

1           **\*-1097/3.80\* SECTION 2899.** 247.06 (1) (a) of the statutes is amended to read:

2           247.06 (1) (a) The foundation may distribute moneys appropriated under s.  
3           20.220 (1) (r) to the arts board for programs that provide operating support to arts  
4           organizations and for the Wisconsin regrating program under s. ~~44.62~~ 41.62.

5           **\*-1097/3.81\* SECTION 2900.** 247.06 (2) (b) of the statutes is amended to read:

6           247.06 (2) (b) The foundation may not distribute moneys to the arts board  
7           under sub. (1) (a) in any fiscal year in which the foundation determines that the  
8           amount of general purpose revenue appropriated to the ~~arts board~~ department of  
9           tourism under s. ~~20.215~~ 20.380 (3) is less than the amount appropriated in the  
10          previous fiscal year.

11          **\*-1187/P5.472\* SECTION 2901.** 250.20 (2) (d) of the statutes is amended to  
12          read:

13          250.20 (2) (d) Work closely with all state agencies, including the ~~board of~~  
14          ~~regents~~ Board of Regents of the University of Wisconsin System and the technical  
15          college system board, with the Board of Trustees of the University of  
16          Wisconsin-Madison, with the University of Wisconsin Hospitals and Clinics  
17          Authority, with the private sector and with groups concerned with issues of the  
18          health of economically disadvantaged minority group members to develop long-term  
19          solutions to health problems of minority group members.

20          **\*-1187/P5.473\* SECTION 2902.** 250.20 (2) (f) of the statutes is amended to read:

21          250.20 (2) (f) Encourage economically disadvantaged minority group members  
22          who are students to enter career health care professions, by developing materials  
23          that are culturally sensitive and appropriate and that promote health care  
24          professions as careers, for use by the University of Wisconsin System, the University

1 of Wisconsin-Madison, the technical college system and the Medical College of  
2 Wisconsin in recruiting the students.

3 **\*-1324/P1.7\* SECTION 2903.** 251.02 (3) of the statutes is amended to read:

4 251.02 (3) A county board may, in conjunction with the county board of ~~another~~  
5 county one or more other counties, establish a multiple county health department,  
6 which shall meet the requirements of this chapter. A multiple county health  
7 department shall serve all areas of the respective counties that are not served by a  
8 city health department that was established prior to January 1, 1994, by a town or  
9 village health department established under sub. (3m), or by a multiple municipal  
10 local health department established under sub. (3r).

11 **\*-1465/P4.1017\* \*-0808/2.426\* SECTION 2904.** 252.12 (2) (a) 9. of the statutes  
12 is amended to read:

13 252.12 (2) (a) 9. 'Grant for family resource center.' The department shall award  
14 a grant to develop and implement an African-American family resource center in the  
15 city of Milwaukee that targets activities toward the prevention and treatment of HIV  
16 infection and related infections, including hepatitis C virus infection, of minority  
17 group members, as defined in s. ~~560.036~~ 490.04 (1) (f).

18 **\*-1465/P4.1018\* \*-0808/2.427\* SECTION 2905.** 252.12 (2) (c) 2. of the statutes  
19 is amended to read:

20 252.12 (2) (c) 2. From the appropriation account under s. 20.435 (1) (am), the  
21 department shall award \$75,000 in each fiscal year as grants for services to prevent  
22 HIV infection and related infections, including hepatitis C virus infection. Criteria  
23 for award of the grants shall include the criteria specified under subd. 1. The  
24 department shall award 60% of the funding to applying organizations that receive  
25 funding under par. (a) 8. and 40% of the funding to applying community-based

1 organizations that are operated by minority group members, as defined in s. 560.036  
2 490.04 (1) (f).

3 **\*-1465/P4.1019\* \*-0808/2.428\* SECTION 2906.** 252.15 (5g) (c) of the statutes  
4 is amended to read:

5 252.15 (5g) (c) A physician, physician assistant, or advanced practice nurse  
6 prescriber, based on information provided to the physician, physician assistant, or  
7 advanced practice nurse prescriber, determines and certifies in writing that the  
8 person has had contact that constitutes a significant exposure. The certification  
9 shall accompany the request for HIV testing and disclosure. If the person is a  
10 physician, physician assistant, or advanced practice nurse prescriber, he or she may  
11 not make this determination or certification. The information that is provided to a  
12 physician, physician assistant, or advanced practice nurse prescriber to document  
13 the occurrence of the contact that constitutes a significant exposure and the  
14 physician's, physician assistant's, or advanced practice nurse prescriber's  
15 certification that the person has had contact that constitutes a significant exposure,  
16 shall be provided on a report form that is developed by the department of ~~commerce~~  
17 safety and professional services under s. 101.02 (19) (a) or on a report form that the  
18 department of ~~commerce~~ safety and professional services determines, under s.  
19 101.02 (19) (b), is substantially equivalent to the report form that is developed under  
20 s. 101.02 (19) (a).

21 **\*-1330/P1.2\* SECTION 2907.** 253.07 (4) of the statutes is repealed.

22 **\*-1187/P5.474\* SECTION 2908.** 253.13 (1m) of the statutes is amended to read:

23 253.13 (1m) URINE TESTS. The department may establish a urine test program  
24 to test infants for causes of congenital disorders. The state laboratory of hygiene  
25 board may establish the methods of obtaining urine specimens and testing such

1 specimens, and may develop materials for use in the tests. No person may be  
2 required to participate in programs developed under this subsection.

3 **\*-1309/1.1\* SECTION 2909.** 253.13 (2) of the statutes is amended to read:

4 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;  
5 FEES. The department shall contract with the state laboratory of hygiene to perform  
6 the tests specified under this section and to furnish materials for use in the tests.  
7 The department shall provide necessary diagnostic services, special dietary  
8 treatment as prescribed by a physician for a patient with a congenital disorder as  
9 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and  
10 his or her family. ~~The state laboratory of hygiene board, on behalf of the department,~~  
11 ~~shall impose a fee, by rule, for tests performed under this section sufficient to pay for~~  
12 ~~services provided under the contract. The state laboratory of hygiene board shall~~  
13 department may include as part of this fee amounts the department determines are  
14 sufficient to fund the provision of diagnostic and counseling services, special dietary  
15 treatment, and periodic evaluation of infant screening programs, the costs of  
16 consulting with experts under sub. (5), the costs of administering the hearing  
17 screening program under s. 253.115, and the costs of administering the congenital  
18 disorder program under this section and shall credit these amounts to the  
19 appropriation accounts under s. 20.435 (1) (ja) and (jb).

\*\*\*\*NOTE: This is reconciled s. 253.13 (2). This SECTION has been affected by drafts  
with the following LRB numbers: 1187/P4 and 1309/P1.

20 **\*-1187/P5.475\* SECTION 2910.** 253.13 (4) of the statutes is amended to read:

21 253.13 (4) CONFIDENTIALITY OF TESTS AND RELATED INFORMATION. The state  
22 laboratory of hygiene shall provide the test results to the physician, who shall advise  
23 the parents or legal guardian of the results. No information obtained under this

1 section from the parents or guardian or from specimens from the infant may be  
2 disclosed except for use in statistical data compiled by the department without  
3 reference to the identity of any individual and except as provided in s. 146.82 (2). The  
4 state laboratory of hygiene board shall provide to the department the names and  
5 addresses of parents of infants who have positive test results.

6 **\*-1465/P4.1020\* \*-0808/2.429\* SECTION 2911.** 253.15 (1) (c) of the statutes  
7 is amended to read:

8 253.15 (1) (c) "Health care provider" means any person who is licensed,  
9 registered, permitted, or certified by the department of health services or the  
10 department of ~~regulation and licensing~~ safety and professional services to provide  
11 health care services in this state.

12 **\*-1465/P4.1021\* \*-0808/2.430\* SECTION 2912.** 254.02 (3) (a) of the statutes  
13 is amended to read:

14 254.02 (3) (a) The department of agriculture, trade and consumer protection,  
15 the department of corrections, the department of ~~commerce~~ safety and professional  
16 services, and the department of natural resources shall enter into memoranda of  
17 understanding with the department to establish protocols for the department to  
18 review proposed rules of those state agencies relating to air and water quality,  
19 occupational health and safety, institutional sanitation, toxic substances, indoor air  
20 quality, food protection or waste handling and disposal.

21 **\*-1465/P4.1022\* \*-0808/2.431\* SECTION 2913.** 254.176 (2) (e) of the statutes  
22 is amended to read:

23 254.176 (2) (e) A person who engages in the business of installing or servicing  
24 heating, ventilating or air conditioning equipment if the person is registered with the  
25 department of ~~commerce~~ safety and professional services and if the person engages

1 in activities that constitute lead hazard reduction, only to the extent that the  
2 activities are within the scope of his or her registration.

3 **\*-1187/P5.476\* SECTION 2914.** 254.19 of the statutes is amended to read:

4 **254.19 Asbestos testing fees.** Notwithstanding s. ~~36.25 (11) (f)~~ 37.57 (6), the  
5 state laboratory of hygiene ~~board~~ shall impose a fee sufficient to pay for any asbestos  
6 testing services which it provides.

7 **\*-1465/P4.1023\* \*-0808/2.432\* SECTION 2915.** 254.22 (4) of the statutes is  
8 amended to read:

9 254.22 (4) Assist the department of ~~commerce~~ safety and professional services  
10 with the enforcement of s. 101.123.

11 **\*-1465/P4.1024\* \*-0808/2.433\* SECTION 2916.** 254.51 (2) of the statutes is  
12 amended to read:

13 254.51 (2) The department shall enter into memoranda of understanding with  
14 the department of agriculture, trade and consumer protection, the department of  
15 ~~commerce~~ safety and professional services, and the department of natural resources  
16 regarding the investigation and control of animal-borne and vector-borne disease.

17 **\*-1187/P5.477\* SECTION 2917.** 254.61 (5) (f) of the statutes is amended to read:

18 254.61 (5) (f) Any college campus, as defined in s. 36.05 (6m), institution as  
19 defined in s. 36.51 (1) (b), university, as defined in s. 37.01 (9), or technical college that  
20 serves meals only to the students enrolled in the college campus, institution,  
21 university, or school or to authorized elderly persons under s. 36.51, 37.51, or 38.36.

22 **\*-1465/P4.1025\* \*-0808/2.434\* SECTION 2918.** 254.73 (1) of the statutes is  
23 amended to read:

24 254.73 (1) Every hotel with sleeping accommodations with more than 12  
25 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m.

1 provide a system of security personnel patrol, or of mechanical and electrical devices,  
2 or both, adequate, according to standards established by the department of  
3 ~~commerce~~ safety and professional services, to warn all guests and employees in time  
4 to permit their evacuation in case of fire.

5 **\*-1465/P4.1026\* \*-0808/2.435\* SECTION 2919.** 254.74 (1) (am) of the statutes  
6 is amended to read:

7 254.74 (1) (am) Promulgate rules, in consultation with the department of  
8 ~~commerce~~ safety and professional services, under which the department of health  
9 services shall conduct regular inspections of sealed combustion units, as required  
10 under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming  
11 houses, and bed and breakfast establishments. The rules shall specify conditions  
12 under which it may issue orders as specified under s. 101.149 (8) (a). The rules may  
13 not require the department of health services to inspect sealed combustion units  
14 during the period in which the sealed combustion units are covered by a  
15 manufacturer's warranty against defects.

16 **\*-1465/P4.1027\* \*-0808/2.436\* SECTION 2920.** 254.78 of the statutes is  
17 amended to read:

18 **254.78 Authority of department of ~~commerce~~ safety and professional**  
19 **services.** Nothing in this chapter shall affect the authority of the department of  
20 ~~commerce~~ safety and professional services relative to places of employment,  
21 elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

22 **\*-1465/P4.1028\* \*-0808/2.437\* SECTION 2921.** 254.79 of the statutes is  
23 amended to read:

1           **254.79 Joint employment.** The department and the department of ~~commerce~~  
2           safety and professional services may employ experts, inspectors or other assistants  
3           jointly.

4           \***-1187/P5.478\* SECTION 2922.** 255.05 (1) (d) of the statutes is amended to  
5           read:

6           255.05 (1) (d) "Public agency" means a county, city, village, town or school  
7           district, the University of Wisconsin-Madison, or an agency of this state or of a  
8           county, city, village, town or school district.

9           \***-1187/P5.479\* SECTION 2923.** 255.054 (1) of the statutes is amended to read:

10           255.054 (1) The Medical College of Wisconsin, Inc., and the University of  
11           Wisconsin ~~Comprehensive~~ Carbone Cancer Center shall use the moneys  
12           appropriated under ~~ss. s. 20.250 (2) (h) and 20.285 (1) (gm)~~ the moneys paid under  
13           s. 71.10 (5h) (i) for prostate cancer research projects. These moneys may not be used  
14           to supplant funds available for prostate cancer research from other sources.

15           \***-1187/P5.480\* SECTION 2924.** 255.054 (2) of the statutes is amended to read:

16           255.054 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
17           the Board of Regents Trustees of the University of ~~Wisconsin~~ System  
18           Wisconsin-Madison shall each report to the appropriate standing committees of the  
19           legislature under s. 13.172 (3) and to the governor on the prostate cancer research  
20           projects each has conducted under sub. (1) in the previous fiscal year.

\*\*\*\*NOTE: Is the appropriation change okay?

21           \***-1187/P5.481\* SECTION 2925.** 255.055 (1) of the statutes is amended to read:

22           255.055 (1) The Medical College of Wisconsin, Inc., and the University of  
23           Wisconsin ~~Comprehensive~~ Carbone Cancer Center shall use the moneys  
24           appropriated under ~~ss. s. 20.250 (2) (g) and 20.285 (1) (gm)~~ the moneys paid under

1 s. 71.10 (5f) (i) for breast cancer research projects. These moneys may not be used  
2 to supplant funds available for breast cancer research from other sources.

3 **\*-1187/P5.482\* SECTION 2926.** 255.055 (2) of the statutes is amended to read:

4 255.055 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
5 the Board of ~~Regents~~ Trustees of the University of Wisconsin ~~System~~  
6 Wisconsin-Madison shall each report to the appropriate standing committees of the  
7 legislature under s. 13.172 (3) and to the governor on the breast cancer research  
8 projects each has conducted under sub. (1) in the previous fiscal year.

9 **\*-1465/P4.1029\* \*-0805/P2.31\* SECTION 2927.** 256.35 (3m) (h) of the statutes  
10 is amended to read:

11 256.35 (3m) (h) *Other charges prohibited.* No local government ~~or state agency,~~  
12 ~~as defined in s. 560.9810 (1) and no office, commission, department, or independent~~  
13 agency in the executive branch of state government, except the commission, may  
14 require a wireless provider to collect or pay a surcharge or fee related to wireless  
15 emergency telephone service.

16 **\*-1465/P4.1030\* \*-0808/2.438\* SECTION 2928.** 281.33 (2) of the statutes is  
17 amended to read:

18 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in  
19 consultation with the department of ~~commerce~~ safety and professional services,  
20 shall promulgate by rule a state storm water management plan. This state plan is  
21 applicable to activities contracted for or conducted by any agency, as defined under  
22 s. 227.01 (1) but also including the office of district attorney, unless that agency  
23 enters into a memorandum of understanding with the department of natural  
24 resources in which that agency agrees to regulate activities related to storm water  
25 management. The department shall coordinate the activities of agencies, as defined

1 under s. 227.01 (1), in storm water management and make recommendations to  
2 these agencies concerning activities related to storm water management.

3 **\*-1465/P4.1031\* \*-1369/1.7\* SECTION 2929.** 281.33 (3m) (title) of the statutes  
4 is repealed.

5 **\*-1465/P4.1032\* \*-1369/1.8\* SECTION 2930.** 281.33 (3m) (a) of the statutes is  
6 renumbered 101.1206 (1).

7 **\*-1465/P4.1033\* \*-1369/1.9\* SECTION 2931.** 281.33 (3m) (b) of the statutes is  
8 renumbered 101.1206 (2) and amended to read:

9 101.1206 (2) The department shall require the submission of plans for erosion  
10 control at construction sites described in ~~par. (a)~~ sub. (1) to the department or to a  
11 county, city, village, or town to which the department has delegated authority under  
12 ~~par. (d)~~ sub. (4) and shall require approval of those plans by the department or the  
13 county, city, village, or town.

14 **\*-1465/P4.1034\* \*-1369/1.10\* SECTION 2932.** 281.33 (3m) (c) of the statutes  
15 is renumbered 101.1206 (3) and amended to read:

16 101.1206 (3) The department shall require inspection of erosion control  
17 activities and structures at construction sites described in ~~par. (a)~~ sub. (1) by the  
18 department or a county, city, village, or town to which the department has delegated  
19 authority under ~~par. (d)~~ sub. (4).

20 **\*-1465/P4.1035\* \*-1369/1.11\* SECTION 2933.** 281.33 (3m) (d) of the statutes  
21 is renumbered 101.1206 (4).

22 **\*-1465/P4.1036\* \*-1369/1.12\* SECTION 2934.** 281.33 (3m) (e) of the statutes  
23 is renumbered 101.1206 (5) and amended to read:

24 101.1206 (5) Except as provided in ~~par. (f)~~ sub. (5m), the authority of a county,  
25 city, village, or town with respect to erosion control at sites described in ~~par. (a)~~ sub.

1 (1) is limited to that authority delegated under ~~par. (d)~~ sub. (4) and any other  
2 authority provided in rules promulgated under this ~~subsection~~ section.

3 **\*-1465/P4.1037\* \*-1369/1.13\* SECTION 2935.** 281.33 (3m) (f) of the statutes  
4 is renumbered 101.1206 (5m) and amended to read:

5 101.1206 (5m) Notwithstanding ~~pars. (a)~~ subs. (1) and ~~(e)~~ (5), a county, city,  
6 village, or town that has in effect on January 1, 1994, an ordinance that establishes  
7 standards for erosion control at building sites for the construction of public buildings  
8 and buildings that are places of employment may continue to administer and enforce  
9 that ordinance if the standards in the ordinance are more stringent than the  
10 standards established under ~~par. (a)~~ sub. (1).

11 **\*-1465/P4.1038\* \*-1369/1.14\* SECTION 2936.** 281.33 (3m) (g) of the statutes  
12 is renumbered 101.1206 (6) and amended to read:

13 101.1206 (6) The department, or a county, city, village, or town to which the  
14 department delegates the authority to act under this ~~paragraph~~ subsection, may  
15 issue a special order directing the immediate cessation of work on a construction site  
16 described in ~~par. (a)~~ sub. (1) until any required plan approval is obtained or until the  
17 site complies with standards established by rules promulgated under this ~~subsection~~  
18 section.

19 **\*-1465/P4.1039\* \*-1369/1.15\* SECTION 2937.** 281.33 (3m) (h) of the statutes  
20 is renumbered 101.1206 (7).

21 **\*-1465/P4.1040\* \*-0808/2.439\* SECTION 2938.** 281.344 (8) (a) of the statutes  
22 is amended to read:

23 281.344 (8) (a) *Goals and objectives.* The department shall specify water  
24 conservation and efficiency goals and objectives for the waters of the state. The  
25 department shall specify goals and objectives for the waters of the Great Lakes basin

1 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives  
2 identified by the regional body under Article 304 (1) of the Great Lakes — St.  
3 Lawrence River Basin Sustainable Water Resources Agreement. In specifying these  
4 goals and objectives, the department shall consult with the department of ~~commerce~~  
5 safety and professional services and the public service commission.

6 **\*-1465/P4.1041\* \*-0808/2.440\* SECTION 2939.** 281.344 (8) (b) (intro.) of the  
7 statutes is amended to read:

8 281.344 (8) (b) *Statewide program.* (intro.) In cooperation with the department  
9 of ~~commerce~~ safety and professional services and the public service commission, the  
10 department shall develop and implement a statewide water conservation and  
11 efficiency program that includes all of the following:

12 **\*-1465/P4.1042\* \*-0808/2.441\* SECTION 2940.** 281.344 (8) (b) 3. of the  
13 statutes is amended to read:

14 281.344 (8) (b) 3. Water conservation and efficiency measures that the  
15 department of ~~commerce~~ safety and professional services requires or authorizes to  
16 be implemented under chs. 101 and 145.

17 **\*-1465/P4.1043\* \*-0808/2.442\* SECTION 2941.** 281.346 (8) (a) of the statutes  
18 is amended to read:

19 281.346 (8) (a) *Goals and objectives.* The department shall specify water  
20 conservation and efficiency goals and objectives for the waters of the state and for the  
21 waters of the Great Lakes basin. The department shall specify goals and objectives  
22 for the waters of the Great Lakes basin that are consistent with the goals under s.  
23 281.343 (4b) (a) and the objectives identified by the Great Lakes council under s.  
24 281.343 (4b) (a) and (c). In specifying these goals and objectives, the department  
25 shall consult with the department of ~~commerce~~ safety and professional services and

1 the public service commission and consider the water conservation and efficiency  
2 goals and objectives developed in any pilot program conducted by the department in  
3 cooperation with the regional body.

4 **\*-1465/P4.1044\* \*-0808/2.443\* SECTION 2942.** 281.346 (8) (b) (intro.) of the  
5 statutes is amended to read:

6 281.346 (8) (b) *Statewide program.* (intro.) In cooperation with the department  
7 of ~~commerce~~ safety and professional services and the public service commission, the  
8 department shall develop and implement a statewide water conservation and  
9 efficiency program that includes all of the following:

10 **\*-1465/P4.1045\* \*-0808/2.444\* SECTION 2943.** 281.346 (8) (b) 3. of the  
11 statutes is amended to read:

12 281.346 (8) (b) 3. Water conservation and efficiency measures that the  
13 department of ~~commerce~~ safety and professional services requires or authorizes to  
14 be implemented under chs. 101 and 145.

15 **\*-1465/P4.1046\* \*-0808/2.445\* SECTION 2944.** 281.57 (7) (c) 1. of the statutes  
16 is amended to read:

17 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are  
18 limited in each fiscal year to receiving total grant awards not to exceed 33% of the  
19 sum of the amounts in the schedule for that fiscal year for the appropriation under  
20 s. ~~20.143 (3)~~ 20.165 (2) (de) and the amount authorized under sub. (10) for that fiscal  
21 year plus the unencumbered balance at the end of the preceding fiscal year for the  
22 amount authorized under sub. (10). This subdivision is not applicable to grant  
23 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

24 **\*-1033/3.2\* SECTION 2945.** 281.58 (12) (a) 1. of the statutes is amended to read:

1           281.58 (12) (a) 1. Except as modified under par. (f) and except as restricted by  
2 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and  
3 2. is ~~55%~~ 60 percent of market interest rate for projects for which the subsidy is  
4 allocated from the amount under s. 281.59 (3e) (b) for a biennium before the ~~2009-11~~  
5 2011-13 biennium and ~~60%~~ 80 percent of market interest rate for projects for which  
6 the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the ~~2009-11~~  
7 2011-13 biennium or later.

8           \*~~1033/3.3~~\* SECTION 2946. 281.58 (12) (a) 2. of the statutes is amended to read:

9           281.58 (12) (a) 2. Except as modified under par. (f) and except as restricted by  
10 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 5. is ~~65%~~  
11 65 percent of market interest rate for projects for which the subsidy is allocated from  
12 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and  
13 80 percent of market interest rate for projects for which the subsidy is allocated from  
14 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

15           \*~~1033/3.4~~\* SECTION 2947. 281.58 (12) (a) 3. of the statutes is amended to read:

16           281.58 (12) (a) 3. Except as modified under par. (f) and except as restricted by  
17 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is ~~70%~~  
18 70 percent of market interest rate for projects for which the subsidy is allocated from  
19 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and  
20 80 percent of market interest rate for projects for which the subsidy is allocated from  
21 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

22           \*~~1033/3.5~~\* SECTION 2948. 281.58 (12) (f) of the statutes is amended to read:

23           281.58 (12) (f) The department and the department of administration jointly  
24 may request the joint committee on finance to take action under s. 13.101 (11) to  
25 modify the percentage of market interest ~~rates~~ rate established in par. (a) 1. ~~to 3.~~

1           **\*-1033/3.6\* SECTION 2949.** 281.59 (3e) (b) 1. of the statutes is amended to read:

2           281.59 (3e) (b) 1. Equal to ~~\$134,900,000~~ \$54,400,000 during the ~~2009-11~~  
3           2011-13 biennium.

4           **\*-1033/3.7\* SECTION 2950.** 281.59 (3e) (b) 3. of the statutes is amended to read:

5           281.59 (3e) (b) 3. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13  
6           biennium.

7           **\*-1033/3.8\* SECTION 2951.** 281.59 (3e) (d) of the statutes is amended to read:

8           281.59 (3e) (d) The department may expend, for financial assistance in a  
9           biennium other than financial hardship assistance under s. 281.58 (13) (e), an  
10          amount up to ~~85%~~ 95 percent of the amount approved by the legislature under par.  
11          (b). The department may expend such amount only from the percentage of the  
12          amount approved under par. (b) that is not available under par. (e) for financial  
13          hardship assistance.

14          **\*-1033/3.9\* SECTION 2952.** 281.59 (3e) (e) of the statutes is amended to read:

15          281.59 (3e) (e) The department may expend, for financial hardship assistance,  
16          other than federal financial hardship assistance grants under s. 281.58 (13) (be), in  
17          a biennium under s. 281.58 (13) (e), an amount up to ~~15%~~ 5 percent of the amount  
18          approved by the legislature under par. (b) for that biennium. The department may  
19          expend such amount only from the percentage of the amount approved by the  
20          legislature under par. (b) that is not available under par. (d) for financial assistance.

21          **\*-1033/3.10\* SECTION 2953.** 281.59 (3s) (b) 1. of the statutes is amended to  
22          read:

23          281.59 (3s) (b) 1. Equal to ~~\$17,600,000~~ \$30,700,000 during the ~~2009-11~~  
24          2011-13 biennium.

1           **\*-1033/3.11\* SECTION 2954.** 281.59 (3s) (b) 2. of the statutes is amended to  
2 read:

3           281.59 (3s) (b) 2. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13  
4 biennium.

5           **\*-1033/3.12\* SECTION 2955.** 281.59 (4) (f) of the statutes is amended to read:

6           281.59 (4) (f) Revenue obligations may be contracted by the building  
7 commission when it reasonably appears to the building commission that all  
8 obligations incurred under this subsection, and all payments under an agreement or  
9 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue  
10 obligations issued under this subsection, can be fully paid on a timely basis from  
11 moneys received or anticipated to be received. Revenue obligations issued under this  
12 subsection for the clean water fund program shall not exceed ~~\$2,363,300,000~~  
13 \$2,716,300,000 in principal amount, excluding obligations issued to refund  
14 outstanding revenue obligation notes.

15           **\*-1465/P4.1047\* \*-1059/P3.578\* SECTION 2956.** 281.60 (6) of the statutes is  
16 amended to read:

17           281.60 (6) PRIORITY LIST. The department shall establish a priority list that  
18 ranks each land recycling loan program project. The department shall promulgate  
19 rules for determining project rankings based on the potential of projects to reduce  
20 environmental pollution and threats to human health and, for sites and facilities  
21 that are not landfills, the extent to which projects will prevent the development of  
22 undeveloped land by making land available for redevelopment after a cleanup is  
23 conducted. Before the department establishes the priority list, the department shall  
24 consider the recommendations of the department of administration and the  
25 ~~department of commerce~~ Wisconsin Economic Development Corporation.

1           **\*-1033/3.13\* SECTION 2957.** 281.61 (8) (a) 2. of the statutes is amended to read:  
2           281.61 (8) (a) 2. In any biennium, no local governmental unit may receive more  
3           than 25% of the ~~amount established under s. 281.59 (3s) (b)~~ funds that the  
4           department of administration projects will be available for that biennium.

5           **\*-1187/P5.483\* SECTION 2958.** 281.66 (6) of the statutes is amended to read:  
6           281.66 (6) GRANTS FOR CAMPUSES. Notwithstanding subs. (3) and (4), the  
7           department may distribute a grant to the ~~board of regents~~ Board of Trustees of the  
8           University of Wisconsin-Madison or Board of Regents of the University of Wisconsin  
9           System for practices, techniques or measures to control storm water discharges on  
10          the University of Wisconsin-Madison campus or a University of Wisconsin System  
11          campus that is located in a municipality that is required to obtain a permit under s.  
12          283.33 and that is located in a priority watershed, as defined in s. 281.65 (2) (c), a  
13          priority lake area, as defined in s. 281.65 (2) (bs), or an area that is identified as an  
14          area of concern by the International Joint Commission, as defined in s. 281.35 (1) (h),  
15          under the Great Lakes Water Quality Agreement.

16          **\*-0139/1.1\* SECTION 2959.** 281.68 (2) (a) of the statutes is amended to read:  
17          281.68 (2) (a) The department may provide a grant of 75% of the cost of a lake  
18          management planning project up to a total of \$10,000 ~~\$25,000~~ per grant.

19          **\*-1187/P5.484\* SECTION 2960.** 281.75 (4) (b) 3. of the statutes, as affected by  
20          2011 Wisconsin Act 7, is amended to read:

21          281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 37, 52,  
22          231, 233, 234, 237, or 238.

\*\*\*\*NOTE: The above prohibits the UW from submitting a compensation claim to DNR for well contamination and abandonment. Note that an institution of higher education is also prohibited from submitting a claim. See s. 281.75 (4) (b) 2.

1           \***-1465/P4.1048\*** \***-0808/2.446\*** **SECTION 2961.** 281.75 (18) of the statutes is  
2 amended to read:

3           281.75 **(18)** **SUSPENSION OR REVOCATION OF LICENSES.** The department may  
4 suspend or revoke a license issued under ch. 280 if the department finds that the  
5 licensee falsified information submitted under this section. The department of  
6 ~~commerce~~ safety and professional services may suspend or revoke the license of a  
7 plumber licensed under ch. 145 if the department of ~~commerce~~ safety and  
8 professional services finds that the plumber falsified information submitted under  
9 this section.

10          \***-1329/1.1\*** **SECTION 2962.** 283.11 (3) (am) of the statutes is renumbered  
11 283.11 (3) (am) 1. and amended to read:

12          283.11 **(3)** (am) 1. Notwithstanding sub. (1) or (2), and except as provided in  
13 subd. 2., the department shall promulgate by rule effluent limitations representing  
14 the best available demonstrated control technology, processes, operating methods or  
15 other alternatives concerning the discharge of phosphorous if the U.S.  
16 environmental protection agency has not promulgated an effluent limitation,  
17 effluent standard or prohibition concerning this type of discharge.

18          \***-1329/1.2\*** **SECTION 2963.** 283.11 (3) (am) 2. of the statutes is created to read:

19          283.11 **(3)** (am) 2. a. In this subdivision, "region" means the geographic region  
20 composed of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

21          b. The department may not promulgate or enforce any rule establishing an  
22 effluent limitation for the discharge of phosphorous if that effluent limitation is more  
23 stringent than the effluent limitation for the discharge of phosphorous that is  
24 established by any state in the region.

1           **\*-0164/1.1\* SECTION 2964.** 283.15 (2) (a) of the statutes is renumbered 283.15  
2 (2) (am) and amended to read:

3           283.15 (2) (am) 1. ~~When~~ Within 60 days after the department issues, reissues  
4 or modifies a permit to include a water quality based effluent limitation under s.  
5 283.13 (5), the permittee may apply to the department for a variance from the water  
6 quality standard used to derive the limitation.

7           2. After an application for a variance is submitted to the department under  
8 subd. 1., and until the last day for seeking review of the secretary's final decision on  
9 the application or a later date fixed by order of the reviewing court, the water quality  
10 based effluent limitation under s. 283.13 (5) and the corresponding compliance  
11 schedule are not effective. All other provisions of the permit continue in effect except  
12 those for which a petition for review has been submitted under s. 283.63. For those  
13 provisions for which an application for variance has been submitted under this  
14 section, the corresponding or similar provisions of the prior permit continue in effect  
15 until the last day for seeking review of the department's final decision or a later date  
16 fixed by order of the reviewing court.

17           **\*-0164/1.2\* SECTION 2965.** 283.15 (2) (a) of the statutes is created to read:

18           283.15 (2) (a) If a permit contains a variance or if a permittee anticipates that  
19 a reissued permit will include a water quality based effluent limitation under s.  
20 283.13 (5), when the permittee applies for reissuance of the permit the permittee may  
21 apply to the department for renewal of the variance or for a variance from the water  
22 quality standard that would be used to derive the water quality based effluent  
23 limitation.

24           **\*-0164/1.3\* SECTION 2966.** 283.15 (2) (b) 1. of the statutes is renumbered  
25 283.15 (2) (b) and amended to read:

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1           283.15 (2) (b) The department shall specify by rule the information to be  
2 included in the an application. ~~The permittee shall submit an application for a~~  
3 ~~variance within 60 days after the department issues, reissues or modifies the permit~~  
4 ~~under this subsection.~~

5           \***-0164/1.4\*** SECTION 2967. 283.15 (2) (b) 2. of the statutes is repealed.

6           \***-0164/1.5\*** SECTION 2968. 283.15 (2) (b) 3. of the statutes is repealed.

7           \***-0164/1.6\*** SECTION 2969. 283.15 (2) (c) of the statutes is amended to read:

8           283.15 (2) (c) The department may request additional information from the  
9 permittee within 30 days after receiving either the an application under par. (b) 1.  
10 ~~or the information under par. (b) 2. (am) 1.~~ The permittee shall provide the additional  
11 information within 30 days after receipt of the department's request. An application  
12 is not complete until the additional information is provided to the department.

13           \***-0164/1.7\*** SECTION 2970. 283.15 (2) (e) of the statutes is repealed.

14           \***-0164/1.8\*** SECTION 2971. 283.15 (3) of the statutes is renumbered 283.15 (3)

15 (b) and amended to read:

16           283.15 (3) (b) The secretary shall issue a tentative decision on the an  
17 application for a variance under sub. (2) (am) 1. within 120 days after receipt of a  
18 completed application. The department shall circulate the tentative decision to the  
19 permittee and to the parties in s. 283.53 (2) (c). If the tentative decision is to grant  
20 a variance based upon one or more of the conditions specified in sub. (4) (a) 1. a. to  
21 e., the department shall include in the notice under this ~~subsection~~ paragraph a  
22 statement on the effect of the variance, if granted, on the designated use of the water  
23 body during the term of the underlying permit. The department shall provide a  
24 30-day period for written comments on the tentative decision.

25           \***-0164/1.9\*** SECTION 2972. 283.15 (3) (a) of the statutes is created to read:

1           283.15 (3) (a) The secretary shall issue a tentative decision on an application  
2 for a variance under sub. (2) (a) in the notice under s. 283.39 for the reissuance of the  
3 permit.

4           **\*-0164/1.10\* SECTION 2973.** 283.15 (4) (a) 1. (intro.) of the statutes is amended  
5 to read:

6           283.15 (4) (a) 1. (intro.) ~~Within 90 days after expiration of the comment period~~  
7 ~~under sub. (3), the~~ The secretary shall approve all or part of a requested variance,  
8 or modify and approve a requested variance if the permittee demonstrates, by the  
9 greater weight of the credible evidence, that attaining the water quality standard is  
10 not feasible because:

11           **\*-0164/1.11\* SECTION 2974.** 283.15 (4) (a) 2. of the statutes is amended to read:

12           283.15 (4) (a) 2. ~~Within 90 days after the expiration of the comment period~~  
13 ~~under sub. (3), the~~ The secretary shall deny a requested variance if the permittee  
14 fails to make the demonstration required under subd. 1.

15           **\*-0164/1.12\* SECTION 2975.** 283.15 (4) (a) 3. of the statutes is repealed.

16           **\*-0164/1.13\* SECTION 2976.** 283.15 (4) (b) of the statutes is repealed.

17           **\*-0164/1.14\* SECTION 2977.** 283.15 (4) (c) of the statutes is repealed.

18           **\*-0164/1.15\* SECTION 2978.** 283.15 (5) (b) of the statutes is amended to read:

19           283.15 (5) (b) A variance applies for the term established by the secretary, but  
20 not to exceed ~~3~~ 5 years. The term of the initial variance and any renewals thereof  
21 may not exceed the time that the secretary determines is necessary to achieve the  
22 water quality based effluent limitation. Initial and interim effluent limitations  
23 established under par. (c) 1. apply, as appropriate, for the term of the underlying  
24 permit as issued, reissued or modified to implement the decision under sub. (4) ~~(b)~~  
25 (a) 1. or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s.

1 227.51 (2) shall apply for the purposes of continuing the provisions of a permit  
2 pending the issuance or reissuance of a permit. ~~Upon the issuance or reissuance of~~  
3 ~~the new permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.~~

4 **\*-0164/1.16\* SECTION 2979.** 283.15 (5) (c) (intro.) of the statutes is amended  
5 to read:

6 283.15 (5) (c) (intro.) The department shall require all of the following in a  
7 permit reissued or modified pursuant to sub. (4) (c) to implement a variance shall  
8 require:

9 **\*-0164/1.17\* SECTION 2980.** 283.15 (5) (c) 1. of the statutes is amended to read:

10 283.15 (5) (c) 1. Compliance with an initial effluent limitation ~~which~~ that at the  
11 time the variance is approved represents the level currently achievable by the  
12 permittee and that is no less stringent than the effluent limitation achieved under  
13 the permit before reissuance. At the time a variance is approved a compliance  
14 schedule and an interim effluent limitation that is achievable by the permittee  
15 during the term of the variance may be specified. The initial and the interim effluent  
16 limitations may not be less stringent than a categorical effluent limitation that  
17 applies to the permittee under s. 283.13 (2) or (4) or 283.19 or a toxic effluent  
18 standard that applies to the permittee under s. 283.21.

19 **\*-0164/1.18\* SECTION 2981.** 283.15 (5) (c) 2. (intro.) of the statutes is amended  
20 to read:

21 283.15 (5) (c) 2. (intro.) Investigation of treatment technologies, process  
22 changes, pollution prevention, wastewater reuse or other techniques that may result  
23 in compliance by the permittee with the water quality standard adopted under s.  
24 281.15, and submission of reports on the investigations at such times as required by  
25 the department. The secretary shall modify or waive the requirements specified in

1 this subdivision if the secretary determines, based upon comments received on the  
2 tentative decision under sub. (3), that the requirements of this subdivision are:

3 **\*-0164/1.19\* SECTION 2982.** 283.15 (6) of the statutes is amended to read:

4 283.15 (6) RENEWAL. ~~A variance may be renewed using the procedures in and~~  
5 ~~subject to subs. (2) to (5).~~ A variance may not be renewed if the permittee did not  
6 submit the reports required under sub. (5) (c) 2. or substantially comply with all other  
7 conditions of the variance.

8 **\*-0164/1.20\* SECTION 2983.** 283.39 (3) (dm) of the statutes is created to read:

9 283.39 (3) (dm) If the applicant applied, under s. 283.15 (2) (a), for a variance,  
10 as defined in s. 283.15 (1), a tentative decision to approve or deny the variance,  
11 including, if the tentative decision is to grant the variance based upon one or more  
12 of the conditions specified in s. 283.15 (4) (a) 1. a. to e., a statement on the effect of  
13 the variance, if granted, on the designated use of the water body during the term of  
14 the permit;

15 **\*-1465/P4.1049\* \*-0808/2.447\* SECTION 2984.** 285.39 (4) of the statutes is  
16 amended to read:

17 285.39 (4) REPORT ON NEW REPLENISHMENT MECHANISMS. After expiration of the  
18 replenishment implementation period, if the department reports under sub. (2) (b)  
19 1. or determines at any other time that the growth accommodation is less than 3,500  
20 tons, the department shall, with the advice of the department of ~~commerce~~ safety and  
21 professional services, submit a report to the chief clerk of each house of the  
22 legislature for distribution to the appropriate standing committees of the legislature  
23 under s. 13.172 (3) on how to most effectively and equitably replenish the growth  
24 accommodation. The report shall review existing studies and data to evaluate the  
25 accuracy of this state's state implementation plan with respect to the effect of

1 emissions from inside and outside the volatile organic compound accommodation  
2 area on the ambient air quality within the area.

3 **\*-1187/P5.485\* SECTION 2985.** 285.59 (1) (b) of the statutes, as affected by  
4 2011 Wisconsin Act 7, is amended to read:

5 285.59 (1) (b) "State agency" means any office, department, agency, institution  
6 of higher education, association, society or other body in state government created  
7 or authorized to be created by the constitution or any law which is entitled to expend  
8 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
9 Housing and Economic Development Authority, the Bradley Center Sports and  
10 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
11 Authority, the University of Wisconsin-Madison, the Fox River Navigational System  
12 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
13 Authority, the Wisconsin Economic Development Corporation, and the Wisconsin  
14 Health and Educational Facilities Authority.

\*\*\*\*NOTE: The above requires the UW to comply with ozone-depleting refrigerant  
recovery requirements that apply to other state agencies.

15 **\*-1050/P3.12\* SECTION 2986.** 285.63 (10) (c) 4. of the statutes is repealed.

16 **\*-1465/P4.1050\* \*-1059/P3.579\* SECTION 2987.** 285.79 (3) (intro.) of the  
17 statutes is amended to read:

18 285.79 (3) ASSISTANCE PROGRAM. (intro.) The department shall, ~~in cooperation~~  
19 ~~with the small business ombudsman clearinghouse under s. 560.03 (9)~~, develop and  
20 administer a small business stationary source technical and environmental  
21 compliance assistance program. The program shall include all of the following:

22 **\*-1050/P3.13\* SECTION 2988.** 287.01 (5) of the statutes is repealed.

23 **\*-1050/P3.14\* SECTION 2989.** 287.01 (8) of the statutes is repealed.

1           **\*-1050/P3.15\* SECTION 2990.** 287.01 (9) of the statutes is repealed.

2           **\*-1187/P5.486\* SECTION 2991.** 287.03 (1) (c) of the statutes is amended to read:

3           287.03 (1) (c)   Coordinate research, technical assistance and education  
4           programs under this chapter with related activities of the University of  
5           Wisconsin-Madison or University of Wisconsin System.

6           **\*-1050/P3.16\* SECTION 2992.** 287.03 (1) (f) of the statutes is repealed.

7           **\*-1050/P3.17\* SECTION 2993.** 287.07 (3) (intro.) of the statutes is renumbered  
8           287.07 (3) and amended to read:

9           287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January  
10          1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid  
11          waste disposal facility or burn a waste tire without energy recovery in a solid waste  
12          treatment facility in this state ~~any of the following:~~

13          **\*-1050/P3.18\* SECTION 2994.** 287.07 (3) (a) to (k) of the statutes are repealed.

14          **\*-1050/P3.19\* SECTION 2995.** 287.07 (4) (intro.) of the statutes is amended to  
15          read:

16          287.07 (4) ~~GENERAL INCINERATION~~ DISPOSAL RESTRICTIONS. ~~Beginning on January~~  
17          ~~1, 1995, no person~~ No individual may ~~convert~~ place in a container the contents of  
18          which will be disposed of in a solid waste disposal facility, converted into fuel, or burn  
19          ~~with energy recovery~~ burned at a solid waste treatment facility in this state any of  
20          the following:

21          **\*-1050/P3.20\* SECTION 2996.** 287.07 (7) (a) of the statutes is repealed.

22          **\*-1050/P3.21\* SECTION 2997.** 287.07 (7) (b) 2. of the statutes is amended to  
23          read:

24          287.07 (7) (b) 2. A prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4) (b),  
25          (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an

1 operating solid waste treatment facility a type of material identified in one of those  
2 paragraphs that was converted into fuel or burned at the operating solid waste  
3 treatment facility during April, 1990, and either is generated in the operating solid  
4 waste treatment facility's current service area or is generated by the owner of the  
5 operating solid waste treatment facility.

6 **\*-1050/P3.22\* SECTION 2998.** 287.07 (7) (c) 1. cg. of the statutes is amended  
7 to read:

8 287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials  
9 identified under sub. ~~(3)~~ or (4) that contain infectious waste or that are from a  
10 treatment area and are mixed with infectious waste.

11 **\*-1050/P3.23\* SECTION 2999.** 287.07 (7) (c) 2. (intro.) of the statutes is  
12 amended to read:

13 287.07 (7) (c) 2. (intro.) The prohibitions in subs. ~~(3)~~ and sub. (4) do not apply  
14 with respect to any of the following:

15 **\*-1050/P3.24\* SECTION 3000.** 287.07 (7) (c) 2. b. of the statutes is amended to  
16 read:

17 287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, a container,  
18 package or material identified under sub. ~~(3)~~ or (4) that contained infectious waste  
19 or that is from a treatment area and is mixed with infectious waste generated in the  
20 treatment area, if the container, package or material has been treated, pursuant to  
21 standards established under ch. 289, to render the infectious waste noninfectious.

22 **\*-1050/P3.25\* SECTION 3001.** 287.07 (7) (d) of the statutes is repealed.

23 **\*-1050/P3.26\* SECTION 3002.** 287.07 (7) (f) of the statutes is amended to read:

24 287.07 (7) (f) The prohibitions in subs. (2) ~~and (3)~~ to (4) do not apply to the  
25 beneficial reuse of a material within a solid waste disposal facility if the beneficial

1 reuse of the material is approved in the solid waste disposal facility's plan of  
2 operation under s. 289.30.

3 **\*-1050/P3.27\* SECTION 3003.** 287.07 (7) (g) of the statutes is repealed and  
4 recreated to read:

5 287.07 (7) (g) A prohibition in sub. (4) does not apply to a material that has been  
6 contaminated and cannot feasibly be cleaned for recycling.

7 **\*-1050/P3.28\* SECTION 3004.** 287.07 (7) (h) 1. (intro.) of the statutes is  
8 amended to read:

9 287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or  
10 conditional waiver to a restriction under sub. ~~(3) (e) or (h) or~~ (4) (c) or (i) for plastics  
11 other than polyethylene terephthalate or high-density polyethylene if the  
12 department determines all of the following:

13 **\*-1050/P3.29\* SECTION 3005.** 287.09 of the statutes is repealed.

14 **\*-1050/P3.30\* SECTION 3006.** 287.093 of the statutes is repealed.

15 **\*-1050/P3.31\* SECTION 3007.** 287.095 of the statutes is amended to read:

16 **287.095 ~~Responsible unit~~ Local official liability.** (1) DEFINITION. In this  
17 section, "~~responsible unit~~ local official" means any officer, official, agent, or employee  
18 of a ~~responsible unit~~ municipality or county engaged in the planning, management,  
19 operation, or approval of a recycling program or recycling site or facility.

20 **(2) EXEMPTION FROM LIABILITY.** No ~~responsible unit~~ local official is liable for civil  
21 damages as a result of good faith actions taken by the ~~responsible unit~~ official within  
22 the scope of duties relating to the ~~responsible unit's~~ municipal or county recycling  
23 program or recycling site or facility.

24 **\*-1050/P3.32\* SECTION 3008.** 287.10 of the statutes is repealed.

25 **\*-1050/P3.33\* SECTION 3009.** 287.11 of the statutes is repealed.

1           **\*-1050/P3.34\* SECTION 3010.** 287.19 (1) (b) (intro.) of the statutes is amended  
2 to read:

3           287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
4 programs created under ~~s. 287.09 (2) (a)~~:

5           **\*-1050/P3.35\* SECTION 3011.** 287.21 (intro.) of the statutes is amended to  
6 read:

7           **287.21 Statewide education program.** (intro.) The department shall  
8 collect, prepare and disseminate information and conduct educational and training  
9 programs designed to assist in the implementation of solid waste management  
10 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste  
11 management programs under ~~s. 287.09 (2) (a)~~ and inform the public of the  
12 relationship among an individual's consumption of goods and services, the  
13 generation of different types and quantities of solid waste and the implementation  
14 of the solid waste management priorities in s. 287.05 (12). The department shall  
15 prepare the information and programs on a statewide basis for the following groups:

16           **\*-1050/P3.36\* SECTION 3012.** 287.23 of the statutes is repealed.

17           **\*-1050/P3.37\* SECTION 3013.** 287.235 of the statutes is repealed.

18           **\*-1050/P3.38\* SECTION 3014.** 287.25 of the statutes is repealed.

19           **\*-1050/P3.39\* SECTION 3015.** 287.26 of the statutes is repealed.

20           **\*-1320/2.27\* SECTION 3016.** 287.31 (6) of the statutes is amended to read:

21           287.31 (6) USE OF REVENUES. The newspaper recycling fees collected under sub.  
22 (5) shall be deposited in the ~~recycling and renewable energy~~ environmental fund  
23 under s. 25.49.

24           **\*-1320/2.28\* SECTION 3017.** 289.645 (6) of the statutes is amended to read:

1           289.645 (6) USE OF RECYCLING FEES. ~~The~~ Of the fees collected under sub. (2), \$4  
2 per ton shall be deposited in the ~~recycling and renewable energy economic~~  
3 development fund and \$3 per ton shall be deposited in the environmental fund.

4           \*~~-1465/P4.1051~~\* \*~~-0808/2.448~~\* SECTION 3018. 292.11 (2) (e) of the statutes  
5 is amended to read:

6           292.11 (2) (e) The department shall report notifications that it receives under  
7 this subsection related to discharges from petroleum storage tanks, as defined in s.  
8 101.144 (1) (bm), to the department of ~~commerce~~ safety and professional services.

9           \*~~-1465/P4.1052~~\* \*~~-1059/P3.580~~\* SECTION 3019. 292.11 (7) (d) 1m. b. of the  
10 statutes is amended to read:

11           292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the  
12 area consists of 2 or more properties affected by a contiguous region of groundwater  
13 contamination or contains 2 or more properties that are brownfields, as defined in  
14 s. ~~560.13~~ 238.13 (1) (a).

15           \*~~-1465/P4.1053~~\* \*~~-0808/2.449~~\* SECTION 3020. 292.12 (1) (a) of the statutes  
16 is amended to read:

17           292.12 (1) (a) "Agency with administrative authority" means the department  
18 of agriculture, trade and consumer protection with respect to a site over which it has  
19 jurisdiction under s. 94.73 (2), the department of ~~commerce~~ safety and professional  
20 services with respect to a site over which it has jurisdiction under s. 101.144 (2) (a),  
21 or the department of natural resources with respect to a site over which it has  
22 jurisdiction under s. 292.11 (7).

23           \*~~-1465/P4.1054~~\* \*~~-1059/P3.581~~\* SECTION 3021. 292.255 of the statutes is  
24 amended to read:

1           **292.255 Report on brownfield efforts.** The department of natural  
2 resources, the department of administration, and the ~~department of commerce~~  
3 Wisconsin Economic Development Corporation shall submit a report evaluating the  
4 effectiveness of this state's efforts to remedy the contamination of, and to redevelop,  
5 brownfields, as defined in s. ~~560.13 238.13~~ (1) (a).

6           \***-1465/P4.1055\* \*-0808/2.450\*** SECTION 3022. 292.33 (6) of the statutes is  
7 amended to read:

8           292.33 (6) EXCEPTION. A local governmental unit may not recover costs under  
9 this section for remedial activities conducted on a property or portion of a property  
10 with respect to a discharge after the department of natural resources, the  
11 department of ~~commerce~~ safety and professional services, or the department of  
12 agriculture, trade and consumer protection has indicated that no further remedial  
13 activities are necessary on the property or portion of the property with respect to the  
14 discharge.

15           \***-1465/P4.1056\* \*-1059/P3.582\*** SECTION 3023. 292.79 (1) (a) of the statutes  
16 is amended to read:

17           292.79 (1) (a) "Brownfields" has the meaning given in s. ~~560.13 238.13~~ (1) (a).

18           \***-1465/P4.1057\* \*-0808/2.451\*** SECTION 3024. 293.11 of the statutes is  
19 amended to read:

20           **293.11 Mine effect responsibility.** The department shall serve as the central  
21 unit of state government to ensure that the air, lands, waters, plants, fish and  
22 wildlife affected by prospecting or mining in this state will receive the greatest  
23 practicable degree of protection and reclamation. The administration of  
24 occupational health and safety laws and rules that apply to mining shall remain  
25 exclusively the responsibility of the department of ~~commerce~~ safety and professional

1 services. The powers and duties of the geological and natural history survey under  
2 s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural  
3 history survey. Nothing in this section prevents the department of ~~commerce~~ safety  
4 and professional services and the geological and natural history survey from  
5 cooperating with the department in the exercise of their respective powers and  
6 duties.

7 **\*-1465/P4.1058\* \*-1059/P3.583\* SECTION 3025.** 299.13 (1m) (intro.) of the  
8 statutes is amended to read:

9 299.13 (1m) PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the  
10 duties under this section and ss. s. 36.25 (30) and 560.19, the department, ~~the~~  
11 ~~department of commerce~~ and the center shall promote all of the following techniques  
12 for pollution prevention:

13 **\*-1465/P4.1059\* \*-0808/2.453\* SECTION 3026.** 299.83 (8) (f) of the statutes is  
14 amended to read:

15 299.83 (8) (f) The department and the department of ~~commerce~~ safety and  
16 professional services shall jointly provide information about participation contracts  
17 and environmental management systems to potential participants in the program  
18 and to other interested persons. The department shall consult with the department  
19 of ~~commerce~~ safety and professional services about the administration of the  
20 program.

21 **\*-0829/P6.9\* SECTION 3027.** 301.03 (3) of the statutes is amended to read:

22 301.03 (3) Administer parole, extended supervision, and probation matters,  
23 except that the decision to grant or deny parole ~~or to grant extended supervision~~  
24 ~~under s. 304.06 (1)~~ to inmates shall be made by the ~~earned release review~~ parole  
25 commission and the decision to revoke probation, extended supervision, or parole in

1 cases in which there is no waiver of the right to a hearing shall be made by the  
2 division of hearings and appeals in the department of administration. The secretary  
3 may grant special action parole releases under s. 304.02. ~~The department may~~  
4 ~~discharge inmates from extended supervision under s. 973.01 (4m) and may modify~~  
5 ~~a bifurcated sentence under s. 302.113 (9h), and the earned release review~~  
6 ~~commission may modify a sentence under s. 302.1135.~~ The department shall  
7 promulgate rules establishing a drug testing program for probationers, parolees and  
8 persons placed on extended supervision. The rules shall provide for assessment of  
9 fees upon probationers, parolees and persons placed on extended supervision to  
10 partially offset the costs of the program.

11 **\*-0829/P6.10\* SECTION 3028.** 301.048 (2) (am) 3. of the statutes is amended  
12 to read:

13 301.048 (2) (am) 3. The ~~earned release review~~ parole commission grants him  
14 or her parole under s. 304.06 and requires his or her participation in the program as  
15 a condition of parole under s. 304.06 (1x).

16 **\*-0829/P6.11\* SECTION 3029.** 301.21 (1m) (c) of the statutes is amended to  
17 read:

18 301.21 (1m) (c) Any hearing to consider parole ~~or whether to grant extended~~  
19 ~~supervision, if the inmate is sentenced under s. 973.01 to which an inmate confined~~  
20 ~~under this contract may be entitled by the laws of Wisconsin will be conducted by the~~  
21 Wisconsin ~~earned release review~~ parole commission under rules of the department.

22 **\*-0829/P6.12\* SECTION 3030.** 301.21 (2m) (c) of the statutes is amended to  
23 read:

24 301.21 (2m) (c) Any hearing to consider parole ~~or whether to grant extended~~  
25 ~~supervision, if the prisoner is sentenced under s. 973.01 to which a prisoner confined~~

1 under a contract under this subsection may be entitled by the laws of Wisconsin shall  
2 be conducted by the Wisconsin ~~earned release review~~ parole commission under rules  
3 of the department.

4 **\*-0203/P3.4\* SECTION 3031.** 301.26 (3) (c) of the statutes is amended to read:

5 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd),  
6 ~~(ko), and (e) and (ko)~~, the department shall allocate funds to each county for services  
7 under this section.

8 **\*-0214/P5.1\* SECTION 3032.** 301.26 (4) (b) of the statutes is amended to read:

9 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
10 the basis of the per person per day cost estimate specified in par. (d) 2. ~~and 3.~~ and  
11 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county  
12 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising  
13 jurisdiction under chs. 48 and 938 for each person receiving services from the  
14 department of corrections under s. 48.366, 938.183, or 938.34 or the department of  
15 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and  
16 (cm), in multicounty court jurisdictions, the county of residency within the  
17 jurisdiction shall be liable for costs under this subsection. Assessment of costs under  
18 par. (a) shall also be made according to the general placement type or level of care  
19 provided, as defined by the department, and prorated according to the ratio of the  
20 amount designated under sub. (3) (c) to the total applicable estimated costs of care,  
21 services, and supplies provided by the department of corrections under ss. 48.366,  
22 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35  
23 (3).

24 **\*-0214/P5.2\* SECTION 3033.** 301.26 (4) (cm) 3. of the statutes is amended to  
25 read:

1           301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile  
2           correctional services under this paragraph shall be equal to the per person daily cost  
3           assessment to counties under par. (d) 2. ~~and 3.~~ and 4. for juvenile correctional  
4           services.

5           **\*-0215/P3.4\* SECTION 3034.** 301.26 (4) (ct) of the statutes is created to read:

6           301.26 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,  
7           20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.  
8           20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the  
9           appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the  
10          amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the  
11          appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the  
12          appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be  
13          transferred to the appropriation account under s. 20.410 (3) (hm), up to the amount  
14          that when added to other amounts credited to that appropriation account in that  
15          fiscal year equals the amount shown in the schedule under s. 20.005 (3) for that  
16          appropriation account for that fiscal year.

17          2. The total amount transferred at the end of a fiscal year under subd. 1. may  
18          not exceed the amount of the deficit in the appropriation account under s. 20.410 (3)  
19          (hm) for that fiscal year, and if that deficit is less than the total amount of the  
20          unencumbered balances available for transfer under subd. 1., the amount  
21          transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) shall  
22          be in proportion to the respective unencumbered balance available for transfer from  
23          each of those appropriation accounts.

24          **\*-0214/P5.3\* SECTION 3035.** 301.26 (4) (d) 2. of the statutes is amended to  
25          read:

1           301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 2011, and ending on June  
2           30, ~~2010 2012~~, the per person daily cost assessment to counties shall be ~~\$270~~ \$284  
3           for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~  
4           \$284 for care for juveniles transferred from a juvenile correctional institution under  
5           s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~  
6           ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~  
7           ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$99 for  
8           departmental corrective sanctions services, and \$40 for departmental aftercare  
9           services.

10           **\*-0214/P5.4\* SECTION 3036.** 301.26 (4) (d) 3. of the statutes is amended to  
11           read:

12           301.26 (4) (d) 3. Beginning on July 1, ~~2010 2012~~, and ending on June 30, ~~2011~~  
13           2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in  
14           a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care  
15           for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),  
16           ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~  
17           ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~  
18           ~~foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$100 for  
19           departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare  
20           services.

21           **\*-0214/P5.5\* SECTION 3037.** 301.26 (4) (d) 4. of the statutes is created to read:

22           301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a  
23           foster home, group home, or residential care center for children and youth shall be  
24           an amount equal to the amount the provider charges the department for that care  
25           as authorized by the department of children and families.

1           **\*-0203/P3.5\* SECTION 3038.** 301.26 (6) (a) of the statutes is amended to read:

2           301.26 (6) (a) The intent of this subsection is to develop criteria to assist the  
3 legislature in allocating funding, excluding funding for base allocations, from the  
4 appropriations under s. 20.410 (3) (cd), ~~(ke)~~, and ~~(e)~~ and (ko) for purposes described  
5 in this section.

6           **\*-0203/P3.6\* SECTION 3039.** 301.26 (7) (intro.) of the statutes is amended to  
7 read:

8           301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
9 of federal funds and of the appropriations under s. 20.410 (3) (cd), ~~(ke)~~, and ~~(e)~~ and  
10 (ko) the department shall allocate funds for community youth and family aids for the  
11 period beginning on July 1, ~~2009~~ 2011, and ending on June 30, ~~2011~~ 2013, as  
12 provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23  
13 as follows:

14           **\*-0203/P3.7\* SECTION 3040.** 301.26 (7) (a) of the statutes is amended to read:

15           301.26 (7) (a) For community youth and family aids under this section,  
16 amounts not to exceed ~~\$50,395,100~~ \$45,478,000 for the last 6 months of ~~2009~~ 2011,  
17 ~~\$100,790,200~~ \$90,956,100 for ~~2010~~ 2012, and ~~\$50,395,100~~ \$45,478,100 for the first  
18 6 months of ~~2011~~ 2013.

19           **\*-0203/P3.8\* SECTION 3041.** 301.26 (7) (b) (intro.) of the statutes is amended  
20 to read:

21           301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
22 allocate \$2,000,000 for the last 6 months of ~~2009~~ 2011, \$4,000,000 for ~~2010~~ 2012, and  
23 \$2,000,000 for the first 6 months of ~~2011~~ 2013 to counties based on each of the  
24 following factors weighted equally:

25           **\*-0203/P3.9\* SECTION 3042.** 301.26 (7) (bm) of the statutes is amended to read:

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② ← plain

1           301.26 (7) (bm) Of the amounts specified in par. (a), the department shall  
2 allocate \$6,250,000 for the last 6 months of ~~2009~~ 2011, \$12,500,000 for ~~2010~~ 2012,  
3 and \$6,250,000 for the first 6 months of ~~2011~~ 2013 to counties based on each county's  
4 proportion of the number of juveniles statewide who are placed in a juvenile  
5 correctional facility during the most recent 3-year period for which that information  
6 is available.

7           **\*-0203/P3.10\* SECTION 3043.** 301.26 (7) (c) of the statutes is amended to read:

8           301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
9 \$1,053,200 for the last 6 months of ~~2009~~ 2011, \$2,106,500 for ~~2010~~ 2012, and  
10 \$1,053,300 for the first 6 months of ~~2011~~ 2013 to counties based on each of the factors  
11 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
12 allocation under this paragraph that is less than 93% nor more than 115% of the  
13 amount that the county would have received under this paragraph if the allocation  
14 had been distributed only on the basis of the factor specified in par. (b) 3.

15           **\*-0203/P3.11\* SECTION 3044.** 301.26 (7) (e) of the statutes is amended to read:

16           301.26 (7) (e) For emergencies related to community youth and family aids  
17 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2009~~ 2011,  
18 \$250,000 for ~~2010~~ 2012, and \$125,000 for the first 6 months of ~~2011~~ 2013. A county  
19 is eligible for payments under this paragraph only if it has a population of not more  
20 than 45,000.

21           **\*-0203/P3.12\* SECTION 3045.** 301.26 (7) (h) of the statutes is amended to read:

22           301.26 (7) (h) For counties that are participating in the corrective sanctions  
23 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2009~~ 2011,  
24 \$2,124,800 in ~~2010~~ 2012, and \$1,062,400 in the first 6 months of ~~2011~~ 2013 for the  
25 provision of corrective sanctions services for juveniles from that county. In

1 distributing funds to counties under this paragraph, the department shall determine  
2 a county's distribution by dividing the amount allocated under this paragraph by the  
3 number of slots authorized for the program under s. 938.533 (2) and multiplying the  
4 quotient by the number of slots allocated to that county by agreement between the  
5 department and the county. The department may transfer funds among counties as  
6 necessary to distribute funds based on the number of slots allocated to each county.

7 **\*-0203/P3.13\* SECTION 3046.** 301.26 (8) of the statutes is amended to read:

8 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
9 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
10 6 months of ~~2009~~ 2011, \$1,333,400 in ~~2010~~ 2012, and \$666,700 in the first 6 months  
11 of ~~2011~~ 2013 for alcohol and other drug abuse treatment programs.

12 **\*-0829/P6.13\* SECTION 3047.** 302.042 of the statutes is repealed.

13 **\*-0829/P6.14\* SECTION 3048.** 302.043 of the statutes is created to read:

14 **302.043 Release to extended supervision; risk reduction program.** The  
15 department shall release an inmate who is serving a risk reduction sentence imposed  
16 under s. 973.031, 2009 stats., to extended supervision when he or she serves not less  
17 than 75 percent of the term of confinement portion of his or her sentence imposed  
18 under s. 973.01 and the department determines that he or she has completed the  
19 programming or treatment under the plan designed by the department for the  
20 inmate and that the inmate maintained a good conduct record during his or her term  
21 of confinement. Not less than 30 days prior to release under this section, the  
22 department shall notify the sentencing court that the inmate has thus far  
23 successfully completed the requirements of his or her risk reduction sentence.

24 **\*-0829/P6.15\* SECTION 3049.** 302.045 (1) of the statutes is amended to read:

1           302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
2 program for inmates selected to participate under sub. (2). The program shall  
3 provide participants with manual labor, personal development counseling,  
4 substance abuse treatment and education, military drill and ceremony, counseling,  
5 and strenuous physical exercise, for participants who have not attained the age of  
6 30 as of the date on which they begin participating in the program, or  
7 age-appropriate strenuous physical exercise, for all other participants, in  
8 preparation for release on parole or extended supervision. ~~The program shall~~  
9 ~~provide, according to each participant's needs as assessed under sub. (2) (d),~~  
10 ~~substance abuse treatment and education, including intensive intervention when~~  
11 ~~indicated, personal development counseling, education, employment readiness~~  
12 ~~training, and other treatment options that are directly related to the participant's~~  
13 ~~criminal behavior.~~ The department shall design the program to include not less  
14 fewer than 50 participants at a time and so that a participant may complete the  
15 program in not more than 180 days. The department may restrict participant  
16 privileges as necessary to maintain discipline.

17           **\*-0829/P6.16\* SECTION 3050.** 302.045 (2) (d) of the statutes is repealed and  
18 recreated to read:

19           302.045 (2) (d) The department determines, during assessment and  
20 evaluation, that the inmate has a substance abuse problem.

21           **\*-0829/P6.17\* SECTION 3051.** 302.045 (3) of the statutes is amended to read:

22           302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
23 determines that an inmate serving a sentence other than one imposed under s.  
24 973.01 has successfully completed the challenge incarceration program, the earned  
25 release review parole commission shall parole the inmate for that sentence under s.

1 304.06, regardless of the time the inmate has served. When the ~~earned release~~  
2 ~~review parole~~ commission grants parole under this subsection, it must require the  
3 parolee to participate in an intensive supervision program ~~appropriate to the~~  
4 ~~parolee's rehabilitation needs for drug abusers~~ as a condition of parole.

5 **\*-0829/P6.18\* SECTION 3052.** 302.045 (3m) (d) of the statutes is repealed.

6 **\*-0829/P6.19\* SECTION 3053.** 302.05 (title) of the statutes is amended to read:

7 **302.05 (title) Wisconsin ~~earned release~~ substance abuse program.**

8 **\*-0829/P6.20\* SECTION 3054.** 302.05 (1) of the statutes is renumbered 302.05

9 (1) (am) (intro.) and amended to read:

10 302.05 (1) (am) (intro.) The department of corrections ~~shall, at any correctional~~  
11 ~~facility the department determines is appropriate, provide a rehabilitation program~~  
12 ~~for inmates for the purposes of the earned release program described in sub. (3). and~~  
13 the department of health services may designate a section of a mental health  
14 institute as a correctional treatment facility for the treatment of substance abuse of  
15 inmates transferred from Wisconsin state prisons. This section shall be  
16 administered by the department of corrections and shall be known as the Wisconsin  
17 substance abuse program. The department of corrections and the department of  
18 health services shall ensure that the residents at the institution and the residents  
19 in the substance abuse program:

20 **\*-0829/P6.21\* SECTION 3055.** 302.05 (1) (am) 1. of the statutes is created to  
21 read:

22 302.05 (1) (am) 1. Have access to all facilities that are available at the  
23 institution and are necessary for the treatment programs designed by the  
24 departments.

1           **\*-0829/P6.22\* SECTION 3056.** 302.05 (1) (am) 2. of the statutes is created to  
2 read:

3           302.05 (1) (am) 2. Are housed on separate wards.

4           **\*-0829/P6.23\* SECTION 3057.** 302.05 (1) (b) of the statutes is created to read:

5           302.05 (1) (b) The department of corrections and the department of health  
6 services shall, at any correctional facility the departments determine is appropriate,  
7 provide a substance abuse treatment program for inmates for the purposes of the  
8 earned release program described in sub. (3).

9           **\*-0829/P6.24\* SECTION 3058.** 302.05 (2) of the statutes is amended to read:

10           302.05 (2) Transfer to a correctional treatment facility for ~~participation in a~~  
11 ~~program described in sub. (1) the treatment of substance abuse~~ shall be considered  
12 a transfer under s. 302.18.

13           **\*-0829/P6.25\* SECTION 3059.** 302.05 (3) (b) of the statutes is amended to read:

14           302.05 (3) (b) Except as provided in par. (d), if the department determines that  
15 an eligible inmate serving a sentence other than one imposed under s. 973.01 has  
16 successfully completed a ~~rehabilitation~~ treatment program described in sub. (1), the  
17 ~~earned release review parole~~ commission shall parole the inmate for that sentence  
18 under s. 304.06, regardless of the time the inmate has served. If the ~~earned release~~  
19 ~~review parole~~ commission grants parole under this paragraph, it shall require the  
20 parolee to participate in an intensive supervision program ~~appropriate to the~~  
21 ~~parolee's rehabilitation needs~~ for drug abusers as a condition of parole.

22           **\*-0829/P6.26\* SECTION 3060.** 302.05 (3) (c) 1. of the statutes is amended to  
23 read:

24           302.05 (3) (c) 1. Except as provided in par. (d), if the department determines  
25 that an eligible inmate serving the term of confinement in prison portion of a

1 bifurcated sentence imposed under s. 973.01 has successfully completed a  
2 ~~rehabilitation treatment~~ program described in sub. (1), the department shall inform  
3 the court that sentenced the inmate.

4 **\*-0829/P6.27\* SECTION 3061.** 302.05 (3) (c) 2. (intro.) of the statutes, is  
5 amended to read:

6 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.  
7 1. that an inmate whom the court sentenced under s. 973.01 has successfully  
8 completed a ~~rehabilitation treatment~~ program described in sub. (1), the court shall  
9 modify the inmate's bifurcated sentence as follows:

10 **\*-0829/P6.28\* SECTION 3062.** 302.05 (3) (c) 3. of the statutes is repealed.

11 **\*-0829/P6.29\* SECTION 3063.** 302.05 (3) (d) of the statutes is amended to read:

12 302.05 (3) (d) The department may place intensive sanctions program  
13 participants in a ~~rehabilitation treatment~~ program described in sub. (1), but pars. (b)  
14 and (c) do not apply to those participants.

15 **\*-0829/P6.30\* SECTION 3064.** 302.11 (1g) (b) (intro.) of the statutes is amended  
16 to read:

17 302.11 (1g) (b) (intro.) Before an incarcerated inmate with a presumptive  
18 mandatory release date reaches the presumptive mandatory release date specified  
19 under par. (am), the ~~earned release review parole~~ commission shall proceed under  
20 s. 304.06 (1) to consider whether to deny presumptive mandatory release to the  
21 inmate. If the ~~earned release review parole~~ commission does not deny presumptive  
22 mandatory release, the inmate shall be released on parole. The ~~earned release~~  
23 ~~review parole~~ commission may deny presumptive mandatory release to an inmate  
24 only on one or more of the following grounds:

1           **\*-0829/P6.31\* SECTION 3065.** 302.11 (1g) (b) 2. of the statutes is amended to  
2 read:

3           302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
4 treatment that the social service and clinical staff of the institution determines is  
5 necessary for the inmate, including pharmacological treatment using an  
6 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
7 child sex offender as defined in s. 304.06 (1q) (a). The ~~earned release review~~ parole  
8 commission may not deny presumptive mandatory release to an inmate because of  
9 the inmate's refusal to participate in a rehabilitation program under s. 301.047.

10           **\*-0829/P6.32\* SECTION 3066.** 302.11 (1g) (c) of the statutes is amended to read:

11           302.11 (1g) (c) If the ~~earned release review~~ parole commission denies  
12 presumptive mandatory release to an inmate under par. (b), the ~~earned release~~  
13 ~~review~~ parole commission shall schedule regular reviews of the inmate's case to  
14 consider whether to parole the inmate under s. 304.06 (1).

15           **\*-0829/P6.33\* SECTION 3067.** 302.11 (1g) (d) of the statutes is amended to  
16 read:

17           302.11 (1g) (d) An inmate may seek review of a decision by the ~~earned release~~  
18 ~~review~~ parole commission relating to the denial of presumptive mandatory release  
19 only by the common law writ of certiorari.

20           **\*-0829/P6.34\* SECTION 3068.** 302.11 (1m) of the statutes is amended to read:

21           302.11 (1m) An inmate serving a life term is not entitled to mandatory release.  
22 Except as provided in ss. 939.62 (2m) (c) and 973.014, the ~~earned release review~~  
23 parole commission may parole the inmate as specified in s. 304.06 (1).

24           **\*-0829/P6.35\* SECTION 3069.** 302.11 (7) (c) of the statutes is amended to read:

1           302.11 (7) (c) The ~~earned release review~~ parole commission may subsequently  
2 parole, under s. 304.06 (1), and the department may subsequently parole, under s.  
3 304.02, a parolee who is returned to prison for violation of a condition of parole.

4           \*~~-0829/P6.36~~\* SECTION 3070. 302.113 (1) of the statutes is amended to read:

5           302.113 (1) An inmate is subject to this section if he or she is serving a  
6 bifurcated sentence imposed under s. 973.01. ~~An inmate convicted of a misdemeanor~~  
7 ~~or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048~~  
8 ~~(2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b)~~  
9 ~~pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2)~~  
10 ~~(b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class~~  
11 ~~I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to~~  
12 ~~Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but~~  
13 ~~who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01~~  
14 ~~(3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s.~~  
15 ~~304.06.~~

16           \*~~-0829/P6.37~~\* SECTION 3071. 302.113 (2) (a) of the statutes is renumbered  
17 302.113 (2) and amended to read:

18           302.113 (2) Except as provided in ~~par. (b) and subs. (3) and (9) and s. 304.06,~~  
19 an inmate subject to this section is entitled to release to extended supervision after  
20 he or she has served the term of confinement in prison portion of the sentence  
21 imposed under s. 973.01, ~~as modified by the department under sub. (9h), as modified~~  
22 ~~under s. 302.1135 by the earned release review commission in the manner specified~~  
23 ~~in s. 302.1135 (6) (a), or as modified by the sentencing court under sub. (9g) or s.~~  
24 302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., ~~or 973.195 (1r), or 973.198,~~ if applicable.

25           \*~~-0829/P6.38~~\* SECTION 3072. 302.113 (2) (b) of the statutes is repealed.

1           **\*-0829/P6.39\* SECTION 3073.** 302.113 (2) (c) of the statutes is repealed.

2           **\*-0829/P6.40\* SECTION 3074.** 302.113 (3) (d) of the statutes is amended to  
3 read:

4           302.113 (3) (d) If the term of confinement in prison portion of a bifurcated  
5 sentence ~~for a Class B felony~~ is increased under this subsection, the term of extended  
6 supervision is reduced so that the total length of the bifurcated sentence does not  
7 change.

8           **\*-0829/P6.41\* SECTION 3075.** 302.113 (3) (e) of the statutes is repealed.

9           **\*-0829/P6.42\* SECTION 3076.** 302.113 (7) of the statutes is amended to read:

10          302.113 (7) Any inmate released to extended supervision under this section is  
11 subject to all conditions and rules of extended supervision until the expiration of the  
12 term of extended supervision portion of the bifurcated sentence ~~or until the~~  
13 ~~department discharges the inmate under s. 973.01 (4m), whichever is appropriate.~~  
14 The department may set conditions of extended supervision in addition to any  
15 conditions of extended supervision required under s. 302.116, if applicable, or set by  
16 the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do  
17 not conflict with the court's conditions.

18          **\*-0829/P6.43\* SECTION 3077.** 302.113 (9) (am) of the statutes is amended to  
19 read:

20          302.113 (9) (am) If a person released to extended supervision under this section  
21 ~~or under s. 302.1135~~ violates a condition of extended supervision, the reviewing  
22 authority may revoke the extended supervision of the person. If the extended  
23 supervision of the person is revoked, the reviewing authority shall order the person  
24 to be returned to prison for any specified period of time that does not exceed the time  
25 remaining on the bifurcated sentence. The time remaining on the bifurcated

1 sentence is the total length of the bifurcated sentence, less time served by the person  
2 in confinement under the sentence before release to extended supervision under sub.  
3 (2) and less all time served in confinement for previous revocations of extended  
4 supervision under the sentence. The order returning a person to prison under this  
5 paragraph shall provide the person whose extended supervision was revoked with  
6 credit in accordance with ss. 304.072 and 973.155.

7 **\*-0829/P6.44\* SECTION 3078.** 302.113 (9) (c) of the statutes is amended to read:

8 302.113 (9) (c) A person who is subsequently released to extended supervision  
9 after service of the period of time specified by the order under par. (am) is subject to  
10 all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the  
11 expiration of the remaining extended supervision portion of the bifurcated sentence  
12 ~~or until the department discharges the person under s. 973.01 (4m), whichever is~~  
13 ~~appropriate.~~ The remaining extended supervision portion of the bifurcated sentence  
14 is the total length of the bifurcated sentence, less the time served by the person in  
15 confinement under the bifurcated sentence before release to extended supervision  
16 under sub. (2) and less all time served in confinement for previous revocations of  
17 extended supervision under the bifurcated sentence.

18 **\*-0829/P6.45\* SECTION 3079.** 302.113 (9g) of the statutes is created to read:

19 302.113 (9g) (a) In this subsection:

20 1. "Extraordinary health condition" means a condition afflicting a person, such  
21 as advanced age, infirmity, or disability of the person or a need for medical treatment  
22 or services not available within a correctional institution.

23 2. "Program review committee" means the committee at a correctional  
24 institution that reviews the security classifications, institution assignments, and  
25 correctional programming assignments of inmates confined in the institution.

1 (b) An inmate who is serving a bifurcated sentence for a crime other than a  
2 Class B felony may seek modification of the bifurcated sentence in the manner  
3 specified in par. (f) if he or she meets one of the following criteria:

4 1. The inmate is 65 years of age or older and has served at least 5 years of the  
5 term of confinement in prison portion of the bifurcated sentence.

6 2. The inmate is 60 years of age or older and has served at least 10 years of the  
7 term of confinement in prison portion of the bifurcated sentence.

8 3. The inmate has an extraordinary health condition.

9 (c) An inmate who meets a criterion under par. (b) may submit a petition to the  
10 program review committee at the correctional institution in which the inmate is  
11 confined requesting a modification of the inmate's bifurcated sentence in the manner  
12 specified in par. (f). If the inmate alleges in the petition that he or she has an  
13 extraordinary health condition, the inmate shall attach to the petition affidavits  
14 from 2 physicians setting forth a diagnosis that the inmate has an extraordinary  
15 health condition.

16 (cm) If, after receiving the petition under par. (c), the program review  
17 committee determines that the public interest would be served by a modification of  
18 the inmate's bifurcated sentence in the manner provided under par. (f), the  
19 committee shall approve the petition for referral to the sentencing court and notify  
20 the department of its approval. The department shall then refer the inmate's  
21 petition to the sentencing court and request the court to conduct a hearing on the  
22 petition. If the program review committee determines that the public interest would  
23 not be served by a modification of the inmate's bifurcated sentence in the manner  
24 specified in par. (f), the committee shall deny the inmate's petition.

1 (d) When a court is notified by the department that it is referring to the court  
2 an inmate's petition for modification of the inmate's bifurcated sentence, the court  
3 shall schedule a hearing to determine whether the public interest would be served  
4 by a modification of the inmate's bifurcated sentence in the manner specified in par.  
5 (f). The inmate and the district attorney have the right to be present at the hearing,  
6 and any victim of the inmate's crime has the right to be present at the hearing and  
7 to provide a statement concerning the modification of the inmate's bifurcated  
8 sentence. The court shall order such notice of the hearing date as it considers  
9 adequate to be given to the department, the inmate, the attorney representing the  
10 inmate, if applicable, and the district attorney. Victim notification shall be provided  
11 as specified under par. (g).

12 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving  
13 by the greater weight of the credible evidence that a modification of the bifurcated  
14 sentence in the manner specified in par. (f) would serve the public interest. If the  
15 inmate proves that a modification of the bifurcated sentence in the manner specified  
16 in par. (f) would serve the public interest, the court shall modify the inmate's  
17 bifurcated sentence in that manner. If the inmate does not prove that a modification  
18 of the bifurcated sentence in the manner specified in par. (f) would serve the public  
19 interest, the court shall deny the inmate's petition for modification of the bifurcated  
20 sentence.

21 (f) A court may modify an inmate's bifurcated sentence under this section only  
22 as follows:

23 1. The court shall reduce the term of confinement in prison portion of the  
24 inmate's bifurcated sentence in a manner that provides for the release of the inmate

1 to extended supervision within 30 days after the date on which the court issues its  
2 order modifying the bifurcated sentence.

3 2. The court shall lengthen the term of extended supervision imposed so that  
4 the total length of the bifurcated sentence originally imposed does not change.

5 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

6 2. When a court schedules a hearing under par. (d), the clerk of the circuit court  
7 shall send a notice of hearing to the victim of the crime committed by the inmate, if  
8 the victim has submitted a card under subd. 3. requesting notification. The notice  
9 shall inform the victim that he or she may appear at the hearing scheduled under  
10 par. (d) and shall inform the victim of the manner in which he or she may provide a  
11 statement concerning the modification of the inmate's bifurcated sentence in the  
12 manner provided in par. (f). The clerk of the circuit court shall make a reasonable  
13 attempt to send the notice of hearing to the last-known address of the inmate's  
14 victim, postmarked at least 10 days before the date of the hearing.

15 3. The director of state courts shall design and prepare cards for a victim to send  
16 to the clerk of the circuit court for the county in which the inmate was convicted and  
17 sentenced. The cards shall have space for a victim to provide his or her name and  
18 address, the name of the applicable inmate, and any other information that the  
19 director of state courts determines is necessary. The director of state courts shall  
20 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court  
21 shall provide the cards, without charge, to victims. Victims may send completed  
22 cards to the clerk of the circuit court for the county in which the inmate was convicted  
23 and sentenced. All court records or portions of records that relate to mailing  
24 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

1 (h) An inmate may appeal a court's decision to deny the inmate's petition for  
2 modification of his or her bifurcated sentence. The state may appeal a court's  
3 decision to grant an inmate's petition for a modification of the inmate's bifurcated  
4 sentence. In an appeal under this paragraph, the appellate court may reverse a  
5 decision granting or denying a petition for modification of a bifurcated sentence only  
6 if it determines that the sentencing court erroneously exercised its discretion in  
7 granting or denying the petition.

8 (i) If the program review committee denies an inmate's petition under par. (cm),  
9 the inmate may not file another petition within one year after the date of the program  
10 review committee's denial. If the program review committee approves an inmate's  
11 petition for referral to the sentencing court under par. (cm) but the sentencing court  
12 denies the petition, the inmate may not file another petition under par. (cm) within  
13 one year after the date of the court's decision.

14 (j) An inmate eligible to seek modification of his or her bifurcated sentence  
15 under this subsection has a right to be represented by counsel in proceedings under  
16 this subsection. An inmate, or the department on the inmate's behalf, may apply to  
17 the state public defender for determination of indigency and appointment of counsel  
18 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review  
19 committee under par. (c). If an inmate whose petition has been referred to the court  
20 under par. (cm) is without counsel, the court shall refer the matter to the state public  
21 defender for determination of indigency and appointment of counsel under s. 977.05  
22 (4) (jm).

23 **\*-0829/P6.46\* SECTION 3080.** 302.113 (9h) of the statutes is repealed.

24 **\*-0829/P6.47\* SECTION 3081.** 302.1135 of the statutes is repealed.