

1 ***-1419/2.3*** **SECTION 2554.** 292.11 (9) (e) 3. of the statutes is repealed.

2 ***-0257/4.5*** **SECTION 2555.** 292.11 (9) (e) 5. c. of the statutes is repealed.

3 ***-0257/4.6*** **SECTION 2556.** 292.11 (9) (e) 6. of the statutes is created to read:

4 292.11 (9) (e) 6. Subdivisions 1m. and 1s. only apply if the local governmental
5 unit or the economic development corporation agrees to allow the department, any
6 authorized representatives of the department, any party that possessed or controlled
7 the hazardous substance or caused the discharge of the hazardous substance and any
8 consultant or contractor of such a party to enter the property to take action to respond
9 to the discharge.

10 ***-1419/2.4*** **SECTION 2557.** 292.11 (9) (e) 7. of the statutes is created to read:

11 292.11 (9) (e) 7. Subdivision 1m. does not apply to property described in subd.
12 1m. f. unless the local governmental unit enters into an agreement with the
13 department to ensure that the conditions in subds. 2. and 4. are satisfied.

 ****NOTE: This is reconciled s. 292.11 (9) (e) 7. This SECTION has been affected by
 drafts with the following LRB numbers: -0257 and -1419.

14 ***-1423/3.1*** **SECTION 2558.** 292.15 (1) (a) of the statutes is created to read:

15 292.15 (1) (a) "Enforcement standard" has the meaning given in s. 160.01 (2).

16 ***-1423/3.2*** **SECTION 2559.** 292.15 (1) (am) of the statutes is created to read:

17 292.15 (1) (am) "Natural attenuation" means the reduction in the mass and
18 concentration in groundwater of a substance, and the products into which the
19 substance breaks down, due to naturally occurring physical, chemical and biological
20 processes, without human intervention.

21 ***-0929/4.1*** **SECTION 2560.** 292.15 (1) (f) of the statutes is repealed and
22 recreated to read:

1 292.15 (1) (f) "Voluntary party" means a person who submits an application to
2 obtain an exemption under this section and pays any fees required under sub. (5).

3 ***-0614/3.1*** SECTION 2561. 292.15 (2) (a) (title) of the statutes is created to
4 read:

5 292.15 (2) (a) (title) *General.*

 ****NOTE: This is reconciled s. 292.15 (2) (a) (title). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

6 ***-0285/1.1*** SECTION 2562. 292.15 (2) (a) (intro.) of the statutes is amended to
7 read:

8 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
9 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
10 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
11 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
12 hazardous ~~substance~~ substances on the or originating from a property, if the release
13 of those hazardous substances occurred prior to the date on which the department
14 approves the environmental investigation of the property under subd. 1. and if all
15 of the following occur at any time before or after the date of acquisition:

 ****NOTE: This draft (LRB-0285/1) is reconciled with LRB-1422/P2. Both drafts
should continue to appear in the compiled bill.

16 ***-1422/1.1*** SECTION 2563. 292.15 (2) (a) 2. of the statutes is amended to read:
17 292.15 (2) (a) 2. Except as provided in sub. (4), the ~~property is cleaned up by~~
18 ~~restoring the environment is restored~~ is restored to the extent practicable with respect to the
19 discharges and ~~minimizing the harmful effects from a discharge of the hazardous~~
20 ~~substance the discharges are minimized~~ in accordance with rules promulgated by the
21 department and any contract entered into under those rules.

22 ***-1422/1.2*** SECTION 2564. 292.15 (2) (a) 3. of the statutes is amended to read:

1 292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from
2 the department that the ~~property environment~~ environment has been satisfactorily restored to the
3 extent practicable with respect to the discharges and that the harmful effects from
4 ~~a discharge of a hazardous substance~~ the discharges have been minimized.

5 *~~-0614/3.2~~* **SECTION 2565.** 292.15 (2) (a) 6. of the statutes is amended to read:

6 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~
7 ~~subd. 3.~~ certificate of completion by fraud or misrepresentation, by the knowing
8 failure to disclose material information or under circumstances in which the
9 voluntary party knew or should have known about more discharges of hazardous
10 substances than were revealed by the investigation conducted under subd. 1.

11 *~~-0929/4.2~~* **SECTION 2566.** 292.15 (2) (a) 7. of the statutes is created to read:

12 292.15 (2) (a) 7. If required by the department, the voluntary party obtains and
13 maintains insurance to cover the costs of complying with s. 292.11 (3) in case it is
14 discovered, after the department issues a certificate of completion under subd. 3.,
15 that the cleanup under subd. 2. fails to fully restore the environment or to minimize
16 the effects from a discharge or that the hazardous substance that is the subject of the
17 cleanup is more extensive than known before the department issues the certificate
18 of completion, and the insurance complies with rules promulgated by the department
19 and names the voluntary party and this state as insureds.

****NOTE: This is reconciled s. 292.15 (2) (a) 7. This SECTION has been affected by
drafts with the following LRB numbers: -0929 and -1422.

20 *~~-1423/3.3~~* **SECTION 2567.** 292.15 (2) (ae) of the statutes is created to read:

21 292.15 (2) (ae) *Natural attenuation.* Except as provided in sub. (6) or (7), if
22 there exists a hazardous substance in groundwater on a property in a concentration
23 that exceeds an enforcement standard and the department determines that natural

1 attenuation will restore groundwater quality in accordance with rules promulgated
2 by the department, a voluntary party is exempt from ss. 289.05 (1), (2), (3) and (4),
3 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c)
4 and 292.31 (8), and rules promulgated under those provisions, with respect to
5 discharges of hazardous substances on or originating from the property, if the release
6 of those hazardous substances occurred prior to the date on which the department
7 approves the environmental investigation of the property under subd. 1. and if all
8 of the following occur at any time before or after the date of acquisition:

9 1. An environmental investigation of the property is conducted that is approved
10 by the department.

11 2. The environment is restored to the extent practicable with respect to the
12 discharges and the harmful effects from the discharges are minimized in accordance
13 with rules promulgated by the department and any contract entered into under those
14 rules, except that this requirement does not apply with respect to the hazardous
15 substance in groundwater that the department has determined will be brought into
16 compliance with rules promulgated by the department through natural attenuation.

17 3. The voluntary party obtains a certificate of completion from the department
18 stating that the environment has been satisfactorily restored to the extent
19 practicable with respect to the discharges and that the harmful effects from the
20 discharges have been minimized, except with respect to the hazardous substance in
21 groundwater that the department has determined will be brought into compliance
22 with rules promulgated by the department through natural attenuation.

23 3m. If required by the department, the voluntary party obtains and maintains
24 insurance to cover the costs of complying with s. 292.11 (3) with respect to the
25 hazardous substance that the department has determined will be brought into

1 compliance with rules promulgated by the department through natural attenuation,
2 in case natural attenuation fails, and the insurance complies with rules promulgated
3 by the department and names the voluntary party and this state as insureds.

4 4. The voluntary party maintains and monitors the property as required under
5 rules promulgated by the department and any contract entered into under those
6 rules.

7 5. The voluntary party does not engage in activities that are inconsistent with
8 the maintenance of the property.

9 6. The voluntary party has not obtained the certification under subd. 3. by
10 fraud or misrepresentation, by the knowing failure to disclose material information
11 or under circumstances in which the voluntary party knew or should have known
12 about more discharges of hazardous substances than were revealed by the
13 investigation conducted under subd. 1.

****NOTE: This is reconciled s. 292.15 (2) (ae). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0285, LRB-1422 and LRB-1423.

14 ***-0614/3.3* SECTION 2568.** 292.15 (2) (ag) of the statutes is created to read:

15 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
16 sub. (6) or (7), for a property on which there exists a hazardous substance for which
17 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is
18 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
19 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
20 promulgated under those provisions, with respect to discharges of hazardous
21 substances on or originating from the property, if the release of those hazardous
22 substances occurred prior to the date on which the department approves the
23 environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to

1 6. apply and all of the following occur at any time before or after the date of
2 acquisition:

3 1. The environment is restored to the extent practicable with respect to the
4 discharges and the harmful effects from the discharges are minimized in accordance
5 with rules promulgated by the department and any contract entered into under those
6 rules, except that this requirement does not apply with respect to the hazardous
7 substance for which the voluntary party is exempt from liability under s. 292.13 (1).

8 2. The voluntary party obtains a certificate of completion from the department
9 stating that the environment has been satisfactorily restored to the extent
10 practicable with respect to the discharges and that the harmful effects from the
11 discharges have been minimized, except with respect to the hazardous substance for
12 which the voluntary party is exempt from liability under s. 292.13 (1).

13 3. The voluntary party obtains a written determination from the department
14 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
15 party is exempt from liability under s 292.13 (1).

16 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
17 (d) to (g).

****NOTE: This is reconciled s. 292.15 (2) (ag). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0285, LRB-0614 and LRB-1422.

18 ***-0614/3.4*** SECTION 2569. 292.15 (2) (am) (intro.) of the statutes is amended
19 to read:

20 292.15 (2) (am) Partial cleanup. (intro.) The department may approve a
21 partial cleanup and issue a certificate of completion as provided in par. (a), (ae) or (ag)
22 that states that not all of the property has been satisfactorily restored or that not all
23 of the harmful effects from a discharge of a hazardous substance have been

1 minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37
2 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property
3 or hazardous substances cleaned up under this paragraph. In addition to meeting
4 the requirements of par. (a), (ae) or (ag), a certificate for a partial cleanup under this
5 paragraph may be issued only if:

****NOTE: This is reconciled s. 292.15 (2) (am) (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

6 ***-0614/3.5* SECTION 2570.** 292.15 (2) (ar) (title) of the statutes is created to
7 read:

8 292.15 (2) (ar) (title) *Condition.*

****NOTE: This is reconciled s. 292.15 (2) (ar) (title). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

9 ***-0937/1.1* SECTION 2571.** 292.15 (2) (at) of the statutes is created to read:

10 292.15 (2) (at) *Discharges discovered after environmental investigations.*

11 Except as provided in sub. (6) or (7), a voluntary party is exempt from ss. 289.05 (1),
12 (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and
13 (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with
14 respect to a discharge of a hazardous substance on or originating from a property if
15 the discharge occurred before the environmental investigation under subd. 1. is
16 completed and is discovered after the environmental investigation under subd. 5. is
17 approved and if all of the following apply:

18 1. An initial environmental investigation of the property is conducted and is
19 approved by the department.

20 2. If required by the department, the voluntary party enters into an agreement
21 with the department under which the voluntary party agrees to conduct a cleanup
22 approved by the department.

1 3. The voluntary party obtains and maintains insurance to cover the costs of
2 complying with s. 292.11 (3) with respect to a hazardous substance discharges that
3 occurred before the investigation under subd. 1. is completed and that are discovered
4 in the course of conducting a cleanup of the property, the insurance complies with
5 rules promulgated by the department and the insurance names the voluntary party
6 and this state as insureds.

7 4. A hazardous substance discharge that occurred before the investigation
8 under subd. 1. is completed is discovered after the investigation under subd. 1. is
9 approved and before the cleanup is completed.

10 5. A 2nd environmental investigation of the property is conducted and is
11 approved by the department.

12 6. The voluntary party has not obtained approval of the investigation under
13 subd. 1. or 5. or the agreement under subd. 2. by fraud or misrepresentation, by the
14 knowing failure to disclose material information or under circumstances in which
15 the voluntary party knew or should have known about more discharges of hazardous
16 substances than were revealed by the investigation conducted under subd. 1. or 5.

****NOTE: The existence of a title for s. 292.15 (2) (at) depends on LRB-1423 being
included in the bill. If LRB-1423 is not included, the title must be removed.

17 ***-0614/3.6*** SECTION 2572. 292.15 (2) (b) of the statutes is amended to read:
18 292.15 (2) (b) Extent of exemptions. The exemptions provided in pars. (a), (ae),
19 (ag) and (am) continue to apply after the date of certification by the department
20 under par. (a) 3., (ae) 3. or (ag) 2., or approval by the department under par. (am),
21 notwithstanding the occurrence of any of the following:

1 1. Statutes, rules or regulations are created or amended that would impose
2 greater responsibilities on the voluntary party than those imposed under par. (a) 2.,
3 (ae) 2. or (ag) 1.

4 2. The voluntary party fully complies with the rules promulgated by the
5 department and any contract entered into under those rules under par. (a) 2., (ae) 2.
6 or (ag) 1. but it is discovered that the cleanup fails to fully restore the environment
7 and minimize the effects from a discharge of a hazardous substance.

8 3. The contamination from a hazardous substance that is the subject of the
9 cleanup under par. (a) 2., (ae) 2. or (ag) 1. is discovered to be more extensive than
10 anticipated by the voluntary party and the department.

****NOTE: This is reconciled s. 292.15 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0614 and LRB-1423.

11 ***-0614/3.7* SECTION 2573.** 292.15 (2) (c) (title) of the statutes is created to
12 read:

13 292.15 (2) (c) (title) *Prohibition on action.*

****NOTE: This is reconciled s. 292.15 (2) (c) (title). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

14 ***-0937/1.2* SECTION 2574.** 292.15 (2) (c) of the statutes is amended to read:

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

****NOTE: This is reconciled s. 292.15 (2) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0614, -0937 and -1423.

19 ***-0614/3.8* SECTION 2575.** 292.15 (2) (d) (title) of the statutes is created to
20 read:

21 292.15 (2) (d) (title) *Exception.*

****NOTE: This is reconciled s. 292.15 (2) (d) (title). This SECTION has been affected by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

1 ***-0929/4.3* SECTION 2576.** 292.15 (2) (e) of the statutes is created to read:
2 292.15 (2) (e) If the department requires insurance under par. (a) 7. or (ae) 3m.,
3 the department may contract with an insurer to provide insurance required under
4 par. (a) 7. or (ae) 3m. and may require voluntary parties to obtain coverage under the
5 contract.

****NOTE: This is reconciled s. 292.15 (2) (e). This SECTION has been affected by drafts with the following LRB numbers: -0929, -1422 and -1423.

6 ***-0929/4.4* SECTION 2577.** 292.15 (3) of the statutes is amended to read:
7 292.15 (3) SUCCESSORS AND ASSIGNS. ~~The An~~ exemption provided in sub. (2)
8 applies to any successor or assignee of the voluntary party ~~who qualifies as a~~
9 ~~voluntary party and who~~ if the successor or assignee complies with the provisions of
10 sub. (2) (a) 4. and 5. unless or (ae) 3m., 4. and 5. and, if applicable, sub. (2) (ag) 4. or
11 (am) as though the successor or assignee were the voluntary party except that the
12 exemption in sub. (2) does not apply if the successor or assignee knows that a
13 certificate under sub. (2) (a) 3., (ae) 3., (ag) 12. or (am) was obtained by any of the
14 means or under any of the circumstances specified in sub. (2) (a) 6.

****NOTE: This is reconciled s. 292.15 (3). This SECTION has been affected by drafts with the following LRB numbers: -0614, -0929 and -1423.

15 ***-0257/4.7* SECTION 2578.** 292.15 (4) (intro.) of the statutes is amended to
16 read:
17 292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
18 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
19 voluntary party and the department if the voluntary party purchased the property
20 from a local governmental unit that acquired the property in a way or for a purpose

1 described in s. 292.11 (9) (e) 1m. ~~a., b., c. or d.~~ The agreement shall stipulate all of the
2 following:

3 ***-0929/4.5* SECTION 2579.** 292.15 (5m) of the statutes is repealed.

4 ***-1423/3.4* SECTION 2580.** 292.15 (6) of the statutes is renumbered 292.15 (6)
5 (a) and amended to read:

6 292.15 (6) (a) This section does not exempt property from any lien filed under
7 s. 292.81 (3) for costs incurred by the department prior to the date that certification
8 is issued under sub. (2) (a) ~~3., (ae) 3. or (ag) 2.~~

****NOTE: This is reconciled s. 292.15 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0614, LRB-0937 and LRB-1423.

9 ***-0937/1.3* SECTION 2581.** 292.15 (6) (b) of the statutes is created to read:

10 292.15 (6) (b) This section does not exempt property from any lien filed under
11 s. 292.81 (3) for costs incurred by the department with respect to a hazardous
12 substance discharge described in sub. (2)(at) 3. and that are not covered by insurance
13 required by sub. (2) (at) 3.

14 ***-0256/1.1* SECTION 2582.** 292.21 (1) (c) 1. b. of the statutes is repealed.

15 ***-0256/1.2* SECTION 2583.** 292.21 (1) (c) 1. g. of the statutes is created to read:

16 292.21 (1) (c) 1. g. The lender agrees to allow the department, any authorized
17 representatives of the department, any party that possessed or controlled the
18 hazardous substance or caused the discharge of the hazardous substance and any
19 consultant or contractor of such a party to enter the real property to take action to
20 respond to the discharge.

21 ***-0256/1.3* SECTION 2584.** 292.21 (1) (c) 1. h. of the statutes is created to read:

1 292.21 (1) (c) 1. h. The lender agrees to avoid any interference with action
2 undertaken to respond to the discharge and to avoid actions that worsen the
3 discharge.

4 *~~0256/1.4~~* **SECTION 2585.** 292.21 (1) (c) 1. i. of the statutes is created to read:

5 292.21 (1) (c) 1. i. The lender agrees to any other condition that the department
6 determines is reasonable and necessary to ensure that the department or other
7 person described in subd. 1. g. can adequately respond to the discharge.

8 *~~1419/2.5~~* **SECTION 2586.** 292.24 of the statutes is created to read:

9 **292.24 Responsibility of local governmental units; hazardous waste.**

10 (1) **DEFINITION.** In this section, “local governmental unit” has the meaning given in
11 s. 292.11 (9) (e) 1.

12 (2) **EXEMPTION FROM LIABILITY.** Except as provided in sub. (3), a local
13 governmental unit is exempt from ss. 291.25 (1) to (5), 291.29 and 291.37, and rules
14 promulgated under those provisions, with respect to the existence of a hazardous
15 waste on property acquired in a way or for a purpose described in s. 292.11 (9) (e) 1m.,
16 if all of the following occur at any time before or after the date of acquisition:

17 (a) An environmental investigation of the property is conducted that is
18 approved by the department and that identifies any hazardous waste discharges
19 that occurred on the property.

20 (b) The hazardous waste discharges identified by the investigation under par.
21 (a) are cleaned up by restoring the environment to the extent practicable with respect
22 to the discharges and minimizing the harmful effects from the discharges in
23 accordance with rules promulgated by the department and any contract entered into
24 under those rules.

1 (c) The local governmental unit obtains a certificate of completion from the
2 department stating that the property has been satisfactorily restored to the extent
3 practicable with respect to the hazardous waste discharges and that the harmful
4 effects from the discharges have been minimized.

5 (d) The local governmental unit maintains and monitors the property as
6 required under rules promulgated by the department and any contract entered into
7 under those rules.

8 (e) The local governmental unit does not engage in activities that are
9 inconsistent with the maintenance of the property.

10 (f) The local governmental unit has not obtained the certification under par. (c)
11 by fraud or misrepresentation, by the knowing failure to disclose material
12 information or under circumstances in which the local governmental unit knew or
13 should have known about more discharges of hazardous waste than were revealed
14 by the investigation conducted under par. (a).

15 (g) The local governmental unit did not cause the discharge of any hazardous
16 waste identified on the property.

17 **(3) APPLICABILITY.** Subsection (2) does not apply to any of the following:

18 (a) A hazardous waste treatment, storage or disposal facility that first begins
19 operation after the date on which the local governmental unit acquired the property.

20 (b) A licensed hazardous waste treatment, storage or disposal facility operated
21 on the property before the date on which the local governmental unit acquired the
22 property and that is operated after the date on which the local governmental unit
23 acquired the property.

1 (c) Any hazardous waste disposal facility that has been issued a license under
2 s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated under those
3 sections, for a period of long-term care following closure of the facility.

4 ***-1421/2.1* SECTION 2587.** 292.25 of the statutes is created to read:

5 **292.25 Report on impact of exemptions from liability.** (1) The
6 department shall biennially determine all of the following:

7 (a) The number of sites for which a person is seeking to qualify for an exemption
8 under s. 292.15.

9 (b) The number of sites for which a certificate of completion was issued under
10 s. 292.15.

11 (c) The number of sites for which a certificate of completion was issued under
12 s. 292.15 at which it is discovered that the cleanup failed or at which additional
13 hazardous substances are found after the certificate of completion was issued.

14 (d) The number of sites described in par. (b) at which the department has
15 determined that it is necessary to conduct remedial action using moneys from the
16 environmental fund and the estimated costs of performing that remedial action.

17 (e) The number of sites for which a claim was made against an insurance policy
18 required under s. 292.15.

19 (2) No later than September 15 of each even-numbered year, the department
20 shall submit a report describing its determinations under sub. (1) to the legislature
21 under s. 13.172 (2), to the governor and to the department of administration.

22 (3) The department may require a person to provide information necessary for
23 the department to make the determinations under sub. (1).

****NOTE: Insurance policies may be required under LRB-0929, LRB-0937,
LRB-1423 and possibly other drafts. If all of the drafts requiring insurance under s.
292.15 are removed from the budget, this provision must be modified.

1 ***-0958/1.1*** SECTION 2588. 292.33 of the statutes is created to read:

2 **292.33 Local government cost recovery cause of action. (1) DEFINITION.**

3 In this section “local governmental unit” has the meaning given in s. 292.11 (9) (e)

4 1.

5 **(2) CAUSE OF ACTION.** Except as provided in sub. (6), a local governmental unit
6 may recover costs as provided in sub. (4) from a responsible person described in sub.
7 (3) if the costs are incurred in connection with a property acquired as provided in s.
8 292.11 (9) (e) 1m. on which a hazardous substance has been discharged.

9 **(3) RESPONSIBLE PERSONS.** (a) Except as provided in par. (b), a local
10 governmental unit may recover costs in an action under this section from any of the
11 following:

12 1. A person who, at the time that the local governmental unit acquired the
13 property, possessed or controlled the hazardous substance that was discharged on
14 the property.

15 2. A person who caused the discharge of the hazardous substance on the
16 property.

17 (b) A local governmental unit may not recover costs in an action under sub. (2)
18 from a person described in par. (a) if the person qualifies for an exemption under s.
19 292.11 (9) (e), 292.13, 292.15, 292.16, 292.19 or 292.21 with respect to the discharge
20 that is the subject of the action.

21 **(4) RECOVERABLE COSTS.** (a) Except as provided in par. (b), in an action under
22 this section a local governmental unit may recover the reasonable and necessary
23 costs that it incurs for all of the following:

24 1. Investigating environmental contamination on the property and planning
25 remedial activities described in subd. 2.

1 2. Conducting remedial activities to restore the property for its intended future
2 use.

3 3. Administering the activities under subs. 1. and 2. and bringing the action
4 under this section, including costs, disbursements, engineering fees and,
5 notwithstanding s. 814.04 (1), reasonable attorney fees.

6 (b) The costs determined under par. (a) shall be reduced by the fair market
7 value of the property after completion of the activities under par. (a) 2.

8 (c) Recoverable costs under this subsection may not be reduced by the amount
9 of any state or federal moneys received by the local governmental unit for any of the
10 activities under par. (a).

11 **(5) REPAYING STATE ASSISTANCE.** If a local governmental unit that recovers costs
12 under this section received money from this state, other than under s. 292.11 (7) or
13 292.31 (1), (3) or (7), for any of the activities under sub. (4) (a), the local governmental
14 unit shall reimburse to the state an amount that bears the same proportion to the
15 total amount recovered under this section as the amount received from the state,
16 other than under s. 292.11 (7) or 292.31 (1), (3) or (7), bears to the total costs under
17 sub. (4) (a) adjusted as provided in sub. (4) (b).

18 **(6) EXCEPTION.** A local governmental unit may not recover costs under this
19 section for remedial activities conducted on a property or portion of a property with
20 respect to a discharge after the department of natural resources, the department of
21 commerce or the department of agriculture, trade and consumer protection has
22 indicated that no further remedial activities are necessary on the property or portion
23 of the property with respect to the discharge.

1 (7) LIMITATION OF ACTION. An action under this section shall be commenced
2 within 6 years after the date that the local governmental unit completes the
3 activities under sub. (4) (a) 2. or be barred.

4 ***-1670/P1.1*** SECTION 2589. 292.57 of the statutes is created to read:

5 **292.57 Database of properties on which groundwater standards are**
6 **exceeded.** (1) In this section, “groundwater standard” means an enforcement
7 standard, as defined in s. 160.01 (2), or a preventive action limit, as defined in s.
8 160.01 (6).

9 (2) (a) The department may promulgate a rule specifying a fee for placing
10 information concerning a property on which a groundwater standard is exceeded into
11 a database.

12 (b) Any moneys collected under this subsection shall be credited to the
13 appropriation account under s. 20.370 (2) (mi).

14 ***-1490/2.2*** SECTION 2590. 292.65 (1) (d) 9. of the statutes is created to read:
15 292.65 (1) (d) 9. A formal wear rental firm.

16 ***-1484/2.1*** SECTION 2591. 292.65 (1) (h) 3. of the statutes is created to read:
17 292.65 (1) (h) 3. A person who operated a dry cleaning facility that ceased
18 operating before October 14, 1997.

19 ***-1484/2.2*** SECTION 2592. 292.65 (1) (i) 1. of the statutes is renumbered
20 292.65 (1) (i) 1. (intro.) and amended to read:

21 292.65 (1) (i) 1. (intro.) A person who owns, or has possession or control of, a
22 ~~dry cleaning facility~~, or who receives or received direct or indirect consideration from
23 the operation of a ~~dry cleaning facility regardless of whether the dry cleaning facility~~
24 ~~remains in operation and regardless of whether the person owns or receives~~
25 ~~consideration at the time that environmental pollution occurs.~~ any of the following:

SECTION 2593

1 ***-1484/2.3*** **SECTION 2593.** 292.65 (1) (i) 1. a. of the statutes is created to read:
2 292.65 (1) (i) 1. a. A dry cleaning facility that is licensed under s. 77.9961 (2).

3 ***-1484/2.4*** **SECTION 2594.** 292.65 (1) (i) 1. b. of the statutes is created to read:
4 292.65 (1) (i) 1. b. A dry cleaning facility that has ceased operation but that,
5 if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)
6 before it ceased operation.

7 ***-1484/2.5*** **SECTION 2595.** 292.65 (1) (i) 3. of the statutes is created to read:
8 292.65 (1) (i) 3. A person who owns the property on which one of the following
9 is located:

10 a. A dry cleaning facility that is licensed under s. 77.9961 (2).

11 b. A dry cleaning facility that has ceased operation but that was licensed under
12 s. 77.9961 (2) before it ceased operation.

13 ***-1482/1.1*** **SECTION 2596.** 292.65 (1) (L) of the statutes is amended to read:
14 292.65 (1) (L) “Service provider” means a consultant, testing laboratory,
15 monitoring well installer, soil boring contractor, other contractor, lender or any other
16 person who provides a product or service for which an application for reimbursement
17 has been or will be filed under this section, or a subcontractor of such a person.

18 ***-0433/1.1*** **SECTION 2597.** 292.65 (3) (am) 2. of the statutes is amended to
19 read:

20 292.65 (3) (am) 2. The department shall pay an award for immediate action
21 activities. ~~For the purposes of this subdivision, removal of contaminated soils and~~
22 ~~recovery of free dry cleaning solvent are not considered immediate action activities.~~

23 ***-0434/1.1*** **SECTION 2598.** 292.65 (3) (am) 3. of the statutes is repealed and
24 recreated to read:

1 292.65 (3) (am) 3. After paying awards for immediate action activities, the
2 department shall do the following with the remaining funds available for awards
3 under this section:

4 a. In the program year that begins on July 1, 1999, provide 75% to pay awards
5 for eligible costs incurred before October 14, 1997, and provide 25% to pay awards
6 for eligible costs incurred on or after October 14, 1997.

7 b. In the program year that begins on July 1, 2000, provide 50% to pay awards
8 for eligible costs incurred before October 14, 1997, and provide 50% to pay awards
9 for eligible costs incurred on or after October 14, 1997.

10 c. In the program year that begins on July 1, 2001, and every program year
11 thereafter, provide at least 70% as awards to pay eligible costs incurred on or after
12 October 14, 1997.

13 ***-1483/P1.1*** SECTION 2599. 292.65 (4) (f) of the statutes is amended to read:

14 292.65 (4) (f) *Remedial action ~~plan~~ options report.* After completing the
15 investigation under par. (e) and before conducting remedial action activities, an
16 owner or operator shall prepare a remedial action ~~plan~~ options report, based on the
17 investigation under par. (e), that identifies specific remedial action activities
18 proposed to be conducted, except as provided in pars. (g) and (h).

19 ***-1483/P1.2*** SECTION 2600. 292.65 (4) (g) of the statutes is amended to read:

20 292.65 (4) (g) *Immediate action.* An owner or operator is not required to
21 complete an investigation or prepare a remedial action ~~plan~~ options report before
22 conducting an immediate action activity if the department determines that an
23 immediate action is necessary.

24 ***-1483/P1.3*** SECTION 2601. 292.65 (4) (h) of the statutes is amended to read:

1 292.65 (4) (h) *Interim remedial equipment.* An owner or operator may install
2 interim remedial equipment for which the owner or operator would be eligible for
3 reimbursement under s. 292.66 before completing a site investigation or remedial
4 action ~~plan~~ options report.

5 ***-1483/P1.4*** SECTION 2602. 292.65 (4) (i) of the statutes is amended to read:

6 292.65 (4) (i) *Review of site investigation and remedial action ~~plan~~ options*
7 *report.* The department shall, at the request of an owner or operator, review the site
8 investigation results and the remedial action ~~plan~~ options report and advise the
9 owner or operator on the adequacy of the proposed remedial action activities in
10 meeting the requirements of this section. The department shall complete the review
11 of the site investigation and remedial action ~~plan~~ options report within 45 days. The
12 department shall also provide an estimate of when funding will be available to pay
13 an award for remedial action conducted in response to the dry cleaning solvent
14 discharge.

15 ***-1488/P2.2*** SECTION 2603. 292.65 (4) (m) of the statutes is created to read:

16 292.65 (4) (m) *Notification of insurance claims and receipt of proceeds.* An
17 owner or operator shall notify the department of any insurance claim made to cover
18 eligible costs, the status of the claim, and, if the owner or operator has received any
19 insurance proceeds arising from the claim, the amount of the proceeds.

20 ***-1488/P2.3*** SECTION 2604. 292.65 (4) (n) of the statutes is created to read:

21 292.65 (4) (n) *Notification of intent to file suit.* An owner or operator shall
22 notify the department of the owner's or operator's intent to file suit against an
23 insurance company for the purpose of recovering the proceeds of an insurance policy
24 intended to cover any eligible costs.

25 ***-1485/P1.1*** SECTION 2605. 292.65 (6) of the statutes is repealed.

1 ***-1483/P1.5*** **SECTION 2606.** 292.65 (7) (a) 3. of the statutes is amended to read:

2 292.65 (7) (a) 3. Preparation of remedial action ~~plans~~ options reports.

3 ***-1482/1.2*** **SECTION 2607.** 292.65 (7) (a) 16. of the statutes is repealed.

4 ***-1482/1.3*** **SECTION 2608.** 292.65 (7) (b) of the statutes is repealed.

5 ***-1483/P1.6*** **SECTION 2609.** 292.65 (7) (c) 4. of the statutes is amended to read:

6 292.65 (7) (c) 4. Costs that the department determines to be unreasonable or
7 unnecessary to carry out the remedial action activities as specified in the remedial
8 action ~~plan~~ options report.

9 ***-1482/1.4*** **SECTION 2610.** 292.65 (7) (c) 6. of the statutes is created to read:

10 292.65 (7) (c) 6. Costs of financing eligible activities.

11 ***-1483/P1.7*** **SECTION 2611.** 292.65 (8) (a) (intro.) and 2. of the statutes are
12 amended to read:

13 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
14 application on a form provided by the department. An owner or operator may not
15 submit an application before September 1, 1998. An owner or operator may not
16 submit an application after August 30, 2003, if the application relates to a dry
17 cleaning facility that ceased to operate before September 1, 1998. An owner or
18 operator may not submit an application after August 20, 2008, if the application
19 relates to any other dry cleaning facility. The department shall authorize owners and
20 operators to apply for awards at stages in the process under sub. (4) that the
21 department specifies by rule. An application shall include all of the following
22 documentation of activities, ~~plans~~ reports and expenditures associated with the
23 eligible costs incurred because of a dry cleaning solvent discharge from a dry cleaning
24 facility:

25 2. A remedial action ~~plan~~ options report.

1 ***-1488/P2.4*** SECTION 2612. 292.65 (8) (a) 4m. of the statutes is created to
2 read:

3 292.65 (8) (a) 4m. If the owner or operator receives any proceeds arising from
4 an insurance claim for any eligible costs, a record of the payment.

5 ***-1485/P1.2*** SECTION 2613. 292.65 (8) (e) 3a. of the statutes is repealed and
6 recreated to read:

7 292.65 (8) (e) 3a. If eligible costs are \$200,000 or less, \$10,000.

8 ***-1485/P1.3*** SECTION 2614. 292.65 (8) (e) 3am. of the statutes is created to
9 read:

10 292.65 (8) (e) 3am. If eligible costs exceed \$200,000 but do not exceed \$400,000,
11 \$10,000 plus 8% of the amount by which eligible costs exceed \$200,000.

12 ***-1485/P1.4*** SECTION 2615. 292.65 (8) (e) 3ar. of the statutes is created to
13 read:

14 292.65 (8) (e) 3ar. If eligible costs exceed \$400,000, \$26,000 plus 10% of the
15 amount by which eligible costs exceed \$400,000.

16 ***-1485/P1.5*** SECTION 2616. 292.65 (8) (e) 3b. of the statutes is amended to
17 read:

18 292.65 (8) (e) 3b. ~~For each year in which the owner or operator has not paid the~~
19 ~~annual license fee under s. 77.9961 (1) for the dry cleaning facility, an An amount~~
20 ~~equal to 30 times the average annual license fee paid under s. 77.9961 (1) for ~~that the~~~~
21 ~~year in which an award is made.~~

22 ***-1485/P1.6*** SECTION 2617. 292.65 (8) (e) 3c. of the statutes is amended to
23 read:

24 292.65 (8) (e) 3c. ~~For each year in which the dry cleaning solvents fee under s.~~
25 ~~77.9962 was imposed and the dry cleaning facility was not in operation, an An~~

1 amount equal to 30 times the total amount collected under s. 77.9962 for ~~that~~ the
2 year in which an award is made divided by the number of dry cleaning facilities in
3 operation during that year.

4 ***-1488/P2.5* SECTION 2618.** 292.65 (9m) of the statutes is created to read:

5 292.65 (9m) SUBROGATION. The department is subrogated to the rights of an
6 applicant who obtains an award under this section or s. 292.66 in an amount equal
7 to the award and may join in an action by an applicant against an insurance company
8 to recover eligible costs. An applicant who receives an award under this section shall
9 cooperate with the state in any action under this subsection. The amounts collected
10 by the department under this subsection shall be deposited in the dry cleaner
11 environmental response fund.

12 ***-1487/P1.3* SECTION 2619.** 292.65 (11) of the statutes is created to read:

13 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
14 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
15 of a discharge of dry cleaning solvent at a dry cleaning facility, the department shall
16 transfer from the appropriation account under s. 20.370 (6) (eq) to the environmental
17 fund an amount equal to the amount expended under s. 292.11 (7) (a) or 292.31 (3)
18 (b). The department shall make transfers under this subsection when the
19 department determines that sufficient funds are available in the appropriation
20 account under s. 20.370 (6) (eq).

21 ***-1387/P1.1* SECTION 2620.** 292.65 (12m) of the statutes is created to read:

22 292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made
23 a false or misleading statement in any document submitted to the department under
24 this section.

25 ***-1483/P1.8* SECTION 2621.** 292.66 (1) of the statutes is amended to read:

1 292.66 (1) The department shall allocate 46% of the funds appropriated under
2 s. 20.370 (6) (eq) in each fiscal year for awards to reimburse owners and operators
3 for costs of preliminary site screening and the purchase and installation of
4 equipment to begin the cleanup of discharges of dry cleaning solvent from dry
5 cleaning facilities before the completion of full site investigations and remedial
6 action plans options reports. The department may not make an award under this
7 section before September 1, 1998, or after June 30, 2002.

8 *~~-0432/1.1~~* SECTION 2622. 292.66 (3) of the statutes is amended to read:

9 292.66 (3) An award under this section ~~may not exceed \$15,000, of which not~~
10 ~~more than \$2,500 may be~~ shall equal 50% of the eligible costs, except that an award
11 may not exceed \$20,000. Of the total award, the reimbursement for the preliminary
12 site screening shall equal 50% of the cost of conducting the preliminary site
13 screening, except that the reimbursement for the preliminary site screening may not
14 exceed \$3,000.

15 *~~-1387/P1.2~~* SECTION 2623. 292.66 (5) of the statutes is created to read:

16 292.66 (5) No person may knowingly make or cause to be made a false or
17 misleading statement in any document submitted to the department under this
18 section.

19 *~~-1688/P1.2~~* SECTION 2624. 292.70 of the statutes is created to read:

20 **292.70 Indemnification for disposal of polychlorinated biphenyls. (1)**

21 DEFINITIONS. In this section “PCBs” has the meaning given in s. 299.45 (1) (a).

22 (2) INDEMNIFICATION AGREEMENT WITH WINNEBAGO COUNTY. The department
23 may enter into an agreement with Winnebago County under which this state agrees
24 to indemnify the county and its agencies, officials, employes and agents against any
25 liability or damage resulting from the county’s acceptance for disposal of sediments

1 contaminated with PCBs, if the sediments are disposed of in a manner approved by
2 the department.

3 (3) INDEMNIFICATION AGREEMENT WITH THE CITY OF OSHKOSH. The department
4 may enter into an agreement with the city of Oshkosh under which this state agrees
5 to indemnify the city and its agencies, officials, employes and agents against any
6 liability or damage resulting from the city's acceptance for treatment of leachate that
7 is contaminated with PCBs and that is from a landfill that accepts sediments
8 contaminated with PCBs, if the leachate is treated in a manner approved by the
9 department.

10 (4) REVIEW AND PAYMENT. If a claim is filed under an agreement under sub. (2)
11 or (3), the department shall review the claim to determine whether it is valid. A valid
12 claim shall be paid from the appropriation under s. 20.370 (2) (fa).

13 *~~1420/2.3~~* SECTION 2625. 292.75 of the statutes is created to read:

14 **292.75 Brownfield site assessment grants.** (1) DEFINITIONS. In this
15 section:

16 (a) "Eligible site or facility" means an abandoned, idle or underused industrial
17 or commercial facility or site, the expansion or redevelopment of which is adversely
18 affected by actual or perceived environmental contamination.

19 (b) "Local governmental unit" means a city, village, town, county,
20 redevelopment authority created under s. 66.431, community development
21 authority created under s. 66.4325, or housing authority.

22 (2) DUTIES OF THE DEPARTMENT (a) The department shall administer a
23 program to award brownfield site assessment grants from the appropriation under
24 s. 20.370 (6) (et) to local governmental units for the purposes of conducting any of the
25 eligible activities under sub. (3).

1 (b) The department may not award a grant to a local governmental unit under
2 this section if that local governmental unit caused the environmental contamination
3 that is the basis for the grant request.

4 (c) The department may only award grants under this section if the person that
5 caused the environmental contamination that is the basis for the grant request is
6 unknown, cannot be located or is financially unable to pay the cost of the eligible
7 activities.

8 (d) The department shall promulgate rules as necessary to administer the
9 program.

10 **(3) ELIGIBLE ACTIVITIES.** The department may award grants to local
11 governmental units to cover the costs of the following activities:

12 (a) The investigation of environmental contamination on an eligible site or
13 facility for the purposes of reducing or eliminating environmental contamination.

14 (b) The demolition of any structures, buildings or other improvements located
15 on an eligible site or facility.

16 (c) The removal of abandoned containers, as defined in s. 292.41 (1), from an
17 eligible site or facility.

18 (d) Asbestos abatement activities, as defined in s. 254.11 (2), conducted on an
19 eligible site or facility.

20 **(4) APPLICATION FOR GRANT.** The applicant shall submit an application on a form
21 prescribed by the department and shall include any information that the department
22 finds necessary to calculate the amount of a grant.

23 **(5) GRANT CRITERIA.** The department shall consider the following criteria when
24 determining whether to award a grant:

1 (a) The local governmental unit's demonstrated commitment to performing and
2 completing necessary environmental remediation activities on the eligible site,
3 including the local governmental unit's financial commitment.

4 (b) The degree to which the project will have a positive impact on public health
5 and the environment.

6 (c) Other criteria that the department finds necessary to calculate the amount
7 of a grant.

8 (6) LIMITATION OF GRANT The total amount of all grants awarded to a local
9 governmental unit in a fiscal year under this section shall be limited to an amount
10 equal to 15% of the available funds appropriated under s. 20.370 (6) (et) for the fiscal
11 year.

12 (7) MATCHING FUNDS. The department may not distribute a grant unless the
13 applicant contributes matching funds equal to 20% of the grant. Matching funds
14 may be in the form of cash or in-kind contribution or both.

15 (8) REPAYMENT REQUIREMENT. If an applicant receives a loan under s. 281.60 for
16 the purpose of conducting activities for which a grant under this section was
17 awarded, the applicant shall repay the grant to the department. Money collected
18 under this subsection shall be deposited in the environmental fund.

19 *~~1387/P1.3~~* SECTION 2626. 292.99 (1) of the statutes is amended to read:

20 292.99 (1) Any Except as provided under sub. (1m), any person who violates
21 this chapter or any rule promulgated or any plan approval, license or special order
22 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each
23 violation. Each day of continued violation is a separate offense. While an order is
24 suspended, stayed or enjoined, this penalty does not accrue.

25 *~~1387/P1.4~~* SECTION 2627. 292.99 (1m) of the statutes is created to read:

1 292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit
2 not less than \$10 nor more than \$10,000.

3 *~~-1387/P1.5~~* SECTION 2628. 292.99 (2) of the statutes is amended to read:

4 292.99 (2) In addition to the penalties provided under ~~sub.~~ subs. (1) and (1m),
5 the court may award the department of justice the reasonable and necessary
6 expenses of the investigation and prosecution of the violation, including attorney
7 fees. The department of justice shall deposit in the state treasury for deposit into the
8 general fund all moneys that the court awards to the department or the state under
9 this subsection. Ten percent of the money deposited in the general fund that was
10 awarded under this subsection for the costs of investigation and the expenses of
11 prosecution, including attorney fees, shall be credited to the appropriation account
12 under s. 20.455 (1) (gh).

13 *~~-1164/5.51~~* SECTION 2629. 295.11 (10) of the statutes is amended to read:

14 295.11 (10) “Solid waste” means any garbage, refuse, sludge from a waste
15 treatment plant, water supply treatment plant or air pollution control facility and
16 other discarded or salvageable materials, including solid, liquid, semisolid, or
17 contained gaseous materials resulting from industrial, commercial, mining and
18 agricultural operations, and from community activities, but does not include solids
19 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
20 return flows or industrial discharges which are point sources subject to permits
21 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
22 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
23 ~~(3)~~ (1).

24 *~~-0239/1.4~~* SECTION 2630. 299.07 (1)(a) 11. of the statutes is amended to read:

25 299.07 (1) (a) 11. A certification, accreditation or registration under s. 299.11.

1 ***-0239/1.5*** SECTION 2631. 299.11 (1) (a) of the statutes is renumbered 299.11
2 (1) (am).

3 ***-0239/1.6*** SECTION 2632. 299.11 (1) (ae) of the statutes is created to read:
4 299.11 (1) (ae) “Accredited” means accredited under sub. (8m) or recognized as
5 accredited under sub. (5).

6 ***-0239/1.7*** SECTION 2633. 299.11 (1) (b) of the statutes is amended to read:
7 299.11 (1) (b) “Certified laboratory” means ~~a laboratory which performs tests~~
8 ~~for hire in connection with a covered program and which receives certification~~
9 certified under sub. (7) or ~~receives recognition~~ recognized as a certified laboratory
10 under sub. (5).

11 ***-0239/1.8*** SECTION 2634. 299.11 (1) (em) of the statutes is created to read:
12 299.11 (1) (em) “National Environmental Laboratory Accreditation
13 Conference” means the voluntary association of state and federal officials, sponsored
14 by the federal environmental protection agency, with the purpose of establishing
15 national performance standards for environmental laboratories.

16 ***-0239/1.9*** SECTION 2635. 299.11 (1) (eq) of the statutes is created to read:
17 299.11 (1) (eq) “National environmental laboratory accreditation program”
18 means the program of the federal environmental protection agency that oversees the
19 implementation of national performance standards established by the National
20 Environmental Laboratory Accreditation Conference and determines whether to
21 approve state and federal agencies as accrediting authorities for environmental
22 laboratories.

23 ***-0239/1.10*** SECTION 2636. 299.11 (1) (g) of the statutes is amended to read:

1 299.11 (1) (g) “Registered ~~laboratory~~” means a ~~laboratory which~~ is registered
2 under sub. (8) or ~~receives recognition~~ recognized as a registered ~~laboratory~~ under
3 sub. (5).

4 *~~0239/1.11~~* SECTION 2637. 299.11 (3) of the statutes is amended to read:

5 299.11 (3) CERTIFICATION STANDARDS REVIEW COUNCIL. The council shall review
6 the laboratory certification ~~and~~, registration and accreditation program and shall
7 make recommendations to the department concerning the specification of test
8 categories, reference sample testing and standards for certification, registration,
9 accreditation, suspension and revocation and other aspects of the program.
10 Recommendations concerning accreditations shall be consistent with the standards
11 established by the National Environmental Laboratory Accreditation Conference.

12 *~~0239/1.12~~* SECTION 2638. 299.11 (4) (title) and (a) of the statutes are
13 amended to read:

14 299.11 (4) (title) DEPARTMENT MAY REQUIRE ACCREDITATION, CERTIFICATION OR
15 REGISTRATION. (a) *Applicability*. Except as provided in subs. (5) and (6), if results from
16 a test in a specified test category in a covered program are required to be submitted
17 to the department, the department may require by rule that the test be conducted
18 by a laboratory which is accredited, certified or registered to conduct tests in that
19 specified category. The department may require that tests be conducted by a an
20 accredited or certified laboratory if the requirements for registration do not meet the
21 requirements of an applicable federal law.

22 *~~0239/1.13~~* SECTION 2639. 299.11 (4) (c) of the statutes is amended to read:

23 299.11 (4) (c) *Delayed effective date*. A rule identifying specified test categories
24 for which tests are required to be conducted by a an accredited, certified or registered
25 laboratory may not take effect until at least 120 days after publication. The

1 department may not require a person to resubmit results of tests which were not
2 required to be conducted by a an accredited, certified or registered laboratory at the
3 time of the original submission merely because of that fact.

4 ***-0239/1.14* SECTION 2640.** 299.11 (5) (title) of the statutes is amended to
5 read:

6 299.11 (5) (title) RECOGNITION OF OTHER ACCREDITATION, CERTIFICATION OR
7 REGISTRATION.

8 ***-0239/1.15* SECTION 2641.** 299.11 (5) (cm) of the statutes is created to read:

9 299.11 (5) (cm) *Reciprocity for national accreditation.* If the department is
10 approved as an accrediting authority under sub. (8m) (a) and another accrediting
11 authority under the national environmental laboratory accreditation program
12 recognizes accreditation by the department under sub. (8m), the department shall
13 recognize a laboratory as accredited to conduct tests in any test category for which
14 the laboratory is accredited by that other accrediting authority.

15 ***-0239/1.16* SECTION 2642.** 299.11 (5) (d) of the statutes is amended to read:

16 299.11 (5) (d) *Discretionary acceptance.* The department may accept the
17 results of a test in a specified test category even though the test was not conducted
18 by a an accredited, certified or registered laboratory. The department may charge
19 an extra fee if it is necessary to verify the results of a test submitted under this
20 paragraph.

21 ***-0239/1.17* SECTION 2643.** 299.11 (6) of the statutes is amended to read:

22 299.11 (6) NOT APPLICABLE TO OTHER PROGRAMS. No laboratory is required to be
23 accredited, registered or certified under this section for any purpose other than the
24 submission of results under a covered program.

25 ***-0239/1.18* SECTION 2644.** 299.11 (8m) of the statutes is created to read:

1 299.11 (8m) ACCREDITATION. (a) The department may apply to be approved as
2 an accrediting authority under the national environmental laboratory accreditation
3 program.

4 (b) If the department is approved as an accrediting authority under par. (a), the
5 department shall, after considering recommendations by the council, promulgate a
6 rule prescribing criteria to be used to evaluate laboratories for accreditation and the
7 procedures for accrediting laboratories. The criteria shall be consistent with the
8 standards established by the National Environmental Laboratory Accreditation
9 Conference.

10 *~~0239/1.19~~* SECTION 2645. 299.11 (9) of the statutes is amended to read:

11 299.11 (9) FEES. The department shall promulgate by rule a graduated
12 schedule of fees for accredited, certified and registered laboratories which are
13 designed to recover the costs of administering this section.

14 *~~0240/1.2~~* SECTION 2646. 299.13 (title) of the statutes is amended to read:

15 299.13 (title) ~~Hazardous pollution~~ **Pollution prevention.**

16 *~~0240/1.3~~* SECTION 2647. 299.13 (1) (be) of the statutes is created to read:

17 299.13 (1) (be) "Center" means the solid and hazardous waste education center
18 under s. 36.25 (30).

19 *~~0240/1.4~~* SECTION 2648. 299.13 (1) (c) of the statutes is repealed.

20 *~~0240/1.5~~* SECTION 2649. 299.13 (1) (dm) of the statutes is created to read:

21 299.13 (1) (dm) 1. "Pollution prevention" means an action that does any of the
22 following:

23 a. Prevents waste from being created.

24 b. Reduces the amount of waste that is created.

1 c. Changes the nature of waste being created in a way that reduces the hazards
2 to public health or the environment posed by the waste.

3 2. “Pollution prevention” does not include incineration, recycling or treatment
4 of a waste, changes in the manner of disposal of a waste or any practice that changes
5 the characteristics or volume of a waste if the practice is not part of the process that
6 produces a product or provides a service.

7 ***-0240/1.6* SECTION 2650.** 299.13 (1) (e) of the statutes is repealed.

8 ***-0240/1.7* SECTION 2651.** 299.13 (1m) (intro.) of the statutes is amended to
9 read:

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

14 ***-0240/1.8* SECTION 2652.** 299.13 (1m) (f) of the statutes is created to read:

15 299.13 (1m) (f) Reducing energy use.

16 ***-0240/1.9* SECTION 2653.** 299.13 (1m) (g) of the statutes is created to read:

17 299.13 (1m) (g) Training employes to minimize waste.

18 ***-0240/1.10* SECTION 2654.** 299.13 (2) (a) of the statutes is amended to read:

19 299.13 (2) (a) Designate an employe of the department to serve as ~~hazardous~~
20 pollution prevention coordinator and to do all of the following:

21 2. Recommend educational priorities to the university of Wisconsin—extension
22 for the ~~program center~~, considering volume and toxicity of hazardous substances,
23 toxic pollutants and hazardous waste produced, lack of compliance with
24 environmental standards, potential for ~~hazardous~~ pollution prevention and

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1 projected shortfalls in hazardous waste treatment or disposal facilities under the
2 capacity assurance plan.

3 3. Coordinate the department's ~~hazardous~~ pollution prevention efforts with
4 those of other governmental agencies and private groups.

5 4. Provide training concerning ~~hazardous~~ pollution prevention to employes of
6 the department.

7 ***-0240/1.11* SECTION 2655.** 299.13 (2) (b) of the statutes is amended to read:

8 299.13 (2) (b) Identify all department requirements for reporting on ~~hazardous~~
9 pollution prevention and, to the extent possible and practical, standardize,
10 coordinate and consolidate the reporting in order to minimize duplication and
11 provide useful information on ~~hazardous~~ pollution prevention to the legislature and
12 the public.

13 ***-0240/1.12* SECTION 2656.** 299.13 (2) (d) of the statutes is amended to read:

14 299.13 (2) (d) Seek federal funding to promote ~~hazardous~~ pollution prevention.

15 ***-1283/1.1* SECTION 2657.** 299.15 (3) (cm) 2. of the statutes is amended to read:

16 299.15 (3) (cm) 2. In any fiscal year, the department may not charge total fees
17 under par. (am) that exceed \$7,450,000 \$7,925,000.

18 ***-0236/2.6* SECTION 2658.** 299.95 of the statutes is amended to read:

19 **299.95 Enforcement; duty of department of justice; expenses.** The
20 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
21 ss. 281.48, 285.57, 285.59 and 299.64, and all rules, special orders, licenses, plan
22 approvals and permits of the department, except those promulgated or issued under
23 ss. 281.48, 285.57, 285.59 and 299.64 and except as provided in s. 285.86. The circuit
24 court for Dane county or for any other county where a violation occurred in whole or
25 in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or

1 the rule, special order, license, plan approval or permit by injunctive and other
2 relief appropriate for enforcement. For purposes of this proceeding where chs. 281
3 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval
4 or permit prohibits in whole or in part any pollution, a violation is considered a public
5 nuisance. The department of natural resources may enter into agreements with the
6 department of justice to assist with the administration of chs. 281 to 285 and 289 to
7 295 and this chapter. Any funds paid to the department of justice under these
8 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

9 ***-2105/1.42* SECTION 2659.** 301.01 (2) (b) of the statutes is amended to read:
10 301.01 (2) (b) Any resident of a secured correctional facility, ~~as defined in s.~~
11 ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~
12 a secured group home.

13 ***-2105/1.43* SECTION 2660.** 301.01 (3k) of the statutes is created to read:
14 301.01 (3k) "Secured child caring institution" has the meaning given in s.
15 938.02 (15g).

16 ***-2105/1.44* SECTION 2661.** 301.01 (3m) of the statutes is created to read:
17 301.01 (3m) "Secured correctional facility" has the meaning given in s. 938.02
18 (15m).

19 ***-2105/1.45* SECTION 2662.** 301.01 (3p) of the statutes is created to read:
20 301.01 (3p) "Secured group home" has the meaning given in s. 938.02 (15p).

21 ***-2105/1.46* SECTION 2663.** 301.01 (4) of the statutes is amended to read:
22 301.01 (4) "State correctional institution" means a state prison under s. 302.01
23 or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~
24 Mendota Juvenile Treatment Center operated by the department.

25 ***-2105/1.47* SECTION 2664.** 301.027 of the statutes is amended to read:

1 **301.027 Treatment program at one or more juvenile secured**
2 **correctional institutions facilities.** The department shall maintain a
3 cottage-based intensive alcohol and other drug abuse program at one or more
4 juvenile secured correctional ~~institutions~~ facilities.

5 ***-1978/2.1* SECTION 2665.** 301.029 of the statutes is created to read:

6 **301.029 Contracts requiring prisoner access to personal information.**

7 **(1)** In this section, “financial transaction card” has the meaning given in s. 943.41
8 (1) (em).

9 **(2)** (a) The department may not enter into any contract or other agreement if,
10 in the performance of the contract or agreement, a prisoner would perform data entry
11 or telemarketing services and have access to an individual’s financial transaction
12 card numbers, checking or savings account numbers or social security number.

13 (b) The department may not enter into any contract or other agreement if, in
14 the performance of the contract or agreement, a prisoner would perform data entry
15 services or telemarketing services and have access to any information that may serve
16 to identify a minor.

17 ***-2105/1.48* SECTION 2666.** 301.03 (10) (d) of the statutes is amended to read:

18 301.03 **(10)** (d) Administer the office of juvenile offender review in the division
19 of juvenile corrections in the department. The office shall be responsible for decisions
20 regarding case planning, the release of juvenile offenders from juvenile secured
21 correctional ~~institutions~~ facilities, secured child caring institutions or secured group
22 homes to aftercare placements and the transfer of juveniles to the Racine youthful
23 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

24 ***-2105/1.49* SECTION 2667.** 301.03 (10) (e) of the statutes is amended to read:

1 301.03 (10) (e) Provide educational programs in all secured correctional
2 facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~
3 ~~Center operated by the department.~~

4 ***-2105/1.50*** SECTION 2668. 301.03 (10) (f) of the statutes is amended to read:

5 301.03 (10) (f) Provide health services and psychiatric services for residents of
6 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~
7 ~~Mendota Juvenile Treatment Center operated by the department.~~

8 ***-2105/1.51*** SECTION 2669. 301.08 (1) (b) 3. of the statutes is amended to read:

9 301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the
10 supervision, maintenance and operation of secured correctional facilities, ~~as defined~~
11 ~~in s. 938.02 (15m)~~, child caring institutions, as defined in s. 938.02 (2c), and secured
12 child caring institutions, ~~as defined in s. 938.02 (15g)~~, for the placement of juveniles
13 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
14 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional
15 facility, child caring institution or a secured child caring institution contracted for
16 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02
17 (20), and may designate a child caring institution or secured child caring institution
18 contracted for under this subdivision as a Type 2 child caring institution, as defined
19 in s. 938.02 (19r).

20 ***-2105/1.52*** SECTION 2670. 301.08 (1) (b) 4. of the statutes is created to read:

21 301.08 (1) (b) 4. Contract with not more than one county for the operation of
22 a secured group home for the placement of juveniles who have been convicted under
23 s. 938.183 or adjudicated delinquent under s. 983.183 or 938.34 (4h) or (4m). The
24 contract shall specify that the county operating the secured group home must comply

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1 with all rules of the department that are applicable to the treatment of juveniles who
2 are placed in a secured correctional facility.

3 ***-0336/2.1* SECTION 2671.** 301.16 (1q) of the statutes is created to read:

4 301.16 (1q) The department shall establish a probation and parole holding and
5 alcohol and other drug abuse treatment facility to provide 600 beds in southeastern
6 Wisconsin, as enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and shall
7 locate the facility in Milwaukee.

8 ***-0335/3.1* SECTION 2672.** 301.16 (1r) of the statutes is amended to read:

9 301.16 (1r) In addition to the institutions under sub. (1), the department shall
10 establish a ~~medium~~ maximum security correctional institution for persons 15 years
11 of age or over, but not more than 21 years of age, who have been placed in a state
12 prison under s. 302.01. The ~~medium~~ maximum security correctional institution
13 under this subsection shall be known as the Racine Youthful Offender Correctional
14 Facility and shall be located at the intersection of Albert Street and North Memorial
15 Drive in the city of Racine. The department shall limit the number of prisoners who
16 may be placed at the Racine Youthful Offender Correctional Facility to no more than
17 400 at any one time.

18 ***-0336/2.2* SECTION 2673.** 301.16 (1s) of the statutes is created to read:

19 301.16 (1s) In addition to the institutions under sub. (1), the department shall
20 establish a medium security correctional facility that is part of the correctional
21 facility or facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and
22 that is located in Redgranite.

23 ***-0336/2.3* SECTION 2674.** 301.16 (1t) of the statutes is created to read:

24 301.16 (1t) In addition to the institutions under sub. (1), the department shall
25 establish a medium security correctional facility that is part of the correctional

1 facility or facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and
2 that is located in New Lisbon.

3 ***-2105/1.53* SECTION 2675.** 301.205 of the statutes is amended to read:

4 **301.205 Reimbursement to visiting families.** The department may
5 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~
6 ~~938.02 (15m).~~ If the department decides to provide the reimbursement, ~~it~~ the
7 department shall establish criteria for the level of reimbursement, which shall
8 include family income and size and other relevant factors.

9 ***-2105/1.54* SECTION 2676.** 301.26 (4) (c) of the statutes is amended to read:

10 301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of
11 corrections shall pay, from the appropriation ~~account~~ under s. 20.410 (3) (hm), (ho)
12 or (hr), the costs of care, services and supplies provided for each person receiving
13 services under s. 46.057, 48.366, 51.35 (3), 938.183 or 938.34 who was under the
14 guardianship of the department of health and family services pursuant to an order
15 under ch. 48 at the time that the person was adjudicated delinquent.

16 ***-2105/1.55* SECTION 2677.** 301.26 (4) (cm) 1. of the statutes is amended to
17 read:

18 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
19 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
20 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
21 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
22 ~~938.02 (15g),~~ secured group homes, alternate care providers, aftercare supervision
23 providers and corrective sanctions supervision providers for costs incurred
24 beginning on July 1, 1996, for the care of any juvenile 14 years of age or over who has
25 been placed in a juvenile secured correctional facility based on a delinquent act that

1 is a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31,
2 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1),
3 948.025, 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years
4 of age or over who has been placed in a juvenile secured correctional institution ~~or~~
5 ~~a facility~~, secured child caring institution or secured group home for attempting or
6 committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

7 ***-2105/1.56* SECTION 2678.** 301.26 (4) (cm) 2. of the statutes is amended to
8 read:

9 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall
10 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
11 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
12 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
13 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective
14 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
15 care of any juvenile 14 years of age or over and under 18 years of age who has been
16 placed in a juvenile secured correctional facility under s. 48.366 based on a
17 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

18 ***-0290/3.1* SECTION 2679.** 301.26 (4) (d) 2. of the statutes is amended to read:

19 301.26 (4) (d) 2. Beginning on July 1, ~~1997~~ 1999, and ending on
20 December 31, ~~1997~~ 1999, the per person daily cost assessment to counties shall be
21 ~~\$150.44~~ \$157.29 for care in a Type 1 secured correctional facility, as defined in s.
22 938.02 (19), ~~\$150.44~~ \$157.29 for care for juveniles transferred from a juvenile
23 correctional institution under s. 51.35 (3), ~~\$160.22~~ \$169.24 for care in a child caring
24 institution, including a secured child caring institution, ~~\$111.16~~ \$117.42 for care in
25 a group home for children, ~~\$24.78~~ \$26.17 for care in a foster home, ~~\$71.35~~ \$75.37 for

1 care in a treatment foster home, ~~\$88.19~~ \$85.18 for departmental corrective sanctions
2 services and ~~\$16.98~~ \$16.85 for departmental aftercare services.

3 ***-0290/3.2* SECTION 2680.** 301.26 (4) (d) 3. of the statutes is amended to read:

4 301.26 (4) (d) 3. In calendar year ~~1998~~ 2000, the per person daily cost
5 assessment to counties shall be ~~\$154.94~~ \$158.46 for care in a Type 1 secured
6 correctional facility, as defined in s. 938.02 (19), ~~\$154.94~~ \$158.46 for care for juveniles
7 transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$161.79~~
8 \$172.46 for care in a child caring institution, including a secured child caring
9 institution, ~~\$112.25~~ \$119.65 for care in a group home for children, ~~\$25.02~~ \$26.67 for
10 care in a foster home, ~~\$72.05~~ \$76.80 for care in a treatment foster home, ~~\$80.41~~
11 \$80.67 for departmental corrective sanctions services and ~~\$17.18~~ \$17.03 for
12 departmental aftercare services.

13 ***-0290/3.3* SECTION 2681.** 301.26 (4) (d) 4. of the statutes is amended to read:

14 301.26 (4) (d) 4. Beginning on January 1, ~~1999~~ 2001, and ending on June 30,
15 ~~1999~~ 2001, the per person daily cost assessment to counties shall be ~~\$159.46~~ \$159.62
16 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$159.46~~
17 \$159.62 for care for juveniles transferred from a juvenile correctional institution
18 under s. 51.35 (3), ~~\$163.36~~ \$175.67 for care in a child caring institution, including
19 a secured child caring institution, ~~\$113.34~~ \$121.88 for care in a group home for
20 children, ~~\$25.26~~ \$27.16 for care in a foster home, ~~\$72.75~~ \$78.23 for care in a
21 treatment foster home, ~~\$74.35~~ \$76.67 for departmental corrective sanctions services
22 and ~~\$17.39~~ \$17.20 for departmental aftercare services.

23 ***-2105/1.57* SECTION 2682.** 301.26 (4) (dt) of the statutes is amended to read:

1 301.26 (4) (dt) ~~For~~ Except as provided in pars. (e) to (g), for serious juvenile
2 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to
3 the appropriation account under s. 20.410 (3) (hm).

4 ***-2105/1.58*** SECTION 2683. 301.26 (4) (e) of the statutes is amended to read:

5 301.26 (4) (e) For foster care, treatment foster care, group home care, including
6 secured group home care, and institutional child care to delinquent juveniles under
7 ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made
8 under this subsection and uniform fee collections under s. 301.03 (18) shall be
9 credited to the appropriation account under s. 20.410 (3) (ho).

10 ***-2105/1.59*** SECTION 2684. 301.26 (4) (ed) of the statutes is amended to read:

11 301.26 (4) (ed) For foster care, treatment foster care, group home care,
12 including secured group home care, and institutional child care to serious juvenile
13 offenders under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all uniform fee
14 collections under s. 301.03 (18) shall be credited to the appropriation account under
15 s. 20.410 (3) (ho).

16 ***-0280/2.2*** SECTION 2685. 301.26 (4) (g) of the statutes is amended to read:

17 301.26 (4) (g) For juvenile field and institutional aftercare services under ch.
18 938 and for the office of juvenile offender review, all payments and deductions made
19 under this subsection and uniform fee collections under s. 301.03 (18) shall be
20 ~~deposited in the general fund and shall be treated as a nonappropriated receipt~~
21 credited to the appropriation account under s. 20.410 (3) (hm).

22 ***-2105/1.60*** SECTION 2686. 301.263 (3) of the statutes is amended to read:

23 301.263 (3) The department shall distribute 33% of the amounts distributed
24 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests
25 reported statewide under the uniform crime reporting system of the office of justice

1 assistance in the department of administration, during the most recent 2-year
2 period for which that information is available. The department shall distribute 33%
3 of the amounts distributed under sub. (1) based on each county's proportion of the
4 number of juveniles statewide who are placed in a juvenile secured correctional
5 institution or facility, a secured child caring institution, as defined in s. 938.02 (15g),
6 or a secured group home during the most recent 2-year period for which that
7 information is available. The department shall distribute 34% of the amounts
8 distributed under sub. (1) based on each county's proportion of the total Part I
9 juvenile arrests reported statewide under the uniform crime reporting system of the
10 office of justice assistance, during the most recent 2-year period for which that
11 information is available.

12 ***-0337/1.1* SECTION 2687.** 301.27 (2) of the statutes is amended to read:

13 301.27 (2) VENDING STANDS. The department shall establish and maintain a
14 revolving fund not exceeding ~~\$60,000~~ \$100,000 in any of the state institutions
15 administered by the department, for the education, recreation and convenience of
16 the patients, inmates and employes, to be used for the operation of vending stands,
17 canteen operations, reading clubs, musical organizations, religious programs,
18 athletics and similar projects. The funds are exempt from s. 20.906, but are subject
19 to audit by the department and the legislative audit bureau in its discretion.

20 ***-2105/1.61* SECTION 2688.** 301.36 (1) of the statutes is amended to read:

21 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
22 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured
23 correctional facilities, all secured child caring institutions, all secured group homes
24 and all secure detention facilities and familiarize itself with all of the circumstances
25 affecting their management and usefulness.

1 *~~2105/1.62~~* **SECTION 2689.** 301.37 (1) of the statutes is amended to read:

2 301.37 (1) The department shall fix reasonable standards and regulations for
3 the design, construction, repair and maintenance of all houses of correction,
4 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,
5 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
6 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities
7 under s. 303.09 and, after consulting with the department of health and family
8 services, all secured group homes and secure detention facilities operated by county
9 departments under s. 46.215, 46.22 or 46.23, with respect to their adequacy and
10 fitness for the needs which they are to serve.

11 *~~2105/1.63~~* **SECTION 2690.** 301.45 (1) (b) of the statutes is amended to read:

12 301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~
13 ~~(15m)~~, or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a secured
14 group home or is on probation, extended supervision, parole, supervision or aftercare
15 supervision on or after December 25, 1993, for any violation, or for the solicitation,
16 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
17 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or
18 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
19 victim's parent.

20 *~~2105/1.64~~* **SECTION 2691.** 301.45 (1) (bm) of the statutes is amended to read:

21 301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~
22 ~~938.02 (15m)~~, or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or
23 a secured group home or is on probation, extended supervision, parole, supervision
24 or aftercare supervision on or after December 25, 1993, for a violation, or for the
25 solicitation, conspiracy or attempt to commit a violation, of a law of this state that

1 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,
2 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a
3 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the
4 victim's parent.

5 ***-2105/1.65* SECTION 2692.** 301.45 (3) (a) 2. of the statutes is amended to read:

6 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
7 correctional facility ~~or~~, a secured child caring institution or a secured group home,
8 he or she is subject to this subsection upon being released on parole, extended
9 supervision or aftercare supervision.

10 ***-2105/1.66* SECTION 2693.** 301.45 (5) (a) 2. of the statutes is amended to read:

11 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured
12 correctional facility ~~or~~, a secured child caring institution or a secured group home,
13 15 years after discharge from parole or aftercare supervision.

14 ***-0336/2.4* SECTION 2694.** 302.01 of the statutes is amended to read:

15 **302.01 State prisons named and defined.** The penitentiary at Waupun is
16 named "Waupun Correctional Institution". The correctional treatment center at
17 Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay
18 is named "Green Bay Correctional Institution". The medium/maximum penitentiary
19 at Portage is named "Columbia Correctional Institution". The medium security
20 institution at Oshkosh is named "Oshkosh Correctional Institution". The medium
21 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".
22 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".
23 The medium security penitentiary at Plymouth is named "Kettle Moraine
24 Correctional Institution". The penitentiary at the village of Sturtevant in Racine
25 county is named "Racine Correctional Institution". The medium security

1 penitentiary near Black River Falls is named “Jackson Correctional Institution”.
2 The ~~medium~~ maximum security penitentiary at Racine is named “Racine Youthful
3 Offender Correctional Facility”. The resource facility at Oshkosh is named
4 “Wisconsin Resource Center”. The institutions named in this section, the
5 correctional ~~institution~~ institutions authorized under s. 301.16 (1n), (1s) and (1t),
6 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a),
7 correctional institution authorized under s. 301.046 (1), correctional institution
8 authorized under s. 301.048 (4) (b), minimum security correctional institutions
9 authorized under s. 301.13, the probation and parole holding and alcohol and other
10 drug abuse treatment facility authorized under s. 301.16 (1q) and state-local shared
11 correctional facilities when established under s. 301.14, are state prisons.

****NOTE: This is reconciled s. 302.01. This section has been affected by drafts with
the following LRB#s: LRB-0335/2 and LRB-0336/1.

12 ***-0504/P2.1* SECTION 2695.** 340.01 (3) (b) of the statutes is amended to read:
13 340.01 (3) (b) Conservation wardens’ vehicles or foresters’ trucks, whether
14 publicly or privately owned; Conservation wardens’ vehicles include all-terrain
15 vehicles and snowmobiles being operated by conservation wardens.

16 ***-0504/P2.2* SECTION 2696.** 340.01 (3) (bm) of the statutes is created to read:
17 340.01 (3) (bm) Snowmobiles operated by an employe of the department of
18 natural resources who is authorized to exercise the authority of the department of
19 natural resources under s. 23.11 (4).

****NOTE: This draft must be reconciled with LRB-1442, which creates a
department of state parks, if both drafts are included in the compiled bill.

20 ***-1452/1.1* SECTION 2697.** 341.135 (1) of the statutes is amended to read:
21 341.135 (1) DESIGN. The Not later than July 1, 2000, and every 6th year
22 thereafter, the department shall establish new designs of registration plates to be

1 issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h)
2 and (j) and (2) (a), (b) and (c) and 341.26 (2) and (3) (a) 1. and (am). ~~The~~ Any design
3 for registration plates issued for automobiles and for vehicles registered on the basis
4 of gross weight shall comply with the applicable design requirements of ss. 341.12
5 (3), 341.13 and 341.14 (6r) (c). The designs for registration plates specified in this
6 subsection shall be as similar in appearance as practicable during each 6-year
7 design interval. Each registration plate issued under s. 341.14 (1a), (1m), (1q), (2),
8 (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) or (j) or (2) (a), (b) or (c) or 341.26 (2) or (3)
9 (a) 1. or (am) during each 6-year design interval shall be of the design established
10 under this subsection. The department may not redesign registration plates for the
11 special group under s. 341.14 (6r) (f) 53. until January 1, 2005.

****NOTE: The treatment of ss. 341.135 (1), (2) (a) and (e) and (3) and 341.26 (2g) (by
LRB-1452/P2) are reconciled with LRB-0429/2. LRB-0429/2 should not appear in the
completed bill.

12 ***-1452/1.2* SECTION 2698.** 341.135 (2) (a) of the statutes is renumbered
13 341.135 (2) (a) 1. and amended to read:

14 341.135 (2) (a) 1. Beginning with registrations initially effective on
15 July 1, 2000, upon receipt of a completed application to initially register a vehicle
16 under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), except s. 341.14 (6r) (f) ~~52. 53.~~,
17 or s. 341.25 (1) (a), (c), (h) ~~and or~~ (j) ~~and or~~ (2) (a), (b) ~~and or~~ (c) or 341.26 (2) ~~and or~~
18 (3) (a) 1. ~~and or~~ (am), the department shall issue and deliver prepaid to the applicant
19 2 new registration plates of the design established under sub. (1).

20 (am) Notwithstanding ss. 341.13 (3) and (3m), beginning with registrations
21 initially effective on July 1, 2000, upon receipt of a completed application to renew
22 the registration of a vehicle registered under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m)
23 or (6r), except s. 341.14 (6r) (f) ~~52. 53.~~, or s. 341.25 (1) (a), (c), (h) ~~and or~~ (j) ~~and or~~ (2)

1 (a), (b) and or (c) for which a registration plate of the design established under sub.
2 (1) has not been issued, the department may issue and deliver prepaid to the
3 applicant 2 new registration plates of the design established under sub. (1). This
4 subdivision does not apply to registration plates issued under s. 341.14 (6r) (f) 52.,
5 1997 stats. This subdivision does not apply after June 30, 2005.

6 ***-1452/1.3*** SECTION 2699. 341.135 (2) (a) 2. of the statutes is created to read:

7 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations
8 initially effective on July 1, 2005, upon receipt of a completed application to initially
9 register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), or s. 341.25
10 (1) (a), (c), (h) or (j) or (2) (a), (b) or (c) or 341.26 (2) or (3) (a) 1. or (am), or to renew
11 the registration of a vehicle under those sections for which a registration plate has
12 not been issued during the previous 6 years, the department shall issue and deliver
13 prepaid to the applicant 2 new registration plates of the design established for that
14 6-year period under sub. (1). This subdivision does not apply to registration plates
15 issued under s. 341.14 (6r) (f) 52., 1997 stats.

16 ***-1452/1.4*** SECTION 2700. 341.135 (2) (e) of the statutes is amended to read:

17 341.135 (2) (e) The department shall issue new registration plates of the design
18 established under sub. (1) for every vehicle registered under ~~ss. s.~~ s. 341.14 (1a), (1m),
19 (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) and or (j) and or (2) (a), (b) and or
20 (c) and or 341.26 (2) and or (3) (a) 1. and or (am) by July 1, 2003 within 5 years after
21 the date specified in sub. (1), except that the department may not issue registration
22 plates of a new design for a vehicle registered under s. 341.14 (6r) (f) 53. until
23 January 1, 2005.

24 ***-1452/1.5*** SECTION 2701. 341.135 (3) of the statutes is repealed.

25 ***-1452/1.6*** SECTION 2702. 341.14 (6m) (a) of the statutes is amended to read:

1 341.14 (6m) (a) Upon application to register an automobile, station wagon or
2 motor truck which has a gross weight of not more than 8,000 pounds by any person
3 who is a resident of this state and a member or retired member of the national guard,
4 the department shall issue to the person special plates whose colors and design shall
5 be determined by the department, ~~after consultation with the adjutant general,~~ and
6 which have the words "Wisconsin guard member" placed on the plates in the manner
7 designated by the department. The department shall consult with or obtain the
8 approval of the adjutant general with respect to any word or symbol used to identify
9 the national guard. An additional fee of \$10 shall be charged for the issuance of the
10 plates. Registration plates issued under this subsection shall expire annually.

11 *~~1452/1.7~~* **SECTION 2703.** 341.14 (6r) (c) of the statutes is amended to read:

12 341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the
13 name of the applicable authorized special group, a symbol representing the special
14 group, not exceeding one position, and identifying letters or numbers or both, not
15 exceeding 6 positions and not less than one position. The department shall specify
16 the design for special group plates, but the department shall consult the president
17 of the ~~university~~ University of Wisconsin system ~~System~~ before specifying the design
18 ~~for word or symbol used to identify the special group plates~~ groups under par. (f) 35.
19 to 47., the secretary of natural resources before specifying the ~~design for word or~~
20 symbol used to identify the special group plate ~~group~~ under par. (f) 50. and the child
21 abuse and neglect prevention board before specifying the design ~~for word or symbol~~
22 used to identify the special group plate under par. (f) 53. Special group plates under
23 par. (f) 50. shall be as similar as possible to regular registration plates in color and
24 design.

25 *~~1452/1.8~~* **SECTION 2704.** 341.14 (6r) (e) of the statutes is amended to read:

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1 341.14 (6r) (e) The department shall specify one combination of colors for
2 special group plates for groups or organizations which are not military in nature and
3 not special group plates under par. (f) 35. to 47. and 50. The department, ~~after~~
4 ~~consulting the president of the university of Wisconsin system,~~ shall specify one
5 combination of colors for special group plates under par. (f) 35. to 47. The department
6 shall specify the word or words comprising the special group name and the symbol
7 to be displayed upon special group plates for a group or organization which is not
8 military in nature after consultation with the chief executive officer in this state of
9 the group or organization, ~~except that the department may not specify the word or~~
10 ~~words or the symbol for special group plates under par. (f) 35. to 47. unless the word~~
11 ~~or words or symbol is approved in writing by the president of the university of~~
12 ~~Wisconsin system or, with respect to endangered resources, specify the word or words~~
13 ~~or the symbol for special group plates under par. (f) 50. unless the word or words or~~
14 ~~symbol is approved in writing by the secretary of natural resources or, with respect~~
15 ~~to child abuse and neglect prevention, specify any word or words other than~~
16 ~~“Children First” or the symbol for special group plates under par. (f) 53. unless the~~
17 ~~word or words or symbol is approved in writing by the child abuse and neglect~~
18 ~~prevention board. The president may not approve the word or words or symbol for~~
19 ~~a university specified under par. (f) 35. to 47. unless the chancellor of the university~~
20 ~~approves in writing the word or words or symbol. The department shall require that~~
21 the word or words and symbol for a university specified under par. (f) 35. to 47. be
22 a registration decal or tag and affixed to the special group plate and be of the colors
23 for a university specified under par. (f) 35. to 47. that the president of the ~~university~~
24 University of Wisconsin system System specifies.

****NOTE: This draft reconciles LRB-1452 with LRB-0686/P1. Both drafts should appear in the compiled bill.

1 ***-0686/1.4* SECTION 2705.** 341.14 (6r) (f) 53. of the statutes is amended to
2 read:

3 341.14 (6r) (f) 53. Persons interested in obtaining a plate with the words
4 ~~“Children First”~~ “Celebrate Children” on it to show their support of the prevention
5 of child abuse and neglect.

6 ***-0171/P3.1* SECTION 2706.** 341.19 (1) (b) of the statutes is amended to read:
7 341.19 (1) (b) ~~Five~~ Ten dollars per vehicle as a late payment for fees received
8 after the time period established by the department.

9 ***-0127/P3.1* SECTION 2707.** 341.25 (1) (gd) of the statutes is amended to read:
10 341.25 (1) (gd) For each trailer or semitrailer ~~or camping trailer~~ having a gross
11 weight of 3,000 pounds or less and used for hire or rental, a fee which is one-half of
12 the fee prescribed for a motor truck of the same maximum gross weight. The
13 maximum gross weight shall be determined in the same manner as for a motor truck.
14 A trailer under this paragraph which is part of a fleet of 100 or more trailers used
15 for hire or rental may be registered under s. 341.308.

16 ***-0127/P3.2* SECTION 2708.** 341.25 (1) (i) of the statutes is amended to read:
17 341.25 (1) (i) For each mobile home, and for each camping trailer ~~having a gross~~
18 ~~weight of more than 3,000 pounds~~, a fee of \$15.

19 ***-0430/P1.1* SECTION 2709.** 341.255 (4) of the statutes is repealed.

20 ***-1452/1.9* SECTION 2710.** 341.26 (2g) of the statutes is amended to read:
21 341.26 (2g) **REBASING REGISTRATION PLATES.** Notwithstanding s. 341.13 (3) and
22 (3m), beginning with registrations initially effective on July 1, 2000, upon receipt of
23 a completed application to renew the registration of a vehicle registered under s.

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1 341.26 (2) and or (3) (a) 1. and or (am), the registration for which expires after
2 June 30, 2000, and before January 1, 2004, the department shall issue and deliver
3 prepaid to the applicant 2 new registration plates of the design established for that
4 6-year period under s. 341.135 (1). The department shall issue only one set of plates
5 under this subsection for each vehicle registered under this section, if the
6 department has not already issued registration plates of that design for that vehicle.

7 ***-1347/1.1* SECTION 2711.** 343.12 (2m) of the statutes is created to read:

8 343.12 (2m) The department shall require each person who holds an
9 endorsement to operate a school bus to provide proof to the department that, within
10 the past 4 years, the person has passed an examination described under sub. (2) (h).
11 If a person fails to provide proof required under this subsection, the department shall
12 cancel the person's operator's license as provided under s. 343.20 (1) (d).

13 ***-1347/1.2* SECTION 2712.** 343.12 (4) (a) 2. of the statutes is repealed.

14 ***-0528/3.1* SECTION 2713.** 343.16 (1) (a) of the statutes is amended to read:

15 343.16 (1) (a) *General.* The Except as provided in pars. (b) and (c), the
16 department shall examine every applicant for an operator's license, including
17 applicants for license renewal as provided in sub. (3), and every applicant for
18 authorization to operate a vehicle class or type for which the applicant does not hold
19 currently valid authorization, other than an instruction permit. Except as provided
20 in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing
21 operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall
22 include both a knowledge test and an actual demonstration in the form of a driving
23 skills test of the applicant's ability to exercise ordinary and reasonable control in the
24 operation of a representative vehicle. The department shall not administer a driving
25 skills test to a person applying for authorization to operate "Class M" vehicles who

1 has failed 2 previous such skills tests unless the person has successfully completed
2 a rider course approved by the department. The department may, by rule, exempt
3 certain persons from the rider course requirement of this paragraph. The driving
4 skills of applicants for endorsements authorizing the operation of commercial motor
5 vehicles equipped with air brakes, the transportation of passengers in commercial
6 motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or
7 (e), shall also be tested by an actual demonstration of driving skills. The department
8 may endorse an applicant's commercial driver license for transporting hazardous
9 materials, or the operation of tank vehicles or vehicles towing double or triple
10 trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of
11 a knowledge test. In administering the knowledge test, the department shall
12 attempt to accommodate any special needs of the applicant. Except as may be
13 required by the department for an "H" or "S" endorsement, the knowledge test is not
14 intended to be a test for literacy or English language proficiency. This paragraph
15 does not prohibit the department from requiring an applicant to correctly read and
16 understand highway signs.

17 *~~0528/3.2~~* SECTION 2714. 343.16 (1) (b) (intro.) of the statutes is amended to
18 read:

19 343.16 (1) (b) *Third-party testing.* (intro.) The department may contract with
20 a person, including an agency or department of this state or its political subdivisions
21 or another state, or a private employer of commercial motor vehicle drivers, to
22 administer commercial motor vehicle skills tests required by 49 CFR 383.110 to
23 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and,~~
24 abbreviated driving skills tests required by sub. (3) (b) and, to persons at least 18
25 years of age, driving skills tests required by par. (a) for authorization to operate

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1 “Class D” vehicles. The department may not enter into such testing contracts with
2 a private driver training school or other private institution for vehicles other than
3 “Class D” vehicles. A contract with a 3rd-party tester shall include all of the
4 following provisions:

5 ***-0528/3.3* SECTION 2715.** 343.16 (1) (b) 3. (intro.) of the statutes is amended
6 to read:

7 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an
8 on-site inspection of the 3rd-party tester to determine compliance with the contract
9 and with department and federal standards for testing applicants for commercial
10 driver licenses and with department standards for testing applicants for regular
11 licenses and school bus endorsements. At least annually, the department shall also
12 evaluate testing given by the 3rd-party by one of the following means:

13 ***-0528/3.4* SECTION 2716.** 343.16 (1) (b) 4. of the statutes is amended to read:

14 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same
15 qualifications and training standards as the department’s license examiners to the
16 extent established by the department as necessary to satisfactorily perform the
17 driving skills tests required by par. (a) for authorization to operate “Class D” vehicles,
18 skills tests required by 49 CFR 383.110 to 383.135, examinations required to be
19 administered under s. 343.12 (2) (h) and abbreviated driving skills tests required by
20 sub. (3) (b).

21 ***-0528/3.5* SECTION 2717.** 343.16 (1) (b) 5. of the statutes is amended to read:

22 343.16 (1) (b) 5. The department shall take prompt and appropriate remedial
23 action against the 3rd-party tester in the event that the tester fails to comply with
24 department or federal standards for commercial driver license testing, department
25 standards for regular license and school bus endorsement testing or any provision

1 of the contract. Such action may include immediate termination of testing by the
2 3rd-party tester and recovery of damages.

3 ***-0528/3.6* SECTION 2718.** 343.16 (1) (c) (intro.) of the statutes is amended to
4 read:

5 343.16 (1) (c) *Driver education course.* (intro.) The department may, after
6 consultation with the department of public instruction and the technical college
7 system board, provide for administration of and certification of the results of the test
8 of an applicant's knowledge of the traffic laws and ability to read and understand
9 highway signs, and of the driving skills test of the applicant's ability to exercise
10 ordinary and reasonable control in the operation of a "Class D" vehicle, in conjunction
11 with a course in driver education specified in this paragraph, by an instructor in that
12 course. ~~The test under this paragraph does not include that part of a driver's~~
13 ~~examination involving the actual demonstration of ability to exercise ordinary and~~
14 ~~reasonable control in the operation of a motor vehicle required for the issuance of a~~
15 ~~license other than an instruction permit. The~~ No person may administer a driving
16 skills test under this paragraph to an applicant, unless the applicant is under 18
17 years of age, enrolled in a course described in subds. 1. to 4. and the driving skills test
18 is administered as part of that course. Any test authorized under this paragraph
19 may be administered and certified by an instructor in any of the following:

20 ***-0528/3.7* SECTION 2719.** 343.16 (1) (c) 4. of the statutes is created to read:
21 343.16 (1) (c) 4. A course in driver education in driver schools licensed under
22 s. 343.61.

23 ***-2071/2.1* SECTION 2720.** 343.17 (3) (a) 13. of the statutes is created to read:
24 343.17 (3) (a) 13. If the person is under 18 years of age at the time of issuance
25 of the license, a distinctive appearance specified by the department that clearly

1 identifies to the public that the person was under 18 years of age at the time of
2 issuance of the license.

3 ***-2071/2.2* SECTION 2721.** 343.19 (1) of the statutes is amended to read:

4 343.19 (1) If a license issued under this chapter or an identification card issued
5 under s. 343.50 is lost or destroyed or the name or address named in the license or
6 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
7 no longer applies, the person to whom the license or identification card was issued
8 may obtain a duplicate thereof or substitute therefor upon furnishing proof
9 satisfactory to the department of name and date of birth and that the license or
10 identification card has been lost or destroyed or that application for a duplicate
11 license or identification card is being made for a change of address or name or
12 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
13 original license or identification card is found it shall immediately be transmitted to
14 the department. Duplicates of nonphoto licenses shall be issued as nonphoto
15 licenses.

16 ***-1347/1.3* SECTION 2722.** 343.20 (1) (d) of the statutes is amended to read:

17 343.20 (1) (d) The department shall cancel an operator's license that is
18 endorsed for the operation of school buses under s. 343.12 (2), regardless of the
19 license expiration date, if the licensee fails to provide proof to the department that
20 he or she has passed an examination as required under s. 343.12 (2m). The
21 department shall cancel an operator's license that is endorsed for the operation of
22 school buses under s. 343.12 (3), regardless of the license expiration date, if the
23 licensee fails to provide proof to the department of an annual physical examination
24 determining that the person meets the physical standards established under s.
25 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (1m).

1 ***-0444/P1.1* SECTION 2723.** 343.21 (2) of the statutes is amended to read:

2 343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose
3 application for a permit, license, upgrade or endorsement, taken together with the
4 applicant's currently valid license, if any, requires the department to administer a
5 driving skills test of the applicant's ability to exercise ordinary and reasonable
6 control in the operation of a motor vehicle shall pay to the department an
7 examination fee of \$20 for an examination in a commercial motor vehicle other than
8 a school bus and ~~\$10~~ \$15 for an examination in any other vehicle. Payment of the
9 examination fee entitles the applicant to not more than 3 tests of the applicant's
10 ability to exercise reasonable control in the operation of a motor vehicle. If the
11 applicant does not qualify for issuance of a license, upgraded license or endorsement
12 in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which
13 payment entitles the applicant to not more than 3 additional tests.

14 (b) The operator shall pay to the department an examination fee of ~~\$10~~ \$15 for
15 conducting the special examination requested under s. 121.555 (2) (cm), except that
16 if the examination is in a commercial motor vehicle other than a school bus the fee
17 is \$20. Payment of the examination fee entitles the person to not more than 3 tests
18 of the person's ability to safely operate the vehicle proposed to be used under s.
19 121.555 (1) (a). If the applicant does not pass the examination for safe operation of
20 the vehicle in 3 such tests, then a 2nd examination fee in the same amount shall be
21 paid, which payment entitles the person to not more than 3 additional tests.

22 ***-0598/2.1* SECTION 2724.** 343.305 (9) (a) (intro.) of the statutes is amended
23 to read:

24 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
25 law enforcement officer shall immediately take possession of the person's license and

1 prepare a notice of intent to revoke, by court order under sub. (10), the person's
2 operating privilege. If the person was driving or operating a commercial motor
3 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours
4 after the refusal and notify the department in the manner prescribed by the
5 department. The officer shall issue a copy of the notice of intent to revoke the
6 privilege to the person and submit or mail a copy with the person's license to the
7 circuit court for the county in which the arrest under sub. (3) (a) was made. The
8 officer shall also mail a copy of the notice of intent to revoke to the district attorney
9 for that county and the department. Neither party is entitled to prehearing
10 discovery, except that at the refusal hearing, before a witness testifies, written or
11 voice recorded statements of the witness, if any, shall be given to the defendant. For
12 cause, the court may order the production of those statements before the hearing.
13 This limit on discovery does not affect either party's right to discovery under s. 971.23
14 related to any criminal prosecution. The notice of intent to revoke the person's
15 operating privilege shall contain substantially all of the following information:

16 *~~0598/2.2~~* SECTION 2725. 343.305 (9) (am) (intro.) of the statutes is amended
17 to read:

18 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with
19 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law
20 enforcement officer shall immediately take possession of the person's license, issue
21 an out-of-service order to the person for the 24 hours after the refusal and notify the
22 department in the manner prescribed by the department, and prepare a notice of
23 intent to revoke, by court order under sub. (10), the person's operating privilege. The
24 officer shall issue a copy of the notice of intent to revoke the privilege to the person
25 and submit or mail a copy with the person's license to the circuit court for the county

1 in which the refusal is made. The officer shall also mail a copy of the notice of intent
2 to revoke to the district attorney for that county and the department. Neither party
3 is entitled to prehearing discovery, except that at the refusal hearing, before a
4 witness testifies, written or voice recorded statements of the witness, if any, shall be
5 given to the defendant. For cause, the court may order the production of those
6 statements before the hearing. This limit on discovery does not affect either party's
7 right to discovery under s. 971.23 related to any criminal prosecution. The notice of
8 intent to revoke the person's operating privilege shall contain substantially all of the
9 following information:

10 ***-0120/P2.2* SECTION 2726.** 343.44 (2) (a) of the statutes, as affected by 1997
11 Wisconsin Act 84, is amended to read:

12 343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in
13 conformity therewith shall be required to forfeit not less than \$50 nor more than
14 \$200.

15 ***-0120/P2.3* SECTION 2727.** 343.44 (2) (am) of the statutes, as affected by 1997
16 Wisconsin Act 84, is amended to read:

17 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, ~~1999~~ 2002,
18 may be required to forfeit not more than \$600, except that, if the person has been
19 convicted of a previous violation described in sub. (1) (b) within the preceding 5-year
20 period, the penalty under par. (b) shall apply.

21 ***-0435/P1.1* SECTION 2728.** 345.09 (2) of the statutes is amended to read:

22 345.09 (2) The secretary as attorney upon whom processes and notices may be
23 served under this section shall, upon being served with such process or notice,
24 forthwith mail by registered mail a copy thereof to such nonresident at the
25 out-of-state nonresident address given in the papers so served. It is the duty of the

1 party or the party's attorney to certify in the papers so served that the address given
2 therein is the last-known out-of-state nonresident address of the party to be served.
3 In all cases of service under this section there shall be served 2 authenticated copies
4 for the secretary and such additional number of authenticated copies as there are
5 defendants so served in the action. One of the secretary's copies shall be retained for
6 the secretary's record of service and the other copy shall be returned with proper
7 certificate of service attached for filing in court as proof of service of the copies by
8 having mailed them by registered mail to the defendants named therein. The service
9 fee shall be ~~\$15~~ \$25 for each defendant so served. The secretary shall keep a record
10 of all such processes and notices, which record shall show the day and hour of service.

11 ***-1265/7.30* SECTION 2729.** 345.26 (1)(b) 1. of the statutes is amended to read:

12 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
13 regulation, the person need not appear in court at the time fixed in the citation, and
14 the person will be deemed to have tendered a plea of no contest and submitted to a
15 forfeiture and a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail
16 assessment, if required by s. 302.46 (1), a railroad crossing improvement
17 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories
18 and drug law enforcement assessment, if required by s. 165.755, plus any applicable
19 fees prescribed in ch. 814, not to exceed the amount of the deposit that the court may
20 accept as provided in s. 345.37; and

21 ***-1265/7.31* SECTION 2730.** 345.37 (2) of the statutes is amended to read:

22 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
23 serve as the initial pleading and the defendant shall be deemed to have tendered a
24 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
25 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing

1 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a
2 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
3 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
4 amount of the deposit. The court may either accept the plea of no contest and enter
5 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the
6 defendant fails to appear in response to the summons, the court shall issue a warrant
7 under ch. 968. If the court accepts the plea of no contest, the defendant may move
8 within 6 months after the date set for the appearance to withdraw the plea of no
9 contest, open the judgment and enter a plea of not guilty upon a showing to the
10 satisfaction of the court that the failure to appear was due to mistake, inadvertence,
11 surprise or excusable neglect. If on reopening the defendant is found not guilty, the
12 court shall immediately notify the department to delete the record of conviction
13 based on the original proceeding and shall order the defendant's deposit returned.

14 *~~1265/7.32~~* SECTION 2731. 345.37 (5) of the statutes is amended to read:

15 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
16 judgment, the official receiving the forfeiture, the penalty assessment, if required by
17 s. ~~165.87~~ 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
18 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
19 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
20 shall forward to the department a certification of the entry of default judgment or a
21 judgment of forfeiture.

22 *~~1265/7.33~~* SECTION 2732. 345.375 (2) of the statutes is amended to read:

23 345.375 (2) Upon default of the defendant corporation or limited liability
24 company or upon conviction, judgment for the amount of the forfeiture, the penalty
25 assessment, if required under s. ~~165.87~~ 757.05, the jail assessment, if required by s.

1 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
2 required under s. 165.755, shall be entered.

3 ***-1265/7.34* SECTION 2733.** 345.47 (1) (intro.) of the statutes is amended to
4 read:

5 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
6 judgment against the defendant for a monetary amount not to exceed the maximum
7 forfeiture, penalty assessment, if required by s. ~~165.87~~ 757.05, the jail assessment,
8 if required by s. 302.46 (1), the railroad crossing improvement assessment, if
9 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug
10 law enforcement assessment, if required by s. 165.755, provided for the violation and
11 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
12 privilege under s. 343.30. If the judgment is not paid, the court shall order:

13 ***-1265/7.35* SECTION 2734.** 345.47 (1) (b) of the statutes is amended to read:

14 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
15 or revocation, that the defendant's operating privilege be suspended for 30 days or
16 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~
17 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
18 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
19 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
20 but not to exceed 5 years. Suspension under this paragraph shall not affect the power
21 of the court to suspend or revoke under s. 343.30 or the power of the secretary to
22 suspend or revoke the operating privilege.

23 ***-1265/7.36* SECTION 2735.** 345.47 (1) (c) of the statutes is amended to read:

24 345.47 (1) (c) If a court or judge suspends an operating privilege under this
25 section, the court or judge shall immediately take possession of the suspended license

1 and shall forward it to the department together with the notice of suspension, which
2 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
3 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46
4 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495
5 or 346.65 (4r), ~~and~~ a crime laboratories and drug law enforcement assessment, if
6 required by s. 165.755, and the fee required under s. 85.135, imposed by the court.
7 The notice of suspension and the suspended license, if it is available, shall be
8 forwarded to the department within 48 hours after the order of suspension. If the
9 forfeiture, penalty assessment, jail assessment, railroad crossing improvement
10 assessment and crime laboratories and drug law enforcement assessment are paid
11 during a period of suspension, the court or judge shall immediately notify the
12 department. Upon receipt of the notice and payment of the reinstatement fee under
13 s. 343.21 (1) (j), the department shall return the surrendered license.

***NOTE: This is reconciled s. 345.47 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: 1265/5 and 1615/P2.

14 *~~1265/7.37~~* **SECTION 2736.** 345.49 (1) of the statutes is amended to read:
15 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
16 forfeiture, a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail assessment,
17 if required by s. 302.46 (1), a railroad crossing improvement assessment, if required
18 by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law
19 enforcement assessment, if required by s. 165.755, may, on request, be allowed to
20 work under s. 303.08. If the person does work, earnings shall be applied on the
21 unpaid forfeiture, penalty assessment, jail assessment, railroad crossing
22 improvement assessment or crime laboratories and drug law enforcement

1 assessment after payment of personal board and expenses and support of personal
2 dependents to the extent directed by the court.

3 ***-1265/7.38* SECTION 2737.** 345.61 (2) (c) of the statutes is amended to read:

4 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
5 any printed card or other certificate issued by an automobile club, association or
6 insurance company to any of its members or insureds, which card or certificate is
7 signed by the member or insureds and contains a printed statement that the
8 automobile club, association or insurance company and a surety company, or an
9 insurance company authorized to transact both automobile liability insurance and
10 surety business, guarantee the appearance of the persons whose signature appears
11 on the card or certificate and that they will in the event of failure of the person to
12 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
13 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
14 required by s. 302.46 (1), the railroad crossing improvement assessment required by
15 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law
16 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
17 or \$1,000 as provided in sub. (1) (b).

18 ***-0504/P2.3* SECTION 2738.** 346.02 (10) of the statutes is amended to read:

19 346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon
20 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,
21 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33,
22 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51,
23 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and
24 346.94 (1) and (9) and, if the snowmobile is an authorized emergency vehicle, be
25 subject to s. 346.03.