

1 facilities may consist of one or more systems as the department of natural resources  
2 or the department of ~~commerce~~ safety and professional services determines on the  
3 basis of need for prevention of pollution of the waters of the state or protection of  
4 public health and safety.

5 **\*-1465/P4.1011\* \*-0808/2.425\* SECTION 2860.** 236.335 of the statutes is  
6 amended to read:

7 **236.335 Prohibited subdividing; forfeit.** No lot or parcel in a recorded plat  
8 may be divided, or used if so divided, for purposes of sale or building development if  
9 the resulting lots or parcels do not conform to this chapter, to any applicable  
10 ordinance of the approving authority or to the rules of the department of ~~commerce~~  
11 safety and professional services under s. 236.13. Any person making or causing such  
12 a division to be made shall forfeit not less than \$100 nor more than \$500 to the  
13 approving authority, or to the state if there is a violation of this chapter or the rules  
14 of the department of ~~commerce~~ safety and professional services.

15 **\*-1465/P4.1012\* \*-1059/P3.573\* SECTION 2861.** Subchapter I (title) of  
16 chapter 238 [precedes 238.01] of the statutes is created to read:

17 **CHAPTER 238**

18 **SUBCHAPTER I**

19 **GENERAL PROVISIONS**

20 **\*-1465/P4.1013\* \*-1059/P3.574\* SECTION 2862.** 238.08 of the statutes is  
21 created to read:

22 **238.08 Records of the corporation.** All records of the corporation are open  
23 to the public as provided in s. 19.35 (1) except those records relating to pending  
24 grants, loans, or economic development projects that, in the opinion of the

1 corporation, must remain confidential to protect the competitive nature of the grant,  
2 loan, or project.

3       \*-1465/P4.1014\* \*-1059/P3.575\* SECTION 2863. 238.135 of the statutes is  
4 created to read:

5       **238.135 Grants to regional economic development organizations.** The  
6 corporation shall award annual grants to regional economic development  
7 organizations to fund marketing activities. The amount of each grant may not exceed  
8 \$100,000 or the amount of matching funds the organization obtains from sources  
9 other than the corporation or the state, whichever is less.

10       \*-1283/4.4\* SECTION 2864. 238.145 of the statutes is created to read:

11       **238.145 Wisconsin-source assets exclusion; business certification. (1)**

12 The corporation shall implement a program to certify businesses for purposes of s.  
13 71.05 (25). A business shall submit an application to the corporation in each calendar  
14 year for which the business desires certification.

15       (2) The corporation may certify a business if, in the business's taxable year  
16 ending immediately before the date of the business's application, all of the following  
17 are true:

18       (a) The amount of payroll compensation paid by the business in this state, as  
19 determined by the corporation, is equal to at least 50 percent of the amount of all  
20 payroll compensation paid by the business, as determined by the corporation.

21       (b) The value of real and tangible personal property owned or rented and used  
22 by the business in this state, as determined by the corporation, is equal to at least  
23 50 percent of the value of all real and tangible personal property owned or rented and  
24 used by the business, as determined by the corporation.

1           (3) The corporation shall notify the department of revenue of every certification  
2 issued under this section and of the date on which a certification is revoked or  
3 expires.

4           (4) The corporation, in consultation with the department of revenue, may adopt  
5 rules for the administration of this section.

6           (5) The corporation shall compile a list of businesses certified under this section  
7 and the taxable years for which the businesses are certified and shall make the list  
8 available to the public at the corporation's Internet Web site.

9           \*-1409/P2.2\* **SECTION 2865.** 238.146 of the statutes is created to read:

10           **238.146 Long-term Wisconsin capital assets deferral; business**  
11 **certification.** (1) The corporation shall implement a program to certify businesses  
12 for purposes of s. 71.05 (26). A business shall submit an application to the  
13 corporation in each calendar year for which the business desires certification.

14           (2) The corporation may certify a business if, in the business's taxable year  
15 ending immediately before the date of the business's application, all of the following  
16 are true:

17           (a) The amount of payroll compensation paid by the business in this state, as  
18 determined by the corporation, is equal to at least 50 percent of the amount of all  
19 payroll compensation paid by the business, as determined by the corporation.

20           (b) The value of real and tangible personal property owned or rented and used  
21 by the business in this state, as determined by the corporation, is equal to at least  
22 50 percent of the value of all real and tangible personal property owned or rented and  
23 used by the business, as determined by the corporation.



1 under s. 49.155, a person who is a vocational rehabilitation referral, an economically  
2 disadvantaged youth, an economically disadvantaged veteran, a supplemental  
3 security income recipient, a general assistance recipient, an economically  
4 disadvantaged ex-convict, a dislocated worker, as defined in 29 USC 2801 (9), or a  
5 ~~food-stamp~~ recipient of benefits under the supplemental nutrition assistance  
6 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
7 under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51  
8 (d) (12).

\*\*\*\*NOTE: This is reconciled s. 238.30 (4m). This SECTION has been affected by  
drafts with the following LRB numbers: 1465/P3 and 1195/1.

9 **\*-1097/3.80\* SECTION 2869.** 247.06 (1) (a) of the statutes is amended to read:

10 247.06 (1) (a) The foundation may distribute moneys appropriated under s.  
11 20.220 (1) (r) to the arts board for programs that provide operating support to arts  
12 organizations and for the Wisconsin regranting program under s. 44.62 41.62.

13 **\*-1097/3.81\* SECTION 2870.** 247.06 (2) (b) of the statutes is amended to read:

14 247.06 (2) (b) The foundation may not distribute moneys to the arts board  
15 under sub. (1) (a) in any fiscal year in which the foundation determines that the  
16 amount of general purpose revenue appropriated to the arts board department of  
17 tourism under s. ~~20.215~~ 20.380 (3) is less than the amount appropriated in the  
18 previous fiscal year.

19 **\*-1187/P5.472\* SECTION 2871.** 250.20 (2) (d) of the statutes is amended to  
20 read:

21 250.20 (2) (d) Work closely with all state agencies, including the ~~board of~~  
22 regents Board of Regents of the University of Wisconsin System and the technical  
23 college system board, with the Board of Trustees of the University of

1 Wisconsin-Madison, with the University of Wisconsin Hospitals and Clinics  
2 Authority, with the private sector and with groups concerned with issues of the  
3 health of economically disadvantaged minority group members to develop long-term  
4 solutions to health problems of minority group members.

5 **\*-1187/P5.473\* SECTION 2872.** 250.20 (2) (f) of the statutes is amended to read:

6 250.20 (2) (f) Encourage economically disadvantaged minority group members  
7 who are students to enter career health care professions, by developing materials  
8 that are culturally sensitive and appropriate and that promote health care  
9 professions as careers, for use by the University of Wisconsin System, the University  
10 of Wisconsin-Madison, the technical college system and the Medical College of  
11 Wisconsin in recruiting the students.

12 **\*-1324/P1.7\* SECTION 2873.** 251.02 (3) of the statutes is amended to read:

13 251.02 (3) A county board may, in conjunction with the county board of another  
14 ~~county~~ one or more other counties, establish a multiple county health department,  
15 which shall meet the requirements of this chapter. A multiple county health  
16 department shall serve all areas of the respective counties that are not served by a  
17 city health department that was established prior to January 1, 1994, by a town or  
18 village health department established under sub. (3m), or by a multiple municipal  
19 local health department established under sub. (3r).

20 **\*-1465/P4.1017\* \*-0808/2.426\* SECTION 2874.** 252.12 (2) (a) 9. of the statutes  
21 is amended to read:

22 252.12 (2) (a) 9. 'Grant for family resource center.' The department shall award  
23 a grant to develop and implement an African-American family resource center in the  
24 city of Milwaukee that targets activities toward the prevention and treatment of HIV

1 infection and related infections, including hepatitis C virus infection, of minority  
2 group members, as defined in s. ~~560.036~~ 490.04 (1) (f).

3 **\*-1465/P4.1018\* \*-0808/2.427\* SECTION 2875.** 252.12 (2) (c) 2. of the statutes  
4 is amended to read:

5 252.12 (2) (c) 2. From the appropriation account under s. 20.435 (1) (am), the  
6 department shall award \$75,000 in each fiscal year as grants for services to prevent  
7 HIV infection and related infections, including hepatitis C virus infection. Criteria  
8 for award of the grants shall include the criteria specified under subd. 1. The  
9 department shall award 60% of the funding to applying organizations that receive  
10 funding under par. (a) 8. and 40% of the funding to applying community-based  
11 organizations that are operated by minority group members, as defined in s. ~~560.036~~  
12 490.04 (1) (f).

13 **\*-1465/P4.1019\* \*-0808/2.428\* SECTION 2876.** 252.15 (5g) (c) of the statutes  
14 is amended to read:

15 252.15 (5g) (c) A physician, physician assistant, or advanced practice nurse  
16 prescriber, based on information provided to the physician, physician assistant, or  
17 advanced practice nurse prescriber, determines and certifies in writing that the  
18 person has had contact that constitutes a significant exposure. The certification  
19 shall accompany the request for HIV testing and disclosure. If the person is a  
20 physician, physician assistant, or advanced practice nurse prescriber, he or she may  
21 not make this determination or certification. The information that is provided to a  
22 physician, physician assistant, or advanced practice nurse prescriber to document  
23 the occurrence of the contact that constitutes a significant exposure and the  
24 physician's, physician assistant's, or advanced practice nurse prescriber's  
25 certification that the person has had contact that constitutes a significant exposure,

1 shall be provided on a report form that is developed by the department of ~~commerce~~  
2 safety and professional services under s. 101.02 (19) (a) or on a report form that the  
3 department of ~~commerce~~ safety and professional services determines, under s.  
4 101.02 (19) (b), is substantially equivalent to the report form that is developed under  
5 s. 101.02 (19) (a).

6 **\*-1330/P1.2\* SECTION 2877.** 253.07 (4) of the statutes is repealed.

7 **\*-1187/P5.474\* SECTION 2878.** 253.13 (1m) of the statutes is amended to read:

8 253.13 (1m) URINE TESTS. The department may establish a urine test program  
9 to test infants for causes of congenital disorders. The state laboratory of hygiene  
10 ~~board~~ may establish the methods of obtaining urine specimens and testing such  
11 specimens, and may develop materials for use in the tests. No person may be  
12 required to participate in programs developed under this subsection.

13 **\*-1309/1.1\* SECTION 2879.** 253.13 (2) of the statutes is amended to read:

14 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;  
15 FEES. The department shall contract with the state laboratory of hygiene to perform  
16 the tests specified under this section and to furnish materials for use in the tests.  
17 The department shall provide necessary diagnostic services, special dietary  
18 treatment as prescribed by a physician for a patient with a congenital disorder as  
19 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and  
20 his or her family. The ~~state laboratory of hygiene board, on behalf of the department,~~  
21 shall impose a fee, by rule, for tests performed under this section sufficient to pay for  
22 services provided under the contract. The ~~state laboratory of hygiene board shall~~  
23 department may include as part of this fee amounts the department determines are  
24 sufficient to fund the provision of diagnostic and counseling services, special dietary  
25 treatment, and periodic evaluation of infant screening programs, the costs of

1 consulting with experts under sub. (5), the costs of administering the hearing  
2 screening program under s. 253.115, and the costs of administering the congenital  
3 disorder program under this section and shall credit these amounts to the  
4 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.

5 **\*-1187/P5.475\* SECTION 2880.** 253.13 (4) of the statutes is amended to read:  
6 253.13 (4) CONFIDENTIALITY OF TESTS AND RELATED INFORMATION. The state  
7 laboratory of hygiene shall provide the test results to the physician, who shall advise  
8 the parents or legal guardian of the results. No information obtained under this  
9 section from the parents or guardian or from specimens from the infant may be  
10 disclosed except for use in statistical data compiled by the department without  
11 reference to the identity of any individual and except as provided in s. 146.82 (2). The  
12 state laboratory of hygiene board shall provide to the department the names and  
13 addresses of parents of infants who have positive test results.

14 **\*-1465/P4.1020\* \*-0808/2.429\* SECTION 2881.** 253.15 (1) (c) of the statutes  
15 is amended to read:

16 253.15 (1) (c) "Health care provider" means any person who is licensed,  
17 registered, permitted, or certified by the department of health services or the  
18 department of ~~regulation and licensing~~ safety and professional services to provide  
19 health care services in this state.

20 **\*-1465/P4.1021\* \*-0808/2.430\* SECTION 2882.** 254.02 (3) (a) of the statutes  
21 is amended to read:

22 254.02 (3) (a) The department of agriculture, trade and consumer protection,  
23 the department of corrections, the department of ~~commerce~~ safety and professional

1 services, and the department of natural resources shall enter into memoranda of  
2 understanding with the department to establish protocols for the department to  
3 review proposed rules of those state agencies relating to air and water quality,  
4 occupational health and safety, institutional sanitation, toxic substances, indoor air  
5 quality, food protection or waste handling and disposal.

6 **\*-1465/P4.1022\* \*-0808/2.431\* SECTION 2883.** 254.176 (2) (e) of the statutes  
7 is amended to read:

8 254.176 (2) (e) A person who engages in the business of installing or servicing  
9 heating, ventilating or air conditioning equipment if the person is registered with the  
10 department of ~~commerce~~ safety and professional services and if the person engages  
11 in activities that constitute lead hazard reduction, only to the extent that the  
12 activities are within the scope of his or her registration.

13 **\*-1187/P5.476\* SECTION 2884.** 254.19 of the statutes is amended to read:

14 **254.19 Asbestos testing fees.** Notwithstanding s. ~~36.25 (11) (f)~~ 37.57 (6), the  
15 state laboratory of hygiene ~~board~~ shall impose a fee sufficient to pay for any asbestos  
16 testing services which it provides.

17 **\*-1465/P4.1023\* \*-0808/2.432\* SECTION 2885.** 254.22 (4) of the statutes is  
18 amended to read:

19 254.22 (4) Assist the department of ~~commerce~~ safety and professional services  
20 with the enforcement of s. 101.123.

21 **\*-1465/P4.1024\* \*-0808/2.433\* SECTION 2886.** 254.51 (2) of the statutes is  
22 amended to read:

23 254.51 (2) The department shall enter into memoranda of understanding with  
24 the department of agriculture, trade and consumer protection, the department of

1 ~~commerce~~ safety and professional services, and the department of natural resources  
2 regarding the investigation and control of animal-borne and vector-borne disease.

3 **\*-1187/P5.477\* SECTION 2887.** 254.61 (5) (f) of the statutes is amended to read:

4 254.61 (5) (f) Any college campus, as defined in s. 36.05 (6m), institution as  
5 defined in s. 36.51 (1) (b), university, as defined in s. 37.01 (9), or technical college that  
6 serves meals only to the students enrolled in the college campus, institution,  
7 university, or school or to authorized elderly persons under s. 36.51, 37.51, or 38.36.

8 **\*-1465/P4.1025\* \*-0808/2.434\* SECTION 2888.** 254.73 (1) of the statutes is  
9 amended to read:

10 254.73 (1) Every hotel with sleeping accommodations with more than 12  
11 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m.  
12 provide a system of security personnel patrol, or of mechanical and electrical devices,  
13 or both, adequate, according to standards established by the department of  
14 ~~commerce~~ safety and professional services, to warn all guests and employees in time  
15 to permit their evacuation in case of fire.

16 **\*-1465/P4.1026\* \*-0808/2.435\* SECTION 2889.** 254.74 (1) (am) of the statutes  
17 is amended to read:

18 254.74 (1) (am) Promulgate rules, in consultation with the department of  
19 ~~commerce~~ safety and professional services, under which the department of health  
20 services shall conduct regular inspections of sealed combustion units, as required  
21 under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming  
22 houses, and bed and breakfast establishments. The rules shall specify conditions  
23 under which it may issue orders as specified under s. 101.149 (8) (a). The rules may  
24 not require the department of health services to inspect sealed combustion units

1 during the period in which the sealed combustion units are covered by a  
2 manufacturer's warranty against defects.

3       \*-1465/P4.1027\* \*-0808/2.436\* SECTION 2890. 254.78 of the statutes is  
4 amended to read:

5       **254.78 Authority of department of ~~commerce~~ safety and professional**  
6 **services**. Nothing in this chapter shall affect the authority of the department of  
7 ~~commerce~~ safety and professional services relative to places of employment,  
8 elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

9       \*-1465/P4.1028\* \*-0808/2.437\* SECTION 2891. 254.79 of the statutes is  
10 amended to read:

11       **254.79 Joint employment.** The department and the department of ~~commerce~~  
12 safety and professional services may employ experts, inspectors or other assistants  
13 jointly.

14       \*-1187/P5.478\* SECTION 2892. 255.05 (1) (d) of the statutes is amended to  
15 read:

16       255.05 (1) (d) "Public agency" means a county, city, village, town or school  
17 district, the University of Wisconsin-Madison, or an agency of this state or of a  
18 county, city, village, town or school district.

19       \*-1187/P5.479\* SECTION 2893. 255.054 (1) of the statutes is amended to read:

20       255.054 (1) The Medical College of Wisconsin, Inc., and the University of  
21 Wisconsin ~~Comprehensive~~ Carbone Cancer Center shall use the moneys  
22 appropriated under ~~ss. s.~~ s. 20.250 (2) (h) and 20.285 (1) (gn) the moneys paid under  
23 s. 71.10 (5h) (i) for prostate cancer research projects. These moneys may not be used  
24 to supplant funds available for prostate cancer research from other sources.

25       \*-1187/P5.480\* SECTION 2894. 255.054 (2) of the statutes is amended to read:

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

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

6           \***-1187/P5.481\*** SECTION 2895. 255.055 (1) of the statutes is amended to read:

7           255.055 (1) The Medical College of Wisconsin, Inc., and the University of  
8 Wisconsin ~~Comprehensive~~ Carbone Cancer Center shall use the moneys  
9 appropriated under ~~ss. s. 20.250 (2) (g) and 20.285 (1) (gm)~~ the moneys paid under  
10 s. 71.10 (5f) (i) for breast cancer research projects. These moneys may not be used  
11 to supplant funds available for breast cancer research from other sources.

12           \***-1187/P5.482\*** SECTION 2896. 255.055 (2) of the statutes is amended to read:

13           255.055 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
14 the Board of ~~Regents~~ Trustees of the University of ~~Wisconsin System~~  
15 Wisconsin-Madison shall each report to the appropriate standing committees of the  
16 legislature under s. 13.172 (3) and to the governor on the breast cancer research  
17 projects each has conducted under sub. (1) in the previous fiscal year.

18           \***-1465/P4.1029\*** \***-0805/P2.31\*** SECTION 2897. 256.35 (3m) (h) of the statutes  
19 is amended to read:

20           256.35 (3m) (h) *Other charges prohibited.* No local government ~~or state agency,~~  
21 ~~as defined in s. 560.9810 (1)~~ and no office, commission, department, or independent  
22 agency in the executive branch of state government, except the commission, may  
23 require a wireless provider to collect or pay a surcharge or fee related to wireless  
24 emergency telephone service.

1           **\*-1465/P4.1030\* \*-0808/2.438\* SECTION 2898.** 281.33 (2) of the statutes is  
2 amended to read:

3           281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in  
4 consultation with the department of ~~commerce~~ safety and professional services,  
5 shall promulgate by rule a state storm water management plan. This state plan is  
6 applicable to activities contracted for or conducted by any agency, as defined under  
7 s. 227.01 (1) but also including the office of district attorney, unless that agency  
8 enters into a memorandum of understanding with the department of natural  
9 resources in which that agency agrees to regulate activities related to storm water  
10 management. The department shall coordinate the activities of agencies, as defined  
11 under s. 227.01 (1), in storm water management and make recommendations to  
12 these agencies concerning activities related to storm water management.

13           **\*-1465/P4.1031\* \*-1369/1.7\* SECTION 2899.** 281.33 (3m) (title) of the statutes  
14 is repealed.

15           **\*-1465/P4.1032\* \*-1369/1.8\* SECTION 2900.** 281.33 (3m) (a) of the statutes is  
16 renumbered 101.1206 (1).

17           **\*-1465/P4.1033\* \*-1369/1.9\* SECTION 2901.** 281.33 (3m) (b) of the statutes is  
18 renumbered 101.1206 (2) and amended to read:

19           101.1206 (2) The department shall require the submission of plans for erosion  
20 control at construction sites described in ~~par. (a)~~ sub. (1) to the department or to a  
21 county, city, village, or town to which the department has delegated authority under  
22 ~~par. (d)~~ sub. (4) and shall require approval of those plans by the department or the  
23 county, city, village, or town.

24           **\*-1465/P4.1034\* \*-1369/1.10\* SECTION 2902.** 281.33 (3m) (c) of the statutes  
25 is renumbered 101.1206 (3) and amended to read:

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

5           **\*-1465/P4.1035\* \*-1369/1.11\* SECTION 2903.** 281.33 (3m) (d) of the statutes  
6 is renumbered 101.1206 (4).

7           **\*-1465/P4.1036\* \*-1369/1.12\* SECTION 2904.** 281.33 (3m) (e) of the statutes  
8 is renumbered 101.1206 (5) and amended to read:

9           101.1206 (5) Except as provided in ~~par. (f)~~ sub. (5m), the authority of a county,  
10 city, village, or town with respect to erosion control at sites described in ~~par. (a)~~ sub.  
11 (1) is limited to that authority delegated under ~~par. (d)~~ sub. (4) and any other  
12 authority provided in rules promulgated under this ~~subsection~~ section.

13           **\*-1465/P4.1037\* \*-1369/1.13\* SECTION 2905.** 281.33 (3m) (f) of the statutes  
14 is renumbered 101.1206 (5m) and amended to read:

15           101.1206 (5m) Notwithstanding ~~pars. (a)~~ subs. (1) and ~~(e)~~ (5), a county, city,  
16 village, or town that has in effect on January 1, 1994, an ordinance that establishes  
17 standards for erosion control at building sites for the construction of public buildings  
18 and buildings that are places of employment may continue to administer and enforce  
19 that ordinance if the standards in the ordinance are more stringent than the  
20 standards established under ~~par. (a)~~ sub. (1).

21           **\*-1465/P4.1038\* \*-1369/1.14\* SECTION 2906.** 281.33 (3m) (g) of the statutes  
22 is renumbered 101.1206 (6) and amended to read:

23           101.1206 (6) The department, or a county, city, village, or town to which the  
24 department delegates the authority to act under this ~~paragraph~~ subsection, may  
25 issue a special order directing the immediate cessation of work on a construction site

1 described in ~~par. (a)~~ sub. (1) until any required plan approval is obtained or until the  
2 site complies with standards established by rules promulgated under this ~~subsection~~  
3 section.

4       **\*-1465/P4.1039\* \*-1369/1.15\* SECTION 2907.** 281.33 (3m) (h) of the statutes  
5 is renumbered 101.1206 (7).

6       **\*-1465/P4.1040\* \*-0808/2.439\* SECTION 2908.** 281.344 (8) (a) of the statutes  
7 is amended to read:

8       281.344 (8) (a) *Goals and objectives.* The department shall specify water  
9 conservation and efficiency goals and objectives for the waters of the state. The  
10 department shall specify goals and objectives for the waters of the Great Lakes basin  
11 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives  
12 identified by the regional body under Article 304 (1) of the Great Lakes — St.  
13 Lawrence River Basin Sustainable Water Resources Agreement. In specifying these  
14 goals and objectives, the department shall consult with the department of ~~commerce~~  
15 safety and professional services and the public service commission.

16       **\*-1465/P4.1041\* \*-0808/2.440\* SECTION 2909.** 281.344 (8) (b) (intro.) of the  
17 statutes is amended to read:

18       281.344 (8) (b) *Statewide program.* (intro.) In cooperation with the department  
19 of ~~commerce~~ safety and professional services and the public service commission, the  
20 department shall develop and implement a statewide water conservation and  
21 efficiency program that includes all of the following:

22       **\*-1465/P4.1042\* \*-0808/2.441\* SECTION 2910.** 281.344 (8) (b) 3. of the  
23 statutes is amended to read:

1           281.344 (8) (b) 3. Water conservation and efficiency measures that the  
2 department of ~~commerce~~ safety and professional services requires or authorizes to  
3 be implemented under chs. 101 and 145.

4           \***-1465/P4.1043\*** \***-0808/2.442\*** SECTION 2911. 281.346 (8) (a) of the statutes  
5 is amended to read:

6           281.346 (8) (a) *Goals and objectives.* The department shall specify water  
7 conservation and efficiency goals and objectives for the waters of the state and for the  
8 waters of the Great Lakes basin. The department shall specify goals and objectives  
9 for the waters of the Great Lakes basin that are consistent with the goals under s.  
10 281.343 (4b) (a) and the objectives identified by the Great Lakes council under s.  
11 281.343 (4b) (a) and (c). In specifying these goals and objectives, the department  
12 shall consult with the department of ~~commerce~~ safety and professional services and  
13 the public service commission and consider the water conservation and efficiency  
14 goals and objectives developed in any pilot program conducted by the department in  
15 cooperation with the regional body.

16           \***-1465/P4.1044\*** \***-0808/2.443\*** SECTION 2912. 281.346 (8) (b) (intro.) of the  
17 statutes is amended to read:

18           281.346 (8) (b) *Statewide program.* (intro.) In cooperation with the department  
19 of ~~commerce~~ safety and professional services and the public service commission, the  
20 department shall develop and implement a statewide water conservation and  
21 efficiency program that includes all of the following:

22           \***-1465/P4.1045\*** \***-0808/2.444\*** SECTION 2913. 281.346 (8) (b) 3. of the  
23 statutes is amended to read:

1 281.346 (8) (b) 3. Water conservation and efficiency measures that the  
2 department of ~~commerce~~ safety and professional services requires or authorizes to  
3 be implemented under chs. 101 and 145.

4 **\*-1465/P4.1046\* \*-0808/2.445\* SECTION 2914.** 281.57 (7) (c) 1. of the statutes  
5 is amended to read:

6 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are  
7 limited in each fiscal year to receiving total grant awards not to exceed 33% of the  
8 sum of the amounts in the schedule for that fiscal year for the appropriation under  
9 s. ~~20.143 (3)~~ 20.165 (2) (de) and the amount authorized under sub. (10) for that fiscal  
10 year plus the unencumbered balance at the end of the preceding fiscal year for the  
11 amount authorized under sub. (10). This subdivision is not applicable to grant  
12 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

13 **\*-1033/3.2\* SECTION 2915.** 281.58 (12) (a) 1. of the statutes is amended to read:

14 281.58 (12) (a) 1. Except as modified under par. (f) and except as restricted by  
15 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and  
16 2. is ~~55%~~ 60 percent of market interest rate for projects for which the subsidy is  
17 allocated from the amount under s. 281.59 (3e) (b) for a biennium before the ~~2009-11~~  
18 2011-13 biennium and ~~60%~~ 80 percent of market interest rate for projects for which  
19 the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the ~~2009-11~~  
20 2011-13 biennium or later.

21 **\*-1033/3.3\* SECTION 2916.** 281.58 (12) (a) 2. of the statutes is amended to read:

22 281.58 (12) (a) 2. Except as modified under par. (f) and except as restricted by  
23 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 5. is ~~65%~~  
24 65 percent of market interest rate for projects for which the subsidy is allocated from  
25 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and

1 80 percent of market interest rate for projects for which the subsidy is allocated from  
2 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

3 **\*-1033/3.4\* SECTION 2917.** 281.58 (12) (a) 3. of the statutes is amended to read:

4 281.58 (12) (a) 3. Except as modified under par. (f) and except as restricted by  
5 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is ~~70%~~  
6 70 percent of market interest rate for projects for which the subsidy is allocated from  
7 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and  
8 80 percent of market interest rate for projects for which the subsidy is allocated from  
9 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

10 **\*-1033/3.5\* SECTION 2918.** 281.58 (12) (f) of the statutes is amended to read:

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

14 **\*-1033/3.6\* SECTION 2919.** 281.59 (3e) (b) 1. of the statutes is amended to read:

15 281.59 (3e) (b) 1. Equal to \$134,900,000 \$54,400,000 during the ~~2009-11~~  
16 2011-13 biennium.

17 **\*-1033/3.7\* SECTION 2920.** 281.59 (3e) (b) 3. of the statutes is amended to read:

18 281.59 (3e) (b) 3. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13  
19 biennium.

20 **\*-1033/3.8\* SECTION 2921.** 281.59 (3e) (d) of the statutes is amended to read:

21 281.59 (3e) (d) The department may expend, for financial assistance in a  
22 biennium other than financial hardship assistance under s. 281.58 (13) (e), an  
23 amount up to ~~85%~~ 95 percent of the amount approved by the legislature under par.  
24 (b). The department may expend such amount only from the percentage of the

1 amount approved under par. (b) that is not available under par. (e) for financial  
2 hardship assistance.

3 **\*-1033/3.9\* SECTION 2922.** 281.59 (3e) (e) of the statutes is amended to read:

4 281.59 (3e) (e) The department may expend, for financial hardship assistance,  
5 other than federal financial hardship assistance grants under s. 281.58 (13) (be), in  
6 a biennium under s. 281.58 (13) (e), an amount up to ~~15%~~ 5 percent of the amount  
7 approved by the legislature under par. (b) for that biennium. The department may  
8 expend such amount only from the percentage of the amount approved by the  
9 legislature under par. (b) that is not available under par. (d) for financial assistance.

10 **\*-1033/3.10\* SECTION 2923.** 281.59 (3s) (b) 1. of the statutes is amended to  
11 read:

12 281.59 (3s) (b) 1. Equal to ~~\$17,600,000~~ \$30,700,000 during the ~~2009-11~~  
13 2011-13 biennium.

14 **\*-1033/3.11\* SECTION 2924.** 281.59 (3s) (b) 2. of the statutes is amended to  
15 read:

16 281.59 (3s) (b) 2. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13  
17 biennium.

18 **\*-1033/3.12\* SECTION 2925.** 281.59 (4) (f) of the statutes is amended to read:

19 281.59 (4) (f) Revenue obligations may be contracted by the building  
20 commission when it reasonably appears to the building commission that all  
21 obligations incurred under this subsection, and all payments under an agreement or  
22 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue  
23 obligations issued under this subsection, can be fully paid on a timely basis from  
24 moneys received or anticipated to be received. Revenue obligations issued under this  
25 subsection for the clean water fund program shall not exceed ~~\$2,363,300,000~~

1     \$2,716,300,000 in principal amount, excluding obligations issued to refund  
2     outstanding revenue obligation notes.

3             **\*-1465/P4.1047\* \*-1059/P3.578\* SECTION 2926.** 281.60 (6) of the statutes is  
4     amended to read:

5             281.60 (6) PRIORITY LIST. The department shall establish a priority list that  
6     ranks each land recycling loan program project. The department shall promulgate  
7     rules for determining project rankings based on the potential of projects to reduce  
8     environmental pollution and threats to human health and, for sites and facilities  
9     that are not landfills, the extent to which projects will prevent the development of  
10    undeveloped land by making land available for redevelopment after a cleanup is  
11    conducted. Before the department establishes the priority list, the department shall  
12    consider the recommendations of the department of administration and the  
13    ~~department of commerce~~ Wisconsin Economic Development Corporation.

14            **\*-1033/3.13\* SECTION 2927.** 281.61 (8) (a) 2. of the statutes is amended to read:

15            281.61 (8) (a) 2. In any biennium, no local governmental unit may receive more  
16    than 25% of the ~~amount established under s. 281.59 (3s) (b)~~ funds that the  
17    department of administration projects will be available for that biennium.

18            **\*-1187/P5.483\* SECTION 2928.** 281.66 (6) of the statutes is amended to read:

19            281.66 (6) GRANTS FOR CAMPUSES. Notwithstanding subs. (3) and (4), the  
20    department may distribute a grant to the ~~board of regents~~ Board of Trustees of the  
21    University of Wisconsin-Madison or Board of Regents of the University of Wisconsin  
22    System for practices, techniques or measures to control storm water discharges on  
23    the University of Wisconsin-Madison campus or a University of Wisconsin System  
24    campus that is located in a municipality that is required to obtain a permit under s.  
25    283.33 and that is located in a priority watershed, as defined in s. 281.65 (2) (c), a

1 priority lake area, as defined in s. 281.65 (2) (bs), or an area that is identified as an  
2 area of concern by the International Joint Commission, as defined in s. 281.35 (1) (h),  
3 under the Great Lakes Water Quality Agreement.

4 **\*-0139/1.1\* SECTION 2929.** 281.68 (2) (a) of the statutes is amended to read:

5 281.68 (2) (a) The department may provide a grant of 75% of the cost of a lake  
6 management planning project up to a total of ~~\$10,000~~ \$25,000 per grant.

7 **\*-1187/P5.484\* SECTION 2930.** 281.75 (4) (b) 3. of the statutes, as affected by

8 2011 Wisconsin Act 7, is amended to read:

9 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 37, 52,  
10 231, 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.

11 **\*-1465/P4.1048\* \*-0808/2.446\* SECTION 2931.** 281.75 (18) of the statutes is  
12 amended to read:

13 281.75 (18) SUSPENSION OR REVOCATION OF LICENSES. The department may  
14 suspend or revoke a license issued under ch. 280 if the department finds that the  
15 licensee falsified information submitted under this section. The department of  
16 ~~commerce~~ safety and professional services may suspend or revoke the license of a  
17 plumber licensed under ch. 145 if the department of ~~commerce~~ safety and  
18 professional services finds that the plumber falsified information submitted under  
19 this section.

20 **\*-1329/1.1\* SECTION 2932.** 283.11 (3) (am) of the statutes is renumbered  
21 283.11 (3) (am) 1. and amended to read:

22 283.11 (3) (am) 1. Notwithstanding sub. (1) or (2), and except as provided in  
23 subd. 2., the department shall promulgate by rule effluent limitations representing

1 the best available demonstrated control technology, processes, operating methods or  
2 other alternatives concerning the discharge of phosphorous if the U.S.  
3 environmental protection agency has not promulgated an effluent limitation,  
4 effluent standard or prohibition concerning this type of discharge.

5 **\*-1329/1.2\* SECTION 2933.** 283.11 (3) (am) 2. of the statutes is created to read:

6 283.11 (3) (am) 2. a. In this subdivision, "region" means the geographic region  
7 composed of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

8 b. The department may not promulgate or enforce any rule establishing an  
9 effluent limitation for the discharge of phosphorous if that effluent limitation is more  
10 stringent than the effluent limitation for the discharge of phosphorous that is  
11 established by any state in the region.

12 **\*-0164/1.1\* SECTION 2934.** 283.15 (2) (a) of the statutes is renumbered 283.15

13 (2) (am) and amended to read:

14 283.15 (2) (am) 1. ~~When~~ Within 60 days after the department issues, reissues  
15 or modifies a permit to include a water quality based effluent limitation under s.  
16 283.13 (5), the permittee may apply to the department for a variance from the water  
17 quality standard used to derive the limitation.

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

1 until the last day for seeking review of the department's final decision or a later date  
2 fixed by order of the reviewing court.

3 **\*-0164/1.2\* SECTION 2935.** 283.15 (2) (a) of the statutes is created to read:

4 283.15 (2) (a) If a permit contains a variance or if a permittee anticipates that  
5 a reissued permit will include a water quality based effluent limitation under s.  
6 283.13 (5), when the permittee applies for reissuance of the permit the permittee may  
7 apply to the department for renewal of the variance or for a variance from the water  
8 quality standard that would be used to derive the water quality based effluent  
9 limitation.

10 **\*-0164/1.3\* SECTION 2936.** 283.15 (2) (b) 1. of the statutes is renumbered  
11 283.15 (2) (b) and amended to read:

12 283.15 (2) (b) The department shall specify by rule the information to be  
13 included in the an application. ~~The permittee shall submit an application for a~~  
14 ~~variance within 60 days after the department issues, reissues or modifies the permit~~  
15 under this subsection.

16 **\*-0164/1.4\* SECTION 2937.** 283.15 (2) (b) 2. of the statutes is repealed.

17 **\*-0164/1.5\* SECTION 2938.** 283.15 (2) (b) 3. of the statutes is repealed.

18 **\*-0164/1.6\* SECTION 2939.** 283.15 (2) (c) of the statutes is amended to read:

19 283.15 (2) (c) The department may request additional information from the  
20 permittee within 30 days after receiving ~~either the~~ an application under par. (b) 1.  
21 ~~or the information under par. (b) 2. (am) 1.~~ The permittee shall provide the additional  
22 information within 30 days after receipt of the department's request. An application  
23 is not complete until the additional information is provided to the department.

24 **\*-0164/1.7\* SECTION 2940.** 283.15 (2) (e) of the statutes is repealed.

1           **\*-0164/1.8\* SECTION 2941.** 283.15 (3) of the statutes is renumbered 283.15 (3)  
2 (b) and amended to read:

3           283.15 (3) (b) The secretary shall issue a tentative decision on ~~the~~ an  
4 application for a variance under sub. (2) (am) 1. within 120 days after receipt of a  
5 completed application. The department shall circulate the tentative decision to the  
6 permittee and to the parties in s. 283.53 (2) (c). If the tentative decision is to grant  
7 a variance based upon one or more of the conditions specified in sub. (4) (a) 1. a. to  
8 e., the department shall include in the notice under this ~~subsection~~ paragraph a  
9 statement on the effect of the variance, if granted, on the designated use of the water  
10 body during the term of the underlying permit. The department shall provide a  
11 30-day period for written comments on the tentative decision.

12           **\*-0164/1.9\* SECTION 2942.** 283.15 (3) (a) of the statutes is created to read:

13           283.15 (3) (a) The secretary shall issue a tentative decision on an application  
14 for a variance under sub. (2) (a) in the notice under s. 283.39 for the reissuance of the  
15 permit.

16           **\*-0164/1.10\* SECTION 2943.** 283.15 (4) (a) 1. (intro.) of the statutes is amended  
17 to read:

18           283.15 (4) (a) 1. (intro.) ~~Within 90 days after expiration of the comment period~~  
19 ~~under sub. (3), the~~ The secretary shall approve all or part of a requested variance,  
20 or modify and approve a requested variance if the permittee demonstrates, by the  
21 greater weight of the credible evidence, that attaining the water quality standard is  
22 not feasible because:

23           **\*-0164/1.11\* SECTION 2944.** 283.15 (4) (a) 2. of the statutes is amended to read:

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

4           \***-0164/1.12\*** SECTION 2945. 283.15 (4) (a) 3. of the statutes is repealed.

5           \***-0164/1.13\*** SECTION 2946. 283.15 (4) (b) of the statutes is repealed.

6           \***-0164/1.14\*** SECTION 2947. 283.15 (4) (c) of the statutes is repealed.

7           \***-0164/1.15\*** SECTION 2948. 283.15 (5) (b) of the statutes is amended to read:

8           283.15 (5) (b) A variance applies for the term established by the secretary, but  
9 not to exceed ~~3~~ 5 years. The term of the initial variance and any renewals thereof  
10 may not exceed the time that the secretary determines is necessary to achieve the  
11 water quality based effluent limitation. Initial and interim effluent limitations  
12 established under par. (c) 1. apply, as appropriate, for the term of the underlying  
13 permit as ~~issued~~, reissued or modified to implement the decision under sub. (4) (b)  
14 (a) 1. or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s.  
15 227.51 (2) shall apply for the purposes of continuing the provisions of a permit  
16 pending the ~~issuance or~~ reissuance of a permit. ~~Upon the issuance or reissuance of~~  
17 ~~the new permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.~~

18           \***-0164/1.16\*** SECTION 2949. 283.15 (5) (c) (intro.) of the statutes is amended  
19 to read:

20           283.15 (5) (c) (intro.) The department shall require all of the following in a  
21 permit reissued or modified pursuant to sub. (4) (e) to implement a variance shall  
22 require:

23           \***-0164/1.17\*** SECTION 2950. 283.15 (5) (c) 1. of the statutes is amended to read:

24           283.15 (5) (c) 1. Compliance with an initial effluent limitation ~~which~~ that at the  
25 time the variance is approved represents the level currently achievable by the

1     permittee and that is no less stringent than the effluent limitation achieved under  
2     the permit before reissuance. At the time a variance is approved a compliance  
3     schedule and an interim effluent limitation that is achievable by the permittee  
4     during the term of the variance may be specified. The initial and the interim effluent  
5     limitations may not be less stringent than a categorical effluent limitation that  
6     applies to the permittee under s. 283.13 (2) or (4) or 283.19 or a toxic effluent  
7     standard that applies to the permittee under s. 283.21.

8           **\*-0164/1.18\* SECTION 2951.** 283.15 (5) (c) 2. (intro.) of the statutes is amended  
9     to read:

10           283.15 (5) (c) 2. (intro.) Investigation of treatment technologies, process  
11     changes, pollution prevention, wastewater reuse or other techniques that may result  
12     in compliance by the permittee with the water quality standard adopted under s.  
13     281.15, and submission of reports on the investigations at such times as required by  
14     the department. The secretary shall modify or waive the requirements specified in  
15     this subdivision if the secretary determines, based upon comments received on the  
16     tentative decision under sub. (3), that the requirements of this subdivision are:

17           **\*-0164/1.19\* SECTION 2952.** 283.15 (6) of the statutes is amended to read:

18           283.15 (6) RENEWAL. ~~A variance may be renewed using the procedures in and~~  
19     ~~subject to subs. (2) to (5).~~ A variance may not be renewed if the permittee did not  
20     submit the reports required under sub. (5) (c) 2. or substantially comply with all other  
21     conditions of the variance.

22           **\*-0164/1.20\* SECTION 2953.** 283.39 (3) (dm) of the statutes is created to read:

23           283.39 (3) (dm) If the applicant applied, under s. 283.15 (2) (a), for a variance,  
24     as defined in s. 283.15 (1), a tentative decision to approve or deny the variance,  
25     including, if the tentative decision is to grant the variance based upon one or more

1 of the conditions specified in s. 283.15 (4) (a) 1. a. to e., a statement on the effect of  
2 the variance, if granted, on the designated use of the water body during the term of  
3 the permit;

4 **\*-1465/P4.1049\* \*-0808/2.447\* SECTION 2954.** 285.39 (4) of the statutes is  
5 amended to read:

6 285.39 (4) REPORT ON NEW REPLENISHMENT MECHANISMS. After expiration of the  
7 replenishment implementation period, if the department reports under sub. (2) (b)  
8 1. or determines at any other time that the growth accommodation is less than 3,500  
9 tons, the department shall, with the advice of the department of ~~commerce~~ safety and  
10 professional services, submit a report to the chief clerk of each house of the  
11 legislature for distribution to the appropriate standing committees of the legislature  
12 under s. 13.172 (3) on how to most effectively and equitably replenish the growth  
13 accommodation. The report shall review existing studies and data to evaluate the  
14 accuracy of this state's state implementation plan with respect to the effect of  
15 emissions from inside and outside the volatile organic compound accommodation  
16 area on the ambient air quality within the area.

17 **\*-1187/P5.485\* SECTION 2955.** 285.59 (1) (b) of the statutes, as affected by  
18 2011 Wisconsin Act 7, is amended to read:

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

1 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
2 Authority, the Wisconsin Economic Development Corporation, and the Wisconsin  
3 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.

4 **\*-1050/P3.12\* SECTION 2956.** 285.63 (10) (c) 4. of the statutes is repealed.

5 **\*-1465/P4.1050\* \*-1059/P3.579\* SECTION 2957.** 285.79 (3) (intro.) of the  
6 statutes is amended to read:

7 285.79 (3) ASSISTANCE PROGRAM. (intro.) The department shall, ~~in cooperation~~  
8 ~~with the small business ombudsman clearinghouse under s. 560.03 (9),~~ develop and  
9 administer a small business stationary source technical and environmental  
10 compliance assistance program. The program shall include all of the following:

11 **\*-1050/P3.13\* SECTION 2958.** 287.01 (5) of the statutes is repealed.

12 **\*-1050/P3.14\* SECTION 2959.** 287.01 (8) of the statutes is repealed.

13 **\*-1050/P3.15\* SECTION 2960.** 287.01 (9) of the statutes is repealed.

14 **\*-1187/P5.486\* SECTION 2961.** 287.03 (1) (c) of the statutes is amended to read:

15 287.03 (1) (c) Coordinate research, technical assistance and education  
16 programs under this chapter with related activities of the University of  
17 Wisconsin-Madison or University of Wisconsin System.

18 **\*-1050/P3.16\* SECTION 2962.** 287.03 (1) (f) of the statutes is repealed.

19 **\*-1050/P3.17\* SECTION 2963.** 287.07 (3) (intro.) of the statutes is renumbered  
20 287.07 (3) and amended to read:

21 287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January  
22 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid

1 waste disposal facility or burn a waste tire without energy recovery in a solid waste  
2 treatment facility in this state ~~any of the following:~~

3 **\*-1050/P3.18\* SECTION 2964.** 287.07 (3) (a) to (k) of the statutes are repealed.

4 **\*-1050/P3.19\* SECTION 2965.** 287.07 (4) (intro.) of the statutes is amended to  
5 read:

6 287.07 (4) ~~GENERAL INCINERATION DISPOSAL RESTRICTIONS. Beginning on January~~  
7 ~~1, 1995, no person~~ No individual may ~~convert~~ place in a container the contents of  
8 which will be disposed of in a solid waste disposal facility, converted into fuel, or burn  
9 with energy recovery burned at a solid waste treatment facility in this state any of  
10 the following:

11 **\*-1050/P3.20\* SECTION 2966.** 287.07 (7) (a) of the statutes is repealed.

12 **\*-1050/P3.21\* SECTION 2967.** 287.07 (7) (b) 2. of the statutes is amended to  
13 read:

14 287.07 (7) (b) 2. A prohibition in sub. (3) ~~(b), (c), (e), (f), (g), (h) or (j) or~~ (4) (b),  
15 (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an  
16 operating solid waste treatment facility a type of material identified in one of those  
17 paragraphs that was converted into fuel or burned at the operating solid waste  
18 treatment facility during April, 1990, and either is generated in the operating solid  
19 waste treatment facility's current service area or is generated by the owner of the  
20 operating solid waste treatment facility.

21 **\*-1050/P3.22\* SECTION 2968.** 287.07 (7) (c) 1. cg. of the statutes is amended  
22 to read:

23 287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials  
24 identified under sub. (3) ~~or~~ (4) that contain infectious waste or that are from a  
25 treatment area and are mixed with infectious waste.

1           **\*-1050/P3.23\* SECTION 2969.** 287.07 (7) (c) 2. (intro.) of the statutes is  
2 amended to read:

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

5           **\*-1050/P3.24\* SECTION 2970.** 287.07 (7) (c) 2. b. of the statutes is amended to  
6 read:

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

12           **\*-1050/P3.25\* SECTION 2971.** 287.07 (7) (d) of the statutes is repealed.

13           **\*-1050/P3.26\* SECTION 2972.** 287.07 (7) (f) of the statutes is amended to read:

14           287.07 (7) (f) The prohibitions in subs. (2) ~~and (3)~~ to (4) do not apply to the  
15 beneficial reuse of a material within a solid waste disposal facility if the beneficial  
16 reuse of the material is approved in the solid waste disposal facility's plan of  
17 operation under s. 289.30.

18           **\*-1050/P3.27\* SECTION 2973.** 287.07 (7) (g) of the statutes is repealed and  
19 recreated to read:

20           287.07 (7) (g) A prohibition in sub. (4) does not apply to a material that has been  
21 contaminated and cannot feasibly be cleaned for recycling.

22           **\*-1050/P3.28\* SECTION 2974.** 287.07 (7) (h) 1. (intro.) of the statutes is  
23 amended to read:

24           287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or  
25 conditional waiver to a restriction under sub. (3) ~~(e) or (h)~~ or (4) (c) or (i) for plastics

1 other than polyethylene terephthalate or high-density polyethylene if the  
2 department determines all of the following:

3       \*-1050/P3.29\* SECTION 2975. 287.09 of the statutes is repealed.

4       \*-1050/P3.30\* SECTION 2976. 287.093 of the statutes is repealed.

5       \*-1050/P3.31\* SECTION 2977. 287.095 of the statutes is amended to read:

6       **287.095 Responsible-unit Local official liability.** (1) DEFINITION. In this  
7 section, "~~responsible-unit~~ local official" means any officer, official, agent, or employee  
8 of a ~~responsible-unit~~ municipality or county engaged in the planning, management,  
9 operation, or approval of a recycling program or recycling site or facility.

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

14       \*-1050/P3.32\* SECTION 2978. 287.10 of the statutes is repealed.

15       \*-1050/P3.33\* SECTION 2979. 287.11 of the statutes is repealed.

16       \*-1050/P3.34\* SECTION 2980. 287.19 (1) (b) (intro.) of the statutes is amended  
17 to read:

18       287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
19 programs created under ~~s. 287.09 (2) (a)~~:

20       \*-1050/P3.35\* SECTION 2981. 287.21 (intro.) of the statutes is amended to  
21 read:

22       **287.21 Statewide education program.** (intro.) The department shall  
23 collect, prepare and disseminate information and conduct educational and training  
24 programs designed to assist in the implementation of solid waste management  
25 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste

1 management programs ~~under s. 287.09 (2) (a)~~ and inform the public of the  
2 relationship among an individual's consumption of goods and services, the  
3 generation of different types and quantities of solid waste and the implementation  
4 of the solid waste management priorities in s. 287.05 (12). The department shall  
5 prepare the information and programs on a statewide basis for the following groups:

6 **\*-1050/P3.36\* SECTION 2982.** 287.23 of the statutes is repealed.

7 **\*-1050/P3.37\* SECTION 2983.** 287.235 of the statutes is repealed.

8 **\*-1050/P3.38\* SECTION 2984.** 287.25 of the statutes is repealed.

9 **\*-1050/P3.39\* SECTION 2985.** 287.26 of the statutes is repealed.

10 **\*-1320/2.27\* SECTION 2986.** 287.31 (6) of the statutes is amended to read:

11 287.31 (6) USE OF REVENUES. The newspaper recycling fees collected under sub.  
12 (5) shall be deposited in the ~~recycling and renewable energy~~ environmental fund  
13 under s. 25.49.

14 **\*-1320/2.28\* SECTION 2987.** 289.645 (6) of the statutes is amended to read:

15 289.645 (6) USE OF RECYCLING FEES. ~~The~~ Of the fees collected under sub. (2), \$4  
16 per ton shall be deposited in the ~~recycling and renewable energy~~ economic  
17 development fund and \$3 per ton shall be deposited in the environmental fund.

18 **\*-1465/P4.1051\* \*-0808/2.448\* SECTION 2988.** 292.11 (2) (e) of the statutes  
19 is amended to read:

20 292.11 (2) (e) The department shall report notifications that it receives under  
21 this subsection related to discharges from petroleum storage tanks, as defined in s.  
22 101.144 (1) (bm), to the department of ~~commerce~~ safety and professional services.

23 **\*-1465/P4.1052\* \*-1059/P3.580\* SECTION 2989.** 292.11 (7) (d) 1m. b. of the  
24 statutes is amended to read:

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

5           \*~~-1465/P4.1053~~\* \*~~-0808/2.449~~\* SECTION 2990. 292.12 (1) (a) of the statutes  
6 is amended to read:

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

13           \*~~-1465/P4.1054~~\* \*~~-1059/P3.581~~\* SECTION 2991. 292.255 of the statutes is  
14 amended to read:

15           **292.255 Report on brownfield efforts.** The department of natural  
16 resources, the department of administration, and the ~~department of commerce~~  
17 Wisconsin Economic Development Corporation shall submit a report evaluating the  
18 effectiveness of this state's efforts to remedy the contamination of, and to redevelop,  
19 brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a).

20           \*~~-1465/P4.1055~~\* \*~~-0808/2.450~~\* SECTION 2992. 292.33 (6) of the statutes is  
21 amended to read:

22           292.33 (6) EXCEPTION. A local governmental unit may not recover costs under  
23 this section for remedial activities conducted on a property or portion of a property  
24 with respect to a discharge after the department of natural resources, the  
25 department of ~~commerce~~ safety and professional services, or the department of

1 agriculture, trade and consumer protection has indicated that no further remedial  
2 activities are necessary on the property or portion of the property with respect to the  
3 discharge.

4 **\*-1465/P4.1056\* \*-1059/P3.582\* SECTION 2993.** 292.79 (1) (a) of the statutes  
5 is amended to read:

6 292.79 (1) (a) "Brownfields" has the meaning given in s. ~~560.13~~ 238.13 (1) (a).

7 **\*-1465/P4.1057\* \*-0808/2.451\* SECTION 2994.** 293.11 of the statutes is  
8 amended to read:

9 **293.11 Mine effect responsibility.** The department shall serve as the central  
10 unit of state government to ensure that the air, lands, waters, plants, fish and  
11 wildlife affected by prospecting or mining in this state will receive the greatest  
12 practicable degree of protection and reclamation. The administration of  
13 occupational health and safety laws and rules that apply to mining shall remain  
14 exclusively the responsibility of the department of ~~commerce~~ safety and professional  
15 services. The powers and duties of the geological and natural history survey under  
16 s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural  
17 history survey. Nothing in this section prevents the department of ~~commerce~~ safety  
18 and professional services and the geological and natural history survey from  
19 cooperating with the department in the exercise of their respective powers and  
20 duties.

21 **\*-1465/P4.1058\* \*-1059/P3.583\* SECTION 2995.** 299.13 (1m) (intro.) of the  
22 statutes is amended to read:

23 299.13 (1m) PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the  
24 duties under this section and ~~ss. s.~~ s. 36.25 (30) and ~~560.19~~, the department, ~~the~~

1 ~~department of commerce~~ and the center shall promote all of the following techniques  
2 for pollution prevention:

3 ~~\*-1465/P4.1059\* \*-0808/2.453\*~~ SECTION 2996. 299.83 (8) (f) of the statutes is  
4 amended to read:

5 299.83 (8) (f) The department and the department of ~~commerce~~ safety and  
6 professional services shall jointly provide information about participation contracts  
7 and environmental management systems to potential participants in the program  
8 and to other interested persons. The department shall consult with the department  
9 of ~~commerce~~ safety and professional services about the administration of the  
10 program.

11 ~~\*-0829/P6.9\*~~ SECTION 2997. 301.03 (3) of the statutes is amended to read:

12 301.03 (3) Administer parole, extended supervision, and probation matters,  
13 except that the decision to grant or deny parole ~~or to grant extended supervision~~  
14 ~~under s. 304.06 (1) to inmates shall be made by the earned release review parole~~  
15 ~~commission and the decision to revoke probation, extended supervision, or parole in~~  
16 ~~cases in which there is no waiver of the right to a hearing shall be made by the~~  
17 ~~division of hearings and appeals in the department of administration. The secretary~~  
18 ~~may grant special action parole releases under s. 304.02. The department may~~  
19 ~~discharge inmates from extended supervision under s. 973.01 (4m) and may modify~~  
20 ~~a bifurcated sentence under s. 302.113 (9h), and the earned release review~~  
21 ~~commission may modify a sentence under s. 302.1135. The department shall~~  
22 promulgate rules establishing a drug testing program for probationers, parolees and  
23 persons placed on extended supervision. The rules shall provide for assessment of  
24 fees upon probationers, parolees and persons placed on extended supervision to  
25 partially offset the costs of the program.

1           **\*-0829/P6.10\* SECTION 2998.** 301.048 (2) (am) 3. of the statutes is amended  
2 to read:

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

6           **\*-0829/P6.11\* SECTION 2999.** 301.21 (1m) (c) of the statutes is amended to  
7 read:

8           301.21 (1m) (c) Any hearing to consider parole ~~or whether to grant extended~~  
9 ~~supervision, if the inmate is sentenced under s. 973.01~~ to which an inmate confined  
10 under this contract may be entitled by the laws of Wisconsin will be conducted by the  
11 Wisconsin ~~earned release review~~ parole commission under rules of the department.

12           **\*-0829/P6.12\* SECTION 3000.** 301.21 (2m) (c) of the statutes is amended to  
13 read:

14           301.21 (2m) (c) Any hearing to consider parole ~~or whether to grant extended~~  
15 ~~supervision, if the prisoner is sentenced under s. 973.01~~ to which a prisoner confined  
16 under a contract under this subsection may be entitled by the laws of Wisconsin shall  
17 be conducted by the Wisconsin ~~earned release review~~ parole commission under rules  
18 of the department.

19           **\*-0203/P3.4\* SECTION 3001.** 301.26 (3) (c) of the statutes is amended to read:

20           301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd),  
21 ~~(ke), and (e) and (ko),~~ the department shall allocate funds to each county for services  
22 under this section.

23           **\*-0214/P5.1\* SECTION 3002.** 301.26 (4) (b) of the statutes is amended to read:

24           301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
25 the basis of the per person per day cost estimate specified in par. (d) 2. ~~and, 3., and~~

1 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county  
2 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising  
3 jurisdiction under chs. 48 and 938 for each person receiving services from the  
4 department of corrections under s. 48.366, 938.183, or 938.34 or the department of  
5 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and  
6 (cm), in multicounty court jurisdictions, the county of residency within the  
7 jurisdiction shall be liable for costs under this subsection. Assessment of costs under  
8 par. (a) shall also be made according to the general placement type or level of care  
9 provided, as defined by the department, and prorated according to the ratio of the  
10 amount designated under sub. (3) (c) to the total applicable estimated costs of care,  
11 services, and supplies provided by the department of corrections under ss. 48.366,  
12 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35  
13 (3).

14 \***-0214/P5.2\*** SECTION 3003. 301.26 (4) (cm) 3. of the statutes is amended to  
15 read:

16 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile  
17 correctional services under this paragraph shall be equal to the per person daily cost  
18 assessment to counties under par. (d) 2. ~~and 3.~~ and 4. for juvenile correctional  
19 services.

20 \***-0215/P3.4\*** SECTION 3004. 301.26 (4) (ct) of the statutes is created to read:

21 301.26 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,  
22 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.  
23 20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the  
24 appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the  
25 amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the

1 appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the  
2 appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be  
3 transferred to the appropriation account under s. 20.410 (3) (hm), up to the amount  
4 that when added to other amounts credited to that appropriation account in that  
5 fiscal year equals the amount shown in the schedule under s. 20.005 (3) for that  
6 appropriation account for that fiscal year.

7 2. The total amount transferred at the end of a fiscal year under subd. 1. may  
8 not exceed the amount of the deficit in the appropriation account under s. 20.410 (3)  
9 (hm) for that fiscal year, and if that deficit is less than the total amount of the  
10 unencumbered balances available for transfer under subd. 1., the amount  
11 transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) shall  
12 be in proportion to the respective unencumbered balance available for transfer from  
13 each of those appropriation accounts.

14 **\*-0214/P5.3\* SECTION 3005.** 301.26 (4) (d) 2. of the statutes is amended to  
15 read:

16 301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 2011, and ending on June  
17 30, ~~2010 2012~~, the per person daily cost assessment to counties shall be ~~\$270~~ \$284  
18 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~  
19 \$284 for care for juveniles transferred from a juvenile correctional institution under  
20 s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~  
21 ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~  
22 ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$99 for  
23 departmental corrective sanctions services, and \$40 for departmental aftercare  
24 services.

## SECTION 3006

1           **\*-0214/P5.4\* SECTION 3006.** 301.26 (4) (d) 3. of the statutes is amended to  
2 read:

3           301.26 (4) (d) 3. Beginning on July 1, ~~2010~~ 2012, and ending on June 30, ~~2011~~  
4 2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in  
5 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care  
6 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),  
7 ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~  
8 ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~  
9 ~~foster home under rules promulgated under s. 48.62 (8) (e), \$103~~ \$100 for  
10 departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare  
11 services.

12           **\*-0214/P5.5\* SECTION 3007.** 301.26 (4) (d) 4. of the statutes is created to read:

13           301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a  
14 foster home, group home, or residential care center for children and youth shall be  
15 an amount equal to the amount the provider charges the department for that care  
16 as authorized by the department of children and families.

17           **\*-0203/P3.5\* SECTION 3008.** 301.26 (6) (a) of the statutes is amended to read:

18           301.26 (6) (a) The intent of this subsection is to develop criteria to assist the  
19 legislature in allocating funding, excluding funding for base allocations, from the  
20 appropriations under s. 20.410 (3) (cd), ~~(ko)~~, and ~~(e)~~ and (ko) for purposes described  
21 in this section.

22           **\*-0203/P3.6\* SECTION 3009.** 301.26 (7) (intro.) of the statutes is amended to  
23 read:

24           301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
25 of federal funds and of the appropriations under s. 20.410 (3) (cd), ~~(ko)~~, and ~~(e)~~ and

1     ~~(ko)~~, the department shall allocate funds for community youth and family aids for the  
2     period beginning on July 1, ~~2009~~ 2011, and ending on June 30, ~~2011~~ 2013, as  
3     provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23  
4     as follows:

5           **\*-0203/P3.7\* SECTION 3010.** 301.26 (7) (a) of the statutes is amended to read:

6           301.26 (7) (a) For community youth and family aids under this section,  
7     amounts not to exceed ~~\$50,395,100~~ \$45,478,000 for the last 6 months of ~~2009~~ 2011,  
8     ~~\$100,790,200~~ \$90,956,100 for ~~2010~~ 2012, and ~~\$50,395,100~~ \$45,478,100 for the first  
9     6 months of ~~2011~~ 2013.

10          **\*-0203/P3.8\* SECTION 3011.** 301.26 (7) (b) (intro.) of the statutes is amended  
11     to read:

12          301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
13     allocate \$2,000,000 for the last 6 months of ~~2009~~ 2011, \$4,000,000 for ~~2010~~ 2012, and  
14     \$2,000,000 for the first 6 months of ~~2011~~ 2013 to counties based on each of the  
15     following factors weighted equally:

16          **\*-0203/P3.9\* SECTION 3012.** 301.26 (7) (bm) of the statutes is amended to read:

17          301.26 (7) (bm) Of the amounts specified in par. (a), the department shall  
18     allocate \$6,250,000 for the last 6 months of ~~2009~~ 2011, \$12,500,000 for ~~2010~~ 2012,  
19     and \$6,250,000 for the first 6 months of ~~2011~~ 2013 to counties based on each county's  
20     proportion of the number of juveniles statewide who are placed in a juvenile  
21     correctional facility during the most recent 3-year period for which that information  
22     is available.

23          **\*-0203/P3.10\* SECTION 3013.** 301.26 (7) (c) of the statutes is amended to read:

24          301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
25     \$1,053,200 for the last 6 months of ~~2009~~ 2011, \$2,106,500 for ~~2010~~ 2012, and

1 \$1,053,300 for the first 6 months of ~~2011~~ 2013 to counties based on each of the factors  
2 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
3 allocation under this paragraph that is less than 93% nor more than 115% of the  
4 amount that the county would have received under this paragraph if the allocation  
5 had been distributed only on the basis of the factor specified in par. (b) 3.

6 **\*-0203/P3.11\* SECTION 3014.** 301.26 (7) (e) of the statutes is amended to read:

7 301.26 (7) (e) For emergencies related to community youth and family aids  
8 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2009~~ 2011,  
9 \$250,000 for ~~2010~~ 2012, and \$125,000 for the first 6 months of ~~2011~~ 2013. A county  
10 is eligible for payments under this paragraph only if it has a population of not more  
11 than 45,000.

12 **\*-0203/P3.12\* SECTION 3015.** 301.26 (7) (h) of the statutes is amended to read:

13 301.26 (7) (h) For counties that are participating in the corrective sanctions  
14 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2009~~ 2011,  
15 \$2,124,800 in ~~2010~~ 2012, and \$1,062,400 in the first 6 months of ~~2011~~ 2013 for the  
16 provision of corrective sanctions services for juveniles from that county. In  
17 distributing funds to counties under this paragraph, the department shall determine  
18 a county's distribution by dividing the amount allocated under this paragraph by the  
19 number of slots authorized for the program under s. 938.533 (2) and multiplying the  
20 quotient by the number of slots allocated to that county by agreement between the  
21 department and the county. The department may transfer funds among counties as  
22 necessary to distribute funds based on the number of slots allocated to each county.

23 **\*-0203/P3.13\* SECTION 3016.** 301.26 (8) of the statutes is amended to read:

24 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
25 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last

1 6 months of ~~2009~~ 2011, \$1,333,400 in ~~2010~~ 2012, and \$666,700 in the first 6 months  
2 of ~~2011~~ 2013 for alcohol and other drug abuse treatment programs.

3 **\*-0829/P6.13\* SECTION 3017.** 302.042 of the statutes is repealed.

4 **\*-0829/P6.14\* SECTION 3018.** 302.043 of the statutes is created to read:

5 **302.043 Release to extended supervision; risk reduction program.** The  
6 department shall release an inmate who is serving a risk reduction sentence imposed  
7 under s. 973.031, 2009 stats., to extended supervision when he or she serves not less  
8 than 75 percent of the term of confinement portion of his or her sentence imposed  
9 under s. 973.01 and the department determines that he or she has completed the  
10 programming or treatment under the plan designed by the department for the  
11 inmate and that the inmate maintained a good conduct record during his or her term  
12 of confinement. Not less than 30 days prior to release under this section, the  
13 department shall notify the sentencing court that the inmate has thus far  
14 successfully completed the requirements of his or her risk reduction sentence.

15 **\*-0829/P6.15\* SECTION 3019.** 302.045 (1) of the statutes is amended to read:

16 302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
17 program for inmates selected to participate under sub. (2). The program shall  
18 provide participants with manual labor, personal development counseling,  
19 substance abuse treatment and education, military drill and ceremony, counseling,  
20 and strenuous physical exercise, for participants who have not attained the age of  
21 30 as of the date on which they begin participating in the program, or  
22 age-appropriate strenuous physical exercise, for all other participants, in  
23 preparation for release on parole or extended supervision. ~~The program shall~~  
24 ~~provide, according to each participant's needs as assessed under sub. (2) (d),~~  
25 ~~substance abuse treatment and education, including intensive intervention when~~

## SECTION 3019

1 indicated, ~~personal development counseling, education, employment readiness~~  
2 ~~training, and other treatment options that are directly related to the participant's~~  
3 ~~criminal behavior.~~ The department shall design the program to include not less  
4 fewer than 50 participants at a time and so that a participant may complete the  
5 program in not more than 180 days. The department may restrict participant  
6 privileges as necessary to maintain discipline.

7 **\*-0829/P6.16\* SECTION 3020.** 302.045 (2) (d) of the statutes is repealed and  
8 recreated to read:

9 302.045 (2) (d) The department determines, during assessment and  
10 evaluation, that the inmate has a substance abuse problem.

11 **\*-0829/P6.17\* SECTION 3021.** 302.045 (3) of the statutes is amended to read:

12 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
13 determines that an inmate serving a sentence other than one imposed under s.  
14 973.01 has successfully completed the challenge incarceration program, the earned  
15 ~~release review parole~~ commission shall parole the inmate for that sentence under s.  
16 304.06, regardless of the time the inmate has served. When the ~~earned release~~  
17 ~~review parole~~ commission grants parole under this subsection, it must require the  
18 parolee to participate in an intensive supervision program ~~appropriate to the~~  
19 ~~parolee's rehabilitation needs for drug abusers~~ as a condition of parole.

20 **\*-0829/P6.18\* SECTION 3022.** 302.045 (3m) (d) of the statutes is repealed.

21 **\*-0829/P6.19\* SECTION 3023.** 302.05 (title) of the statutes is amended to read:

22 **302.05 (title) Wisconsin earned release substance abuse program.**

23 **\*-0829/P6.20\* SECTION 3024.** 302.05 (1) of the statutes is renumbered 302.05

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

1           302.05 (1) (am) (intro.) The department of corrections shall, at any correctional  
2 facility the department determines is appropriate, provide a rehabilitation program  
3 for inmates for the purposes of the earned release program described in sub. (3). and  
4 the department of health services may designate a section of a mental health  
5 institute as a correctional treatment facility for the treatment of substance abuse of  
6 inmates transferred from Wisconsin state prisons. This section shall be  
7 administered by the department of corrections and shall be known as the Wisconsin  
8 substance abuse program. The department of corrections and the department of  
9 health services shall ensure that the residents at the institution and the residents  
10 in the substance abuse program:

11           **\*-0829/P6.21\* SECTION 3025.** 302.05 (1) (am) 1. of the statutes is created to  
12 read:

13           302.05 (1) (am) 1. Have access to all facilities that are available at the  
14 institution and are necessary for the treatment programs designed by the  
15 departments.

16           **\*-0829/P6.22\* SECTION 3026.** 302.05 (1) (am) 2. of the statutes is created to  
17 read:

18           302.05 (1) (am) 2. Are housed on separate wards.

19           **\*-0829/P6.23\* SECTION 3027.** 302.05 (1) (b) of the statutes is created to read:

20           302.05 (1) (b) The department of corrections and the department of health  
21 services shall, at any correctional facility the departments determine is appropriate,  
22 provide a substance abuse treatment program for inmates for the purposes of the  
23 earned release program described in sub. (3).

24           **\*-0829/P6.24\* SECTION 3028.** 302.05 (2) of the statutes is amended to read:

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

4           \***-0829/P6.25\*** SECTION 3029. 302.05 (3) (b) of the statutes is amended to read:

5           302.05 (3) (b) Except as provided in par. (d), if the department determines that  
6 an eligible inmate serving a sentence other than one imposed under s. 973.01 has  
7 successfully completed a ~~rehabilitation~~ treatment program described in sub. (1), the  
8 ~~earned release review~~ parole commission shall parole the inmate for that sentence  
9 under s. 304.06, regardless of the time the inmate has served. If the ~~earned release~~  
10 ~~review~~ parole commission grants parole under this paragraph, it shall require the  
11 parolee to participate in an intensive supervision program ~~appropriate to the~~  
12 ~~parolee's rehabilitation needs for drug abusers~~ as a condition of parole.

13           \***-0829/P6.26\*** SECTION 3030. 302.05 (3) (c) 1. of the statutes is amended to  
14 read:

15           302.05 (3) (c) 1. Except as provided in par. (d), if the department determines  
16 that an eligible inmate serving the term of confinement in prison portion of a  
17 bifurcated sentence imposed under s. 973.01 has successfully completed a  
18 ~~rehabilitation~~ treatment program described in sub. (1), the department shall inform  
19 the court that sentenced the inmate.

20           \***-0829/P6.27\*** SECTION 3031. 302.05 (3) (c) 2. (intro.) of the statutes, is  
21 amended to read:

22           302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.  
23 1. that an inmate whom the court sentenced under s. 973.01 has successfully  
24 completed a ~~rehabilitation~~ treatment program described in sub. (1), the court shall  
25 modify the inmate's bifurcated sentence as follows:

1           **\*-0829/P6.28\* SECTION 3032.** 302.05 (3) (c) 3. of the statutes is repealed.

2           **\*-0829/P6.29\* SECTION 3033.** 302.05 (3) (d) of the statutes is amended to read:

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

6           **\*-0829/P6.30\* SECTION 3034.** 302.11 (1g) (b) (intro.) of the statutes is amended  
7 to read:

8           302.11 (1g) (b) (intro.) Before an incarcerated inmate with a presumptive  
9 mandatory release date reaches the presumptive mandatory release date specified  
10 under par. (am), the ~~earned release review~~ parole commission shall proceed under  
11 s. 304.06 (1) to consider whether to deny presumptive mandatory release to the  
12 inmate. If the ~~earned release review~~ parole commission does not deny presumptive  
13 mandatory release, the inmate shall be released on parole. The ~~earned release~~  
14 ~~review~~ parole commission may deny presumptive mandatory release to an inmate  
15 only on one or more of the following grounds:

16           **\*-0829/P6.31\* SECTION 3035.** 302.11 (1g) (b) 2. of the statutes is amended to  
17 read:

18           302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
19 treatment that the social service and clinical staff of the institution determines is  
20 necessary for the inmate, including pharmacological treatment using an  
21 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
22 child sex offender as defined in s. 304.06 (1q) (a). The ~~earned release review~~ parole  
23 commission may not deny presumptive mandatory release to an inmate because of  
24 the inmate's refusal to participate in a rehabilitation program under s. 301.047.

25           **\*-0829/P6.32\* SECTION 3036.** 302.11 (1g) (c) of the statutes is amended to read:

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

5           \***-0829/P6.33**\* SECTION 3037. 302.11 (1g) (d) of the statutes is amended to  
6 read:

7           302.11 (1g) (d) An inmate may seek review of a decision by the ~~earned release~~  
8 ~~review~~ parole commission relating to the denial of presumptive mandatory release  
9 only by the common law writ of certiorari.

10          \***-0829/P6.34**\* SECTION 3038. 302.11 (1m) of the statutes is amended to read:

11          302.11 (1m) An inmate serving a life term is not entitled to mandatory release.  
12 Except as provided in ss. 939.62 (2m) (c) and 973.014, the ~~earned release review~~  
13 ~~parole~~ commission may parole the inmate as specified in s. 304.06 (1).

14          \***-0829/P6.35**\* SECTION 3039. 302.11 (7) (c) of the statutes is amended to read:

15          302.11 (7) (c) The ~~earned release review~~ parole commission may subsequently  
16 parole, under s. 304.06 (1), and the department may subsequently parole, under s.  
17 304.02, a parolee who is returned to prison for violation of a condition of parole.

18          \***-0829/P6.36**\* SECTION 3040. 302.113 (1) of the statutes is amended to read:

19          302.113 (1) An inmate is subject to this section if he or she is serving a  
20 bifurcated sentence imposed under s. 973.01. ~~An inmate convicted of a misdemeanor~~  
21 ~~or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048~~  
22 ~~(2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b)~~  
23 ~~pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2)~~  
24 ~~(b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class~~  
25 ~~I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to~~

1 Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but  
2 who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01  
3 (3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s.  
4 304.06.

5 **\*-0829/P6.37\* SECTION 3041.** 302.113 (2) (a) of the statutes is renumbered  
6 302.113 (2) and amended to read:

7 302.113 (2) Except as provided in ~~par. (b) and~~ subs. (3) and (9) ~~and s. 304.06,~~  
8 an inmate subject to this section is entitled to release to extended supervision after  
9 he or she has served the term of confinement in prison portion of the sentence  
10 imposed under s. 973.01, ~~as modified by the department under sub. (9h), as modified~~  
11 ~~under s. 302.1135 by the earned release review commission in the manner specified~~  
12 ~~in s. 302.1135 (6) (a), or~~ as modified by the sentencing court under sub. (9g) or s.  
13 302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., or 973.195 (1r), or 973.198, if applicable.

14 **\*-0829/P6.38\* SECTION 3042.** 302.113 (2) (b) of the statutes is repealed.

15 **\*-0829/P6.39\* SECTION 3043.** 302.113 (2) (c) of the statutes is repealed.

16 **\*-0829/P6.40\* SECTION 3044.** 302.113 (3) (d) of the statutes is amended to  
17 read:

18 302.113 (3) (d) If the term of confinement in prison portion of a bifurcated  
19 sentence ~~for a Class B felony~~ is increased under this subsection, the term of extended  
20 supervision is reduced so that the total length of the bifurcated sentence does not  
21 change.

22 **\*-0829/P6.41\* SECTION 3045.** 302.113 (3) (e) of the statutes is repealed.

23 **\*-0829/P6.42\* SECTION 3046.** 302.113 (7) of the statutes is amended to read:

24 302.113 (7) Any inmate released to extended supervision under this section is  
25 subject to all conditions and rules of extended supervision until the expiration of the

1 term of extended supervision portion of the bifurcated sentence ~~or until the~~  
2 ~~department discharges the inmate under s. 973.01 (4m), whichever is appropriate.~~

3 The department may set conditions of extended supervision in addition to any  
4 conditions of extended supervision required under s. 302.116, if applicable, or set by  
5 the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do  
6 not conflict with the court's conditions.

7 **\*-0829/P6.43\* SECTION 3047.** 302.113 (9) (am) of the statutes is amended to  
8 read:

9 302.113 (9) (am) If a person released to extended supervision under this section  
10 ~~or under s. 302.1135~~ violates a condition of extended supervision, the reviewing  
11 authority may revoke the extended supervision of the person. If the extended  
12 supervision of the person is revoked, the reviewing authority shall order the person  
13 to be returned to prison for any specified period of time that does not exceed the time  
14 remaining on the bifurcated sentence. The time remaining on the bifurcated  
15 sentence is the total length of the bifurcated sentence, less time served by the person  
16 in confinement under the sentence before release to extended supervision under sub.  
17 (2) and less all time served in confinement for previous revocations of extended  
18 supervision under the sentence. The order returning a person to prison under this  
19 paragraph shall provide the person whose extended supervision was revoked with  
20 credit in accordance with ss. 304.072 and 973.155.

21 **\*-0829/P6.44\* SECTION 3048.** 302.113 (9) (c) of the statutes is amended to read:

22 302.113 (9) (c) A person who is subsequently released to extended supervision  
23 after service of the period of time specified by the order under par. (am) is subject to  
24 all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the  
25 expiration of the remaining extended supervision portion of the bifurcated sentence