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

***-1465/P4.1014* *-1059/P3.575* SECTION 2862.** 238.135 of the statutes is created to read:

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

***-1283/4.4* SECTION 2863.** 238.145 of the statutes is created to read:

238.145 Wisconsin-source assets exclusion; business certification. (1) The corporation shall implement a program to certify businesses for purposes of s. 71.05 (25). A business shall submit an application to the corporation in each calendar year for which the business desires certification.

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

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

(b) The value of real and tangible personal property owned or rented and used by the business in this state, as determined by the corporation, is equal to at least 50 percent of the value of all real and tangible personal property owned or rented and 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 2864.** 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 **(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 ***-1465/P4.1015* *-1059/P3.576* SECTION 2865.** 238.16 (3) (am) of the
10 statutes is created to read:

11 238.16 **(3)** (am) The person increases net employment in the person's business.

12 ***-1465/P4.1016* *-1059/P3.577* SECTION 2866.** Subchapter II (title) of
13 chapter 238 [precedes 238.30] of the statutes is created to read:

14 **CHAPTER 238**

15 SUBCHAPTER II

16 TAX INCENTIVES FOR BUSINESS

17 DEVELOPMENT

18 ***-1195/2.134* SECTION 2867.** 238.30 (4m) of the statutes, as affected by 2011
19 Wisconsin Act .... (this act), is amended to read:

20 238.30 **(4m)** "Member of a targeted group" means a person who resides in an
21 area designated by the federal government as an economic revitalization area, a
22 person who is employed in an unsubsidized job but meets the eligibility requirements
23 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who
24 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay
25 project position under s. 49.147 (3m), a person who is eligible for child care assistance

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

***-1097/3.80* SECTION 2868.** 247.06 (1) (a) of the statutes is amended to read:

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

***-1097/3.81* SECTION 2869.** 247.06 (2) (b) of the statutes is amended to read:

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

***-1187/P5.472* SECTION 2870.** 250.20 (2) (d) of the statutes is amended to read:

250.20 **(2)** (d) Work closely with all state agencies, including the ~~board of regents~~ Board of Regents of the University of Wisconsin System and the technical 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 2871.** 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 2872.** 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 2873.** 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

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

***-1465/P4.1018* *-0808/2.427* SECTION 2874.** 252.12 (2) (c) 2. of the statutes is amended to read:

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

***-1465/P4.1019* *-0808/2.428* SECTION 2875.** 252.15 (5g) (c) of the statutes is amended to read:

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

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

***-1330/P1.2* SECTION 2876.** 253.07 (4) of the statutes is repealed.

***-1187/P5.474* SECTION 2877.** 253.13 (1m) of the statutes is amended to read:

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

***-1309/1.1* SECTION 2878.** 253.13 (2) of the statutes is amended to read:

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

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

***-1187/P5.475* SECTION 2879.** 253.13 (4) of the statutes is amended to read:

253.13 **(4)** CONFIDENTIALITY OF TESTS AND RELATED INFORMATION. The state laboratory of hygiene shall provide the test results to the physician, who shall advise the parents or legal guardian of the results. No information obtained under this section from the parents or guardian or from specimens from the infant may be disclosed except for use in statistical data compiled by the department without reference to the identity of any individual and except as provided in s. 146.82 (2). The state laboratory of hygiene ~~board~~ shall provide to the department the names and addresses of parents of infants who have positive test results.

***-1465/P4.1020* *-0808/2.429* SECTION 2880.** 253.15 (1) (c) of the statutes is amended to read:

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

***-1465/P4.1021* *-0808/2.430* SECTION 2881.** 254.02 (3) (a) of the statutes is amended to read:

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

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

***-1465/P4.1022* *-0808/2.431* SECTION 2882.** 254.176 (2) (e) of the statutes is amended to read:

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

***-1187/P5.476* SECTION 2883.** 254.19 of the statutes is amended to read:

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

***-1465/P4.1023* *-0808/2.432* SECTION 2884.** 254.22 (4) of the statutes is amended to read:

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

***-1465/P4.1024* *-0808/2.433* SECTION 2885.** 254.51 (2) of the statutes is amended to read:

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

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

***-1187/P5.477* SECTION 2886.** 254.61 (5) (f) of the statutes is amended to read:

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

***-1465/P4.1025* *-0808/2.434* SECTION 2887.** 254.73 (1) of the statutes is amended to read:

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

***-1465/P4.1026* *-0808/2.435* SECTION 2888.** 254.74 (1) (am) of the statutes is amended to read:

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

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

***-1465/P4.1027* *-0808/2.436* SECTION 2889.** 254.78 of the statutes is amended to read:

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

***-1465/P4.1028* *-0808/2.437* SECTION 2890.** 254.79 of the statutes is amended to read:

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

***-1187/P5.478* SECTION 2891.** 255.05 (1) (d) of the statutes is amended to read:

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

***-1187/P5.479* SECTION 2892.** 255.054 (1) of the statutes is amended to read:

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

***-1187/P5.480* SECTION 2893.** 255.054 (2) of the statutes is amended to read:

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

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

***-1187/P5.481* SECTION 2894.** 255.055 (1) of the statutes is amended to read:

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

***-1187/P5.482* SECTION 2895.** 255.055 (2) of the statutes is amended to read:

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

***-1465/P4.1029* *-0805/P2.31* SECTION 2896.** 256.35 (3m) (h) of the statutes is amended to read:

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

***-1465/P4.1030* *-0808/2.438* SECTION 2897.** 281.33 (2) of the statutes is amended to read:

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

***-1465/P4.1031* *-1369/1.7* SECTION 2898.** 281.33 (3m) (title) of the statutes is repealed.

***-1465/P4.1032* *-1369/1.8* SECTION 2899.** 281.33 (3m) (a) of the statutes is renumbered 101.1206 (1).

***-1465/P4.1033* *-1369/1.9* SECTION 2900.** 281.33 (3m) (b) of the statutes is renumbered 101.1206 (2) and amended to read:

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

***-1465/P4.1034* *-1369/1.10* SECTION 2901.** 281.33 (3m) (c) of the statutes is renumbered 101.1206 (3) and amended to read:

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

***-1465/P4.1035* *-1369/1.11* SECTION 2902.** 281.33 (3m) (d) of the statutes is renumbered 101.1206 (4).

***-1465/P4.1036* *-1369/1.12* SECTION 2903.** 281.33 (3m) (e) of the statutes is renumbered 101.1206 (5) and amended to read:

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

***-1465/P4.1037* *-1369/1.13* SECTION 2904.** 281.33 (3m) (f) of the statutes is renumbered 101.1206 (5m) and amended to read:

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

***-1465/P4.1038* *-1369/1.14* SECTION 2905.** 281.33 (3m) (g) of the statutes is renumbered 101.1206 (6) and amended to read:

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

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

***-1465/P4.1039* *-1369/1.15* SECTION 2906.** 281.33 (3m) (h) of the statutes is renumbered 101.1206 (7).

***-1465/P4.1040* *-0808/2.439* SECTION 2907.** 281.344 (8) (a) of the statutes is amended to read:

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

***-1465/P4.1041* *-0808/2.440* SECTION 2908.** 281.344 (8) (b) (intro.) of the statutes is amended to read:

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

***-1465/P4.1042* *-0808/2.441* SECTION 2909.** 281.344 (8) (b) 3. of the statutes is amended to read:

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

***-1465/P4.1043* *-0808/2.442* SECTION 2910.** 281.346 (8) (a) of the statutes is amended to read:

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

***-1465/P4.1044* *-0808/2.443* SECTION 2911.** 281.346 (8) (b) (intro.) of the statutes is amended to read:

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

***-1465/P4.1045* *-0808/2.444* SECTION 2912.** 281.346 (8) (b) 3. of the statutes is amended to read:

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

***-1465/P4.1046* *-0808/2.445* SECTION 2913.** 281.57 (7) (c) 1. of the statutes is amended to read:

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

***-1033/3.2* SECTION 2914.** 281.58 (12) (a) 1. of the statutes is amended to read:

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

***-1033/3.3* SECTION 2915.** 281.58 (12) (a) 2. of the statutes is amended to read:

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

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

***-1033/3.4* SECTION 2916.** 281.58 (12) (a) 3. of the statutes is amended to read:

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

***-1033/3.5* SECTION 2917.** 281.58 (12) (f) of the statutes is amended to read:

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

***-1033/3.6* SECTION 2918.** 281.59 (3e) (b) 1. of the statutes is amended to read:

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

***-1033/3.7* SECTION 2919.** 281.59 (3e) (b) 3. of the statutes is amended to read:

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

***-1033/3.8* SECTION 2920.** 281.59 (3e) (d) of the statutes is amended to read:

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

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

***-1033/3.9* SECTION 2921.** 281.59 (3e) (e) of the statutes is amended to read:

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

***-1033/3.10* SECTION 2922.** 281.59 (3s) (b) 1. of the statutes is amended to read:

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

***-1033/3.11* SECTION 2923.** 281.59 (3s) (b) 2. of the statutes is amended to read:

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

***-1033/3.12* SECTION 2924.** 281.59 (4) (f) of the statutes is amended to read:

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

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

***-1465/P4.1047* *-1059/P3.578* SECTION 2925.** 281.60 (6) of the statutes is amended to read:

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

***-1033/3.13* SECTION 2926.** 281.61 (8) (a) 2. of the statutes is amended to read:

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

***-1187/P5.483* SECTION 2927.** 281.66 (6) of the statutes is amended to read:

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

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

***-0139/1.1* SECTION 2928.** 281.68 (2) (a) of the statutes is amended to read:

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

***-1187/P5.484* SECTION 2929.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

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

***-1465/P4.1048* *-0808/2.446* SECTION 2930.** 281.75 (18) of the statutes is amended to read:

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

***-1329/1.1* SECTION 2931.** 283.11 (3) (am) of the statutes is renumbered 283.11 (3) (am) 1. and amended to read:

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

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

***-1329/1.2* SECTION 2932.** 283.11 (3) (am) 2. of the statutes is created to read:

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

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

***-0164/1.1* SECTION 2933.** 283.15 (2) (a) of the statutes is renumbered 283.15 (2) (am) and amended to read:

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

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

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

***-0164/1.2* SECTION 2934.** 283.15 (2) (a) of the statutes is created to read:

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

***-0164/1.3* SECTION 2935.** 283.15 (2) (b) 1. of the statutes is renumbered 283.15 (2) (b) and amended to read:

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

***-0164/1.4* SECTION 2936.** 283.15 (2) (b) 2. of the statutes is repealed.

***-0164/1.5* SECTION 2937.** 283.15 (2) (b) 3. of the statutes is repealed.

***-0164/1.6* SECTION 2938.** 283.15 (2) (c) of the statutes is amended to read:

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

***-0164/1.7* SECTION 2939.** 283.15 (2) (e) of the statutes is repealed.

***-0164/1.8* SECTION 2940.** 283.15 (3) of the statutes is renumbered 283.15 (3) (b) and amended to read:

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

***-0164/1.9* SECTION 2941.** 283.15 (3) (a) of the statutes is created to read:

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

***-0164/1.10* SECTION 2942.** 283.15 (4) (a) 1. (intro.) of the statutes is amended to read:

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

***-0164/1.11* SECTION 2943.** 283.15 (4) (a) 2. of the statutes is amended to read:

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

***-0164/1.12* SECTION 2944.** 283.15 (4) (a) 3. of the statutes is repealed.

***-0164/1.13* SECTION 2945.** 283.15 (4) (b) of the statutes is repealed.

***-0164/1.14* SECTION 2946.** 283.15 (4) (c) of the statutes is repealed.

***-0164/1.15* SECTION 2947.** 283.15 (5) (b) of the statutes is amended to read:

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

***-0164/1.16* SECTION 2948.** 283.15 (5) (c) (intro.) of the statutes is amended to read:

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

***-0164/1.17* SECTION 2949.** 283.15 (5) (c) 1. of the statutes is amended to read:

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

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

***-0164/1.18* SECTION 2950.** 283.15 (5) (c) 2. (intro.) of the statutes is amended to read:

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

***-0164/1.19* SECTION 2951.** 283.15 (6) of the statutes is amended to read:

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

***-0164/1.20* SECTION 2952.** 283.39 (3) (dm) of the statutes is created to read:

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

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

***-1465/P4.1049* *-0808/2.447* SECTION 2953.** 285.39 (4) of the statutes is amended to read:

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

***-1187/P5.485* SECTION 2954.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

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

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

***-1050/P3.12* SECTION 2955.** 285.63 (10) (c) 4. of the statutes is repealed.

***-1465/P4.1050* *-1059/P3.579* SECTION 2956.** 285.79 (3) (intro.) of the statutes is amended to read:

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

***-1050/P3.13* SECTION 2957.** 287.01 (5) of the statutes is repealed.

***-1050/P3.14* SECTION 2958.** 287.01 (8) of the statutes is repealed.

***-1050/P3.15* SECTION 2959.** 287.01 (9) of the statutes is repealed.

***-1187/P5.486* SECTION 2960.** 287.03 (1) (c) of the statutes is amended to read:

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

***-1050/P3.16* SECTION 2961.** 287.03 (1) (f) of the statutes is repealed.

***-1050/P3.17* SECTION 2962.** 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and amended to read:

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

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

***-1050/P3.18* SECTION 2963.** 287.07 (3) (a) to (k) of the statutes are repealed.

***-1050/P3.19* SECTION 2964.** 287.07 (4) (intro.) of the statutes is amended to read:

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

***-1050/P3.20* SECTION 2965.** 287.07 (7) (a) of the statutes is repealed.

***-1050/P3.21* SECTION 2966.** 287.07 (7) (b) 2. of the statutes is amended to read:

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

***-1050/P3.22* SECTION 2967.** 287.07 (7) (c) 1. cg. of the statutes is amended to read:

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

***-1050/P3.23* SECTION 2968.** 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

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

***-1050/P3.24* SECTION 2969.** 287.07 (7) (c) 2. b. of the statutes is amended to read:

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

***-1050/P3.25* SECTION 2970.** 287.07 (7) (d) of the statutes is repealed.

***-1050/P3.26* SECTION 2971.** 287.07 (7) (f) of the statutes is amended to read:

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

***-1050/P3.27* SECTION 2972.** 287.07 (7) (g) of the statutes is repealed and recreated to read:

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

***-1050/P3.28* SECTION 2973.** 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

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

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

***-1050/P3.29* SECTION 2974.** 287.09 of the statutes is repealed.

***-1050/P3.30* SECTION 2975.** 287.093 of the statutes is repealed.

***-1050/P3.31* SECTION 2976.** 287.095 of the statutes is amended to read:

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

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

***-1050/P3.32* SECTION 2977.** 287.10 of the statutes is repealed.

***-1050/P3.33* SECTION 2978.** 287.11 of the statutes is repealed.

***-1050/P3.34* SECTION 2979.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

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

***-1050/P3.35* SECTION 2980.** 287.21 (intro.) of the statutes is amended to read:

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

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

***-1050/P3.36* SECTION 2981.** 287.23 of the statutes is repealed.

***-1050/P3.37* SECTION 2982.** 287.235 of the statutes is repealed.

***-1050/P3.38* SECTION 2983.** 287.25 of the statutes is repealed.

***-1050/P3.39* SECTION 2984.** 287.26 of the statutes is repealed.

***-1320/2.27* SECTION 2985.** 287.31 (6) of the statutes is amended to read:

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

***-1320/2.28* SECTION 2986.** 289.645 (6) of the statutes is amended to read:

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

***-1465/P4.1051* *-0808/2.448* SECTION 2987.** 292.11 (2) (e) of the statutes is amended to read:

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

***-1465/P4.1052* *-1059/P3.580* SECTION 2988.** 292.11 (7) (d) 1m. b. of the statutes is amended to read:

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

***-1465/P4.1053* *-0808/2.449* SECTION 2989.** 292.12 (1) (a) of the statutes is amended to read:

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

***-1465/P4.1054* *-1059/P3.581* SECTION 2990.** 292.255 of the statutes is amended to read:

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

***-1465/P4.1055* *-0808/2.450* SECTION 2991.** 292.33 (6) of the statutes is amended to read:

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

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

***-1465/P4.1056* *-1059/P3.582* SECTION 2992.** 292.79 (1) (a) of the statutes is amended to read:

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

***-1465/P4.1057* *-0808/2.451* SECTION 2993.** 293.11 of the statutes is amended to read:

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

***-1465/P4.1058* *-1059/P3.583* SECTION 2994.** 299.13 (1m) (intro.) of the statutes is amended to read:

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

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

***-1465/P4.1059* *-0808/2.453* SECTION 2995.** 299.83 (8) (f) of the statutes is amended to read:

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

***-0829/P6.9* SECTION 2996.** 301.03 (3) of the statutes is amended to read:

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

***-0829/P6.10* SECTION 2997.** 301.048 (2) (am) 3. of the statutes is amended to read:

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

***-0829/P6.11* SECTION 2998.** 301.21 (1m) (c) of the statutes is amended to read:

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

***-0829/P6.12* SECTION 2999.** 301.21 (2m) (c) of the statutes is amended to read:

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

***-0203/P3.4* SECTION 3000.** 301.26 (3) (c) of the statutes is amended to read:

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

***-0214/P5.1* SECTION 3001.** 301.26 (4) (b) of the statutes is amended to read:

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

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

***-0214/P5.2* SECTION 3002.** 301.26 (4) (cm) 3. of the statutes is amended to read:

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

***-0215/P3.4* SECTION 3003.** 301.26 (4) (ct) of the statutes is created to read:

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

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

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

***-0214/P5.3* SECTION 3004.** 301.26 (4) (d) 2. of the statutes is amended to read:

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

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

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

***-0214/P5.5* SECTION 3006.** 301.26 (4) (d) 4. of the statutes is created to read:

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

***-0203/P3.5* SECTION 3007.** 301.26 (6) (a) of the statutes is amended to read:

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

***-0203/P3.6* SECTION 3008.** 301.26 (7) (intro.) of the statutes is amended to read:

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

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

***-0203/P3.7* SECTION 3009.** 301.26 (7) (a) of the statutes is amended to read:

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

***-0203/P3.8* SECTION 3010.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

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

***-0203/P3.9* SECTION 3011.** 301.26 (7) (bm) of the statutes is amended to read:

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

***-0203/P3.10* SECTION 3012.** 301.26 (7) (c) of the statutes is amended to read:

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

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

***-0203/P3.11* SECTION 3013.** 301.26 (7) (e) of the statutes is amended to read:

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

***-0203/P3.12* SECTION 3014.** 301.26 (7) (h) of the statutes is amended to read:

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

***-0203/P3.13* SECTION 3015.** 301.26 (8) of the statutes is amended to read:

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

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

***-0829/P6.13* SECTION 3016.** 302.042 of the statutes is repealed.

***-0829/P6.14* SECTION 3017.** 302.043 of the statutes is created to read:

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

***-0829/P6.15* SECTION 3018.** 302.045 (1) of the statutes is amended to read:

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

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

***-0829/P6.16* SECTION 3019.** 302.045 (2) (d) of the statutes is repealed and recreated to read:

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

***-0829/P6.17* SECTION 3020.** 302.045 (3) of the statutes is amended to read:

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

***-0829/P6.18* SECTION 3021.** 302.045 (3m) (d) of the statutes is repealed.

***-0829/P6.19* SECTION 3022.** 302.05 (title) of the statutes is amended to read:

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

***-0829/P6.20* SECTION 3023.** 302.05 (1) of the statutes is renumbered 302.05 (1) (am) (intro.) and amended to read:

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

***-0829/P6.21* SECTION 3024.** 302.05 (1) (am) 1. of the statutes is created to read:

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

***-0829/P6.22* SECTION 3025.** 302.05 (1) (am) 2. of the statutes is created to read:

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

***-0829/P6.23* SECTION 3026.** 302.05 (1) (b) of the statutes is created to read:

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

***-0829/P6.24* SECTION 3027.** 302.05 (2) of the statutes is amended to read:

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

***-0829/P6.25* SECTION 3028.** 302.05 (3) (b) of the statutes is amended to read:

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

***-0829/P6.26* SECTION 3029.** 302.05 (3) (c) 1. of the statutes is amended to read:

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

***-0829/P6.27* SECTION 3030.** 302.05 (3) (c) 2. (intro.) of the statutes, is amended to read:

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

***-0829/P6.28* SECTION 3031.** 302.05 (3) (c) 3. of the statutes is repealed.

***-0829/P6.29* SECTION 3032.** 302.05 (3) (d) of the statutes is amended to read:

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

***-0829/P6.30* SECTION 3033.** 302.11 (1g) (b) (intro.) of the statutes is amended to read:

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

***-0829/P6.31* SECTION 3034.** 302.11 (1g) (b) 2. of the statutes is amended to read:

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

***-0829/P6.32* SECTION 3035.** 302.11 (1g) (c) of the statutes is amended to read:

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

***-0829/P6.33* SECTION 3036.** 302.11 (1g) (d) of the statutes is amended to read:

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

***-0829/P6.34* SECTION 3037.** 302.11 (1m) of the statutes is amended to read:

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

***-0829/P6.35* SECTION 3038.** 302.11 (7) (c) of the statutes is amended to read:

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

***-0829/P6.36* SECTION 3039.** 302.113 (1) of the statutes is amended to read:

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

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

***-0829/P6.37* SECTION 3040.** 302.113 (2) (a) of the statutes is renumbered 302.113 (2) and amended to read:

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

***-0829/P6.38* SECTION 3041.** 302.113 (2) (b) of the statutes is repealed.

***-0829/P6.39* SECTION 3042.** 302.113 (2) (c) of the statutes is repealed.

***-0829/P6.40* SECTION 3043.** 302.113 (3) (d) of the statutes is amended to read:

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

***-0829/P6.41* SECTION 3044.** 302.113 (3) (e) of the statutes is repealed.

***-0829/P6.42* SECTION 3045.** 302.113 (7) of the statutes is amended to read:

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

term of extended supervision portion of the bifurcated sentence ~~or until the department discharges the inmate under s. 973.01 (4m), whichever is appropriate~~. The department may set conditions of extended supervision in addition to any conditions of extended supervision required under s. 302.116, if applicable, or set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the court's conditions.

***-0829/P6.43* SECTION 3046.** 302.113 (9) (am) of the statutes is amended to read:

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

***-0829/P6.44* SECTION 3047.** 302.113 (9) (c) of the statutes is amended to read:

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

~~or until the department discharges the person under s. 973.01 (4m), whichever is appropriate~~. The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence.

***-0829/P6.45* SECTION 3048.** 302.113 (9g) of the statutes is created to read:

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

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

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

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

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

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

3. The inmate has an extraordinary health condition.

(c) An inmate who meets a criterion under par. (b) may submit a petition to the program review committee at the correctional institution in which the inmate is confined requesting a modification of the inmate's bifurcated sentence in the manner