
15 procedures to ensure that corrective actions taken under this section are consistent
16 with actions taken under s. 292.11 (7). The department and the department of
17 ~~natural resources environmental management~~ may request that the secretary of
18 administration provide assistance in accomplishing the memorandum of
19 understanding.”.

20 *b1519/2.208* 1349. Page 888, line 11: after that line insert:

21 *b1519/2.208* “SECTION 2398g. 95.60 (2) (d) of the statutes is amended to read:

22 95.60 (2) (d) The department of ~~natural resources~~ fish, wildlife, parks, and
23 forestry is exempt from par. (a).

1 ***b1519/2.208* SECTION 2398h.** 95.60 (4s) (a) of the statutes is amended to
2 read:

3 95.60 (4s) (a) In consultation with the department of ~~natural resources~~ fish,
4 wildlife, parks, and forestry, promulgate rules specifying requirements for the
5 labeling and identification, in commerce, of fish reared in fish farms.

6 ***b1519/2.208* SECTION 2398i.** 95.60 (4s) (b) of the statutes is amended to read:

7 95.60 (4s) (b) In consultation with the department of ~~natural resources~~ fish,
8 wildlife, parks, and forestry, promulgate rules specifying fish health standards and
9 requirements for certifying that fish meet those standards for the purpose of s.
10 29.736.

11 ***b1519/2.208* SECTION 2398j.** 95.60 (4s) (c) of the statutes is amended to read:

12 95.60 (4s) (c) In consultation with the department of ~~natural resources~~ fish,
13 wildlife, parks, and forestry, promulgate rules specifying the qualifications that a
14 person who is not a veterinarian must satisfy in order to issue fish health certificates.

15 ***b1519/2.208* SECTION 2398k.** 95.60 (4s) (d) of the statutes is amended to
16 read:

17 95.60 (4s) (d) In consultation with the department of ~~natural resources~~ fish,
18 wildlife, parks, and forestry, promulgate rules specifying diseases and requirements
19 for certifying that fish are free of those diseases for the purposes of sub. (2) (b).

20 ***b1519/2.208* SECTION 2398L.** 95.60 (6) of the statutes is amended to read:

21 95.60 (6) (a) No person, except the department of ~~natural resources~~ fish,
22 wildlife, parks, and forestry, may rear lake sturgeon in a fish farm.

23 (c) The department, in consultation with the department of ~~natural resources~~
24 fish, wildlife, parks, and forestry, shall study regulatory options that would enable
25 commercial rearing of lake sturgeon while protecting the wild lake sturgeon

1 population. The department shall submit the results of the study to the legislature
2 under s. 13.172 (2) no later than December 31, 2000.”

3 *b1461/3.13* **1350.** Page 888, line 15: after that line insert:

4 *b1461/3.13* **SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

5 97.20 (2) (d) 2. The license applicant has filed all financial information required
6 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has
7 not filed all financial information under s. 126.44 and any security required under
8 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under
9 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk
10 products from milk producers or their agents, but allows the operator to purchase
11 milk or fluid milk products from other sources.

12 *b1461/3.13* **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

13 97.20 (3m) CONFIDENTIALITY. Any information kept by the department under
14 this section or s. 97.24 that identifies individual milk producers who deliver milk to
15 a dairy plant licensed under this section and that is a composite list for that dairy
16 plant is not subject to inspection under s. 19.35 unless inspection is required under
17 s. ~~100.06 (4)~~ 126.70 or unless the department determines that inspection is necessary
18 to protect the public health, safety or welfare.

19 *b1461/3.13* **SECTION 2402.** 97.22 (10) of the statutes is amended to read:

20 97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the
21 department under this section, under s. 97.24 or 97.52, or under rules promulgated
22 under those sections, that pertains to individual milk producer production, milk fat
23 and other component tests and quality records is not subject to inspection under s.

1 19.35 except as required under s. 100.06 (4) 126.70 or except as the department
2 determines is necessary to protect the public health, safety or welfare.

3 *b1461/3.13* SECTION 2403. 97.29 (4) of the statutes is amended to read:

4 97.29 (4) FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS. The
5 department may not issue or renew a license to operate a food processing plant to any
6 applicant who is a vegetable contractor, as defined in s. 100.03 (1) (f) 126.55 (14),
7 unless the applicant has filed all financial information required under s. 126.58 and
8 any security that is required under s. 100.03 126.61. If an applicant has not filed all
9 financial information required under s. 126.58 and any security that is required
10 under s. 100.03 126.61, the department may issue a conditional license under s. 93.06
11 (8) that prohibits the licensed operator from procuring vegetables from a producer
12 or a producer's agent, but allows the operator to procure vegetables from other
13 sources.”.

14 *b1467/2.1* **1351.** Page 888, line 15: after that line insert:

15 *b1467/2.1* “SECTION 2403c. 97.42 (3) (d) of the statutes is amended to read:

16 97.42 (3) (d) *Custom service slaughtering.* This subsection shall not apply to
17 animals and poultry slaughtered as a custom service for the owner ~~exclusively for use~~
18 ~~by the owner and members of the owner's household and the owner's nonpaying~~
19 ~~guests and employees~~ if the slaughterer is not involved with the sale of the meat,
20 unless department inspection is specifically requested and performed at
21 establishments where examinations before and after slaughter are required. The
22 rules of the department shall make provision for the furnishing of such inspection
23 service, subject to availability of inspector personnel, and for the identification of all

1 animals and poultry custom slaughtered for the owners thereof without department
2 inspection.

3 *b1467/2.1* SECTION 2403cp. 97.42 (6) (a) (intro.) of the statutes is amended
4 to read:

5 97.42 (6) (a) (intro.) No Except as provided in par. (am), no person shall
6 slaughter any animals or poultry for the purpose of selling the meat products or
7 poultry products thereof for human food, or sell, offer for sale or have in his or her
8 possession with intent to sell such meat products or poultry products for human food,
9 unless such animals and poultry and the carcasses thereof have been first inspected
10 and approved as provided by any of the following:

11 *b1467/2.1* SECTION 2403cs. 97.42 (6) (am) of the statutes is created to read:

12 97.42 (6) (am) Paragraph (a) does not prohibit the slaughter for the purpose
13 of sale or the sale of animals or poultry without inspection or approval if the sale is
14 by the person who raised the animals or poultry to an individual and is not for
15 resale.”.

16 *b1519/2.209* **1352.** Page 888, line 15: after that line insert:

17 *b1519/2.209* “SECTION 2402g. 97.34 (2) (b) of the statutes is amended to read:

18 97.34 (2) (b) No person may manufacture or bottle bottled drinking water for
19 sale or distribution in this state unless the bottled drinking water complies with
20 state drinking water standards adopted by the department of ~~natural resources~~
21 environmental management under s. 280.11, 281.15 or 281.17 (8) and with
22 health-related enforcement standards adopted by the department of ~~natural~~
23 ~~resources~~ environmental management under ch. 160.

24 *b1519/2.209* SECTION 2402i. 97.34 (2) (d) of the statutes is amended to read:

1 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for
2 sale or distribution in this state unless the water system used by the manufacturer
3 or bottler complies with ch. 280 and rules promulgated by the department of ~~natural~~
4 ~~resources~~ environmental management under that chapter.”.

5 ***b1461/3.14* 1353.** Page 889, line 1: after that line insert:
6 *as affected by 2000 Wisconsin Act ... [this act]*
7 ***b1461/3.14* SECTION 2404.** 100.03 of the statutes ~~is~~ repealed.

8 ***b1461/3.14* SECTION 2405.** 100.06 of the statutes is repealed.”.

9 ***b1524/1.6* 1354.** Page 889, line 1: after that line insert:

10 *MDK* ***b1524/1.6* SECTION 2404g.** 100.03 (1) (bm) of the statutes is amended to
11 read:

12 100.03 (1) (bm) “Audited financial statement” means a financial statement
13 that, in the accompanying opinion of an independent certified public accountant ~~or~~
14 ~~a public accountant holding a certificate of authority~~ licensed or certified under ch.
15 442, fairly and in all material respects represents the financial position of the
16 contractor, the results of the contractor’s operations and the contractor’s cash flows

17 ***b1524/1.6* SECTION 2404r.** 100.03 (1) (ym) 2. of the statutes is amended to
18 read:

19 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting
20 principles by an independent certified public accountant ~~or a public accountant~~
21 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

22 ***b1524/1.6* SECTION 2405m.** 100.06 (1g) (c) of the statutes is amended to read:

23 100.06 (1g) (c) The department shall require the applicant to file a financial
24 statement of his or her business operations and financial condition that meets the

1 requirements of par. (d). The licensee, during the term of his or her license, may be
2 required to file such statements periodically. All such statements shall be
3 confidential and shall not be open for public inspection, except that the department
4 shall provide the name and address of an individual, the name and address of the
5 individual's employer and financial information related to the individual contained
6 in such statements if requested under s. 49.22 (2m) by the department of workforce
7 development or a county child support agency under s. 59.53 (5). The department
8 may require such statements to be certified by a certified public accountant licensed
9 or certified under ch. 442. Such statements and audits, when made by the
10 department, shall be paid for at cost.”

11 *b1605/1.4* **1355**. Page 889, line 1: after that line insert:

12 *b1605/1.4* **SECTION 2406**. 100.18 (11) (d) of the statutes is amended to read:
13 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
14 ~~with the department,~~ or any district attorney, upon informing the department, may
15 commence an action in circuit court in the name of the state to restrain by temporary
16 or permanent injunction any violation of this section. The court may in its discretion,
17 prior to entry of final judgment, make such orders or judgments as may be necessary
18 to restore to any person any pecuniary loss suffered because of the acts or practices
19 involved in the action, provided proof thereof is submitted to the satisfaction of the
20 court. ~~The department and the department of justice may subpoena persons and~~
21 ~~require the production of books and other documents, and the department of justice~~
22 ~~may request the department to exercise its authority under par. (c) to aid in the~~
23 ~~investigation of alleged violations of this section.~~

24 *b1605/1.4* **SECTION 2407**. 100.18 (11) (e) of the statutes is amended to read:

1 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
2 section, the department ~~or the department of justice~~ may accept a written assurance
3 of discontinuance of any act or practice alleged to be a violation of this section from
4 the person who has engaged in such act or practice. The acceptance of such assurance
5 by ~~either the department or the department of justice~~ shall be deemed acceptance by
6 the other state officials enumerated in par. (d) if the terms of the assurance so
7 provide. An assurance entered into pursuant to this section shall not be considered
8 evidence of a violation of this section, provided that violation of such an assurance
9 shall be treated as a violation of this section, and shall be subjected to all the
10 penalties and remedies provided therefor.”.

11 ***b1461/3.15* 1356.** Page 889, line 8: after that line insert:

12 ***b1461/3.15* SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

13 100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor”
14 under s. ~~100.03 (1) (f)~~ 126.55 (14).

15 ***b1461/3.15* SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered
16 100.235 (1) (dm) and amended to read:

17 100.235 (1) (dm) “Registration License year” has the meaning given under s.
18 ~~100.03 (1) (y)~~ 126.55 (10m).

19 ***b1461/3.15* SECTION 2416.** 100.235 (2) of the statutes is amended to read:

20 100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO
21 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow
22 more than 10% of the acreage of any vegetable species grown and procured by the
23 contractor in any registration license year, the contractor shall pay a producer, for
24 vegetables of that species tendered or delivered under a vegetable procurement

1 contract, a price not less than the contractor's cost to grow that vegetable species in
2 the same growing region. For vegetables contracted on a tonnage basis and for
3 open-market tonnage purchased, acreage under this subsection shall be determined
4 using the state average yield per acre during the preceding ~~registration~~ license year.

5 *b1461/3.15* SECTION 2417. 100.235 (3) of the statutes is repealed.

6 *b1461/3.15* SECTION 2418. 100.235 (4) of the statutes is amended to read:

7 100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the
8 department determines that a contractor and the contractor's affiliates and
9 subsidiaries will collectively grow more than 10% of the acreage of any vegetable
10 species grown and procured by the contractor during a ~~registration~~ license year, the
11 department may require the contractor to file a statement of the contractor's cost to
12 grow that vegetable species. The contractor shall file the report with the department
13 within 30 days after the department makes its request, unless the department
14 grants an extension of time. The department may permit the contractor to report
15 different costs to grow for different growing regions if the contractor can define the
16 growing regions to the department's satisfaction, and can show to the department's
17 satisfaction that the contractor's costs to grow are substantially different between
18 the growing regions.

19 *b1461/3.15* SECTION 2420. 100.26 (5) of the statutes is amended to read:

20 100.26 (5) Any person violating ~~s. 100.06 or any order or regulation of the~~
21 ~~department thereunder, or s. 100.18 (9)~~, shall be fined not less than \$100 nor more
22 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation
23 constitutes a separate offense.”.

24 *b1605/1.5* 1357. Page 889, line 8: after that line insert:

1 ***b1605/1.5*** **SECTION 2409.** 100.20 (4) of the statutes is amended to read:

2 100.20 (4) The ~~department of justice~~ district attorney may file a written
3 complaint with the department alleging that the person named is employing unfair
4 methods of competition in business or unfair trade practices in business or both.
5 Whenever such a complaint is filed it shall be the duty of the department to proceed,
6 after proper notice and in accordance with its rules, to the hearing and adjudication
7 of the matters alleged, and a representative of the ~~department of justice designated~~
8 ~~by the attorney general~~ district attorney may appear before the department in such
9 proceedings. The ~~department of justice~~ district attorney shall be entitled to judicial
10 review of the decisions and orders of the department under ch. 227.

11 ***b1605/1.5*** **SECTION 2410.** 100.207 (6) (b) 1. of the statutes is amended to read:

12 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
13 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
14 upon informing the department of agriculture, trade and consumer protection, may
15 commence an action in circuit court in the name of the state to restrain by temporary
16 or permanent injunction any violation of this section. Injunctive relief may include
17 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
18 discontinue telecommunications service provided to a person violating this section
19 or ch. 196. Before entry of final judgment, the court may make such orders or
20 judgments as may be necessary to restore to any person any pecuniary loss suffered
21 because of the acts or practices involved in the action if proof of these acts or practices
22 is submitted to the satisfaction of the court.

23 ***b1605/1.5*** **SECTION 2411.** 100.207 (6) (b) 2. of the statutes is amended to read:

24 100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14
25 to 93.16 and 100.18 (11) (c) to administer this section. The department ~~and the~~

1 department of justice may subpoena persons and require the production of books and
2 other documents, and the department of justice may request the department of
3 agriculture, trade and consumer protection to exercise its authority to aid in the
4 investigation of alleged violations of this section.

5 ***b1605/1.5* SECTION 2412.** 100.207 (6) (c) of the statutes is amended to read:

6 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
7 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
8 paragraph shall be enforced by the department of justice, after consulting with the
9 department of agriculture, trade and consumer protection, or, upon informing the
10 department, by the district attorney of the county where the violation occurs.

11 ***b1605/1.5* SECTION 2413.** 100.207 (6) (em) 1. of the statutes is amended to
12 read:

13 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
14 department shall form an advisory group to suggest recommendations regarding the
15 content and scope of the proposed rule. The advisory group shall consist of one or
16 more persons who may be affected by the proposed rule, a representative from the
17 department of justice and a representative from the public service commission.

18 ***b1605/1.5* SECTION 2419.** 100.24 of the statutes is amended to read:

19 **100.24 Revocation of corporate authority.** Any corporation, or limited
20 liability company, foreign or domestic, which that violates any order issued under s.
21 100.20 may be enjoined from doing business in this state and its certificate of
22 authority, incorporation, or organization may be canceled or revoked. The attorney
23 general department may bring an action for this purpose in the name of the state.

24 In any such action judgment for injunction, cancellation, or revocation may be

1 rendered by the court, upon such terms as it deems just and in the public interest,
2 but only upon proof of a substantial and ~~wilful~~ willful violation.

3 *b1605/1.5* SECTION 2421. 100.26 (6) of the statutes is amended to read:

4 100.26 (6) The department, ~~the department of justice, after consulting with the~~
5 department, or any district attorney may commence an action in the name of the
6 state to recover a civil forfeiture to the state of not less than \$100 nor more than
7 \$10,000 for each violation of an injunction issued under s. 100.18, 100.182, or 100.20
8 (6). The department of agriculture, trade and consumer protection or any district
9 attorney may commence an action in the name of the state to recover a civil forfeiture
10 to the state of not less than \$100 nor more than \$10,000 for each violation of an order
11 issued under s. 100.20.”.

12 *b1519/2.210* 1358. Page 890, line 16: after that line insert:

13 *b1519/2.210* “SECTION 2429n. 100.27 (5) (d) of the statutes is amended to
14 read:

15 100.27 (5) (d) Informs the department and the department of ~~natural resources~~
16 environmental management of the collection site identified under par. (a) and the
17 telephone number under par. (c).

18 *b1519/2.210* SECTION 2430k. 100.295 (1) of the statutes is amended to read:

19 100.295 (1) LABELING STANDARDS. The department shall establish standards
20 that must be met by products in order for any person to represent that the products
21 are recycled, recyclable or degradable. The department shall establish standards
22 that are consistent, to the greatest extent practicable, with nationwide industry
23 consensus standards. In developing standards, the department shall consult with
24 the department of ~~natural resources~~ environmental management and the council on

1 recycling and consider purchasing specifications under s. 16.72 (2) (e) and (f) and any
2 existing federal standards. The department shall give priority to establishing
3 standards for specific products commonly represented as being recycled, recyclable
4 or degradable.”.

5 *b1605/1.6* **1359.** Page 890, line 16: after that line insert:

6 *b1605/1.6* “SECTION 2428. 100.263 of the statutes is amended to read:

7 **100.263 Recovery.** In addition to other remedies available under this chapter,
8 the court may award the department the reasonable and necessary costs of
9 investigation and an amount reasonably necessary to remedy the harmful effects of
10 the violation, and the court may award the department of justice the reasonable and
11 necessary expenses of prosecution, including attorney fees, from any person who
12 violates this chapter. The department and the department of justice shall deposit in
13 the state treasury for deposit in the general fund all moneys that the court awards
14 to the department, the department of justice or the state under this section. Ten
15 percent of the money deposited in the general fund that was awarded under this
16 section for the costs of investigation and the expenses of prosecution, including
17 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).”.

18 *b1529/1.1* **1360.** Page 890, line 25: after that line insert:

19 *b1529/1.1* “SECTION 2446r. 101.01 (11) of the statutes is amended to read:

20 101.01 (11) “Place of employment” includes every place, whether indoors or out
21 or underground and the premises appurtenant thereto where either temporarily or
22 permanently any industry, trade, or business is carried on, or where any process or
23 operation, directly or indirectly related to any industry, trade, or business, is carried
24 on, and where any person is, directly or indirectly, employed by another for direct or

1 indirect gain or profit, but does not include any place where persons are employed
2 in private domestic service which does not involve the use of mechanical power or in
3 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~
4 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the
5 farm by the operator of ~~said~~ the farm or employees for use thereon, if such activities
6 are directly or indirectly for the purpose of producing commodities for market, or as
7 an accessory to such production; and the operation of a horse boarding facility or
8 horse training facility that does not contain an area for the public to view a horse
9 show. When used with relation to building codes, “place of employment” does not
10 include an adult family home, as defined in s. 50.01 (1), or, except for the purposes
11 of s. 101.11, a previously constructed building used as a community-based
12 residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who
13 are not related to the operator or administrator.

14 *b1529/1.1* SECTION 2447d. 101.01 (12) of the statutes is amended to read:

15 101.01 (12) “Public building” means any structure, including exterior parts of
16 such building, such as a porch, exterior platform, or steps providing means of ingress
17 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
18 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation
19 to building codes, “public building” does not include a horse boarding facility or horse
20 training facility that does not contain an area for the public to view a horse show or
21 a previously constructed building used as a community-based residential facility as
22 defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the
23 operator or administrator or an adult family home, as defined in s. 50.01 (1).”.

24 *b1449/1.1* 1361. Page 891, line 4: after that line insert:

1 ***b1449/1.1*** “SECTION 2449d. 101.10 (2) of the statutes, as created by 2001
2 Wisconsin Act 3, is amended to read:

3 101.10 (2) RULES. The department shall promulgate rules that prescribe
4 reasonable standards relating to the safe storage and handling of anhydrous
5 ammonia. The rules shall prescribe standards for the design, construction, repair,
6 alteration, location, installation, inspection, and operation of anhydrous ammonia
7 equipment. The Except as otherwise provided in this subsection, the rules
8 promulgated under this subsection do not apply to ammonia manufacturing plants,
9 refrigeration plants where ammonia is used solely as a refrigerant, facilities where
10 ammonia is used in pollution control devices or is manufactured, electric generating
11 or cogenerating facilities where ammonia is used as a refrigerant, and ammonia
12 transportation pipelines. If ammonia is used on the premises of a facility or plant
13 described under this subsection for a purpose or in a manner that is not related to
14 the applicable exemption from the rules promulgated under this subsection, the
15 exemption does not apply to that use.”.

16 ***b1519/2.211* 1362.** Page 891, line 4: after that line insert:

17 ***b1519/2.211*** “SECTION 2449d. 101.1205 (1) of the statutes is amended to
18 read:

19 101.1205 (1) The department, in consultation with the department of ~~natural~~
20 ~~resources~~ environmental quality, shall establish statewide standards for erosion
21 control at building sites for the construction of public buildings and buildings that
22 are places of employment.”.

23 ***b1519/2.212* 1363.** Page 892, line 24: after that line insert:

1 ***b1519/2.212*** **SECTION 2463t.** 101.143 (1) (am) of the statutes is amended to
2 read:

3 101.143 (1) (am) “Case closure letter” means a letter provided by the
4 department of ~~natural resources~~ environmental management that states that, based
5 on information available to the department of ~~natural resources~~ environmental
6 management, no further remedial action is necessary with respect to a discharge.”.

7 ***b1519/2.213*** **1364.** Page 893, line 2: after that line insert:

8 ***b1519/2.213*** **SECTION 2464g.** 101.143 (2) (h) (intro.) of the statutes is
9 amended to read:

10 101.143 (2) (h) (intro.) The department of commerce and the department of
11 ~~natural resources~~ environmental management, jointly, shall promulgate rules
12 designed to facilitate effective and cost-efficient administration of the program
13 under this section that specify all of the following:

14 ***b1519/2.213*** **SECTION 2464j.** 101.143 (2) (h) 3. of the statutes is amended to
15 read:

16 101.143 (2) (h) 3. Review procedures that must be followed by employees of the
17 department of ~~natural resources~~ environmental management and the department
18 of commerce in reviewing the information submitted under subd. 1.

19 ***b1519/2.213*** **SECTION 2464L.** 101.143 (2) (i) (intro.) of the statutes is
20 amended to read:

21 101.143 (2) (i) (intro.) The department of commerce and the department of
22 ~~natural resources~~ environmental management, jointly, shall promulgate rules
23 specifying procedures for evaluating remedial action plans and procedures to be used
24 by employees of the department of commerce and the department of ~~natural~~

1 ~~resources environmental management~~ while remedial actions are being conducted.

2 The departments shall specify procedures that include all of the following:

3 *b1519/2.213* SECTION 2464n. 101.143 (2) (j) (intro.) of the statutes is
4 amended to read:

5 101.143 (2) (j) (intro.) The department of commerce and the department of
6 ~~natural resources environmental management~~, jointly, shall promulgate rules
7 specifying all of the following:

8 *b1519/2.213* SECTION 2464p. 101.143 (2) (j) 1. of the statutes is amended to
9 read:

10 101.143 (2) (j) 1. The conditions under which employees of the department of
11 commerce and the department of ~~natural resources environmental management~~
12 must issue approvals under sub. (3) (c) 4.

13 *b1519/2.213* SECTION 2464q. 101.143 (2) (k) of the statutes is amended to
14 read:

15 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
16 commerce and the department of ~~natural resources environmental management~~
17 shall attempt to reach an agreement that is consistent with those provisions. If the
18 department of commerce and the department of ~~natural resources environmental~~
19 ~~management~~ are unable to reach an agreement, they shall refer the matters on
20 which they are unable to agree to the secretary of administration for resolution. The
21 secretary of administration shall resolve any matters on which the departments
22 disagree in a manner that is consistent with pars. (h) to (j). The department of
23 commerce and the department of ~~natural resources environmental management~~,
24 jointly, shall promulgate rules incorporating any agreement between the
25 department of commerce and the department of ~~natural resources environmental~~

1 management under this paragraph and any resolution of disagreements between the
2 departments by the secretary of administration under this paragraph.

3 *b1519/2.213* SECTION 2465b. 101.143 (2e) of the statutes is amended to read:

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

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

21 (c) The department of ~~natural resources~~ environmental management or, if the
22 discharge is covered under s. 101.144 (2) (b), the department of commerce shall apply
23 the method in the rules promulgated under par. (b) to determine the risk posed by
24 a discharge for which the department of commerce receives notification under sub.
25 (3) (a) 3.

1 ***b1519/2.213* SECTION 2465e.** 101.143 (2m) of the statutes is amended to
2 read:

3 101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of
4 commerce receives a notification under sub. (3) (a) 3. or the department of ~~natural~~
5 ~~resources~~ environmental management receives a notification of a petroleum product
6 discharge under s. 292.11, the department receiving the notification shall contact the
7 other department and shall schedule a meeting of the owner or operator or person
8 owning a home oil tank system and representatives of both departments.

9 ***b1519/2.213* SECTION 2465g.** 101.143 (3) (a) 5. of the statutes is amended to
10 read:

11 101.143 (3) (a) 5. The owner or operator or the person reports the discharge in
12 a timely manner to the division of emergency management in the department of
13 military affairs or to the department of ~~natural resources~~ environmental
14 management, according to the requirements under s. 292.11.

15 ***b1519/2.213* SECTION 2465k.** 101.143 (3) (a) 9. of the statutes is amended to
16 read:

17 101.143 (3) (a) 9. The owner or operator or the person follows standards for
18 groundwater restoration in the groundwater standards in the rules promulgated by
19 the department of ~~natural resources~~ environmental management under ss. 160.07
20 and 160.09 and restores the environment, to the extent practicable, according to
21 those standards at the site of the discharge from a petroleum product storage system
22 or home oil tank system.

23 ***b1519/2.213* SECTION 2466b.** 101.143 (3) (c) 4. of the statutes is amended to
24 read:

1 101.143 (3) (c) 4. Receive written approval from the department of ~~natural~~
2 ~~resources~~ environmental management or, if the discharge is covered under s. 101.144
3 (2) (b), from the department of commerce that the remedial action activities
4 performed under subd. 3. meet the requirements of s. 292.11.

5 ***b1519/2.213* SECTION 2467b.** 101.143 (3) (cm) of the statutes is amended to
6 read:

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

13 ***b1519/2.213* SECTION 2467d.** 101.143 (3) (cp) 1. of the statutes is amended
14 to read:

15 101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of
16 ~~natural resources~~ environmental management or, if the site is covered under s.
17 101.144 (2) (b), the department of commerce estimates that the cost to complete a site
18 investigation, remedial action plan and remedial action for an occurrence exceeds
19 \$60,000, the department of commerce shall implement a competitive public bidding
20 process to obtain information to assist in making the determination under par. (cs).

21 ***b1519/2.213* SECTION 2467e.** 101.143 (3) (cp) 2. of the statutes is amended
22 to read:

23 101.143 (3) (cp) 2. The department of commerce or the department of ~~natural~~
24 ~~resources~~ environmental management may waive the requirement under subd. 1. if
25 an enforcement standard is exceeded in groundwater within 1,000 feet of a well

1 operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other
2 well used to provide water for human consumption.

3 *b1519/2.213* SECTION 2467g. 101.143 (3) (cp) 5. of the statutes is amended
4 to read:

5 101.143 (3) (cp) 5. The department of commerce or the department of ~~natural~~
6 ~~resources~~ environmental management may waive the requirement under subd. 1.
7 after providing notice to the other department.

8 *b1519/2.213* SECTION 2467k. 101.143 (3) (cs) 2. of the statutes is amended
9 to read:

10 101.143 (3) (cs) 2. The department of ~~natural resources~~ environmental
11 management and the department of commerce shall review the remedial action plan
12 for a site that is classified as high risk under s. 101.144 and shall jointly determine
13 the least costly method of complying with par. (c) 3. and with enforcement standards.
14 The departments shall notify the owner or operator of their determination of the
15 least costly method and shall notify the owner or operator that reimbursement for
16 remedial action under this section is limited to the amount necessary to implement
17 that method.

18 *b1519/2.213* SECTION 2467L. 101.143 (3) (cs) 3. of the statutes is amended
19 to read:

20 101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the
21 department of ~~natural resources~~ environmental management and the department
22 of commerce shall determine whether natural attenuation will achieve compliance
23 with par. (c) 3. and with enforcement standards.

24 *b1519/2.213* SECTION 2467n. 101.143 (3) (cs) 4. of the statutes is amended
25 to read:

1 101.143 (3) (cs) 4. The department of commerce may review and modify an
2 amount established under subd. 1. if the department determines that new
3 circumstances, including newly discovered contamination at a site, warrant those
4 actions. The department of commerce and the department of ~~natural resources~~
5 environmental management may review and modify an amount established under
6 subd. 2. if the departments determine that new circumstances, including newly
7 discovered contamination at a site, warrant those actions.

8 ***b1519/2.213* SECTION 2467q.** 101.143 (3) (cw) 2. of the statutes is amended
9 to read:

10 101.143 (3) (cw) 2. The department of ~~natural resources~~ environmental
11 management and the department of commerce shall conduct the annual review
12 required under sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144
13 and shall jointly determine the least costly method of completing remedial action at
14 the site in order to comply with par. (c) 3. and with enforcement standards. The
15 departments shall notify the owner or operator of their determination of the least
16 costly method and shall notify the owner or operator that reimbursement under this
17 section for remedial action conducted after the date of the notice is limited to the
18 amount necessary to implement that method.

19 ***b1519/2.213* SECTION 2467r.** 101.143 (3) (cw) 3. of the statutes is amended
20 to read:

21 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the
22 department of ~~natural resources~~ environmental management and the department
23 of commerce shall determine whether natural attenuation will achieve compliance
24 with par. (c) 3. and with enforcement standards.