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1           \***-1418/1.1\* SECTION 2569.** 289.33 (7) (a) 1. of the statutes is amended to read:

2           289.33 (7) (a) 1. A town, city or village in which all or part of a facility is  
3 proposed to be located ~~shall~~ may appoint 4 members or the number of members  
4 appointed under subds. 1m. and 2. and sub. (7n) plus 2, whichever is greater, no more  
5 than 2 of whom are elected officials or municipal employes.

6           \***-0959/1.1\* SECTION 2570.** 292.11 (7) (d) 1m. of the statutes is created to read:

7           292.11 (7) (d) 1m. The department may negotiate and enter into an agreement  
8 containing a schedule for conducting nonemergency actions required under sub. (3)  
9 with a local governmental unit, as defined in sub. (9) (e) 1., that is acting on behalf  
10 of owners of contaminated property within one of the following:

11           a. A business improvement district, as defined in s. 66.608 (1) (b).

12           b. An area designated by the local governmental unit if the area consists of 2  
13 or more properties affected by a contiguous region of groundwater contamination or  
14 contains 2 or more properties that are brownfields, as defined in s. 234.88 (1) (a).

15           \***-0959/1.2\* SECTION 2571.** 292.11 (7) (d) 2. of the statutes is amended to read:

16           292.11 (7) (d) 2. The department may charge fees, in accordance with rules that  
17 it promulgates, to offset the costs of negotiating and entering into an agreement  
18 under subd. 1. or 1m.

19           \***-1419/2.1\* SECTION 2572.** 292.11 (9) (e) 1. of the statutes is amended to read:

20           292.11 (9) (e) 1. ~~Local~~ In this paragraph, "local governmental unit" means a  
21 municipality, a redevelopment authority created under s. 66.431, a public body  
22 designated by a municipality under s. 66.435 (4), a community development  
23 authority or a housing authority.

24           \***-0257/4.1\* SECTION 2573.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended  
25 to read:

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1           292.11 (9) (e) 1m. (intro.) ~~A~~ Except as provided in subds. 2., 4., 6. and 7., a local  
2 governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to  
3 discharges of hazardous substances on or originating from property acquired by the  
4 local government unit before, on or after the effective date of this subdivision ....  
5 [revisor inserts date], if any of the following applies:

6           \*~~0257/4.2~~\* **SECTION 2574.** 292.11 (9) (e) 1m. b. of the statutes is amended to  
7 read:

8           292.11 (9) (e) 1m. b. The local governmental unit acquired the property from  
9 a local governmental unit that acquired is exempt under this subdivision with  
10 respect to the property under a method described in subd. 1m. a.

11           \*~~0257/4.3~~\* **SECTION 2575.** 292.11 (9) (e) 1m. e. of the statutes is created to  
12 read:

13           292.11 (9) (e) 1m. e. The local governmental unit acquired the property through  
14 escheat.

15           \*~~1419/2.2~~\* **SECTION 2576.** 292.11 (9) (e) 1m. f. of the statutes is created to read:  
16           292.11 (9) (e) 1m. f. The local governmental unit acquired the property using  
17 funds appropriated under s. 20.866 (2) (tz).

18           \*~~0257/4.4~~\* **SECTION 2577.** 292.11 (9) (e) 1s. of the statutes is amended to read:

19           292.11 (9) (e) 1s. ~~An~~ Except as provided in subds. 2. and 4. to 6., an economic  
20 development corporation described in section 501 (c) of the Internal Revenue Code,  
21 as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a)  
22 of the Internal Revenue Code, or an entity wholly owned and operated by such a  
23 corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property  
24 acquired before, on or after October 14, 1997, if the property is acquired to further

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1 the economic development purposes that qualify the corporation as exempt from  
2 federal taxation.

3 **\*-1419/2.3\* SECTION 2578.** 292.11 (9) (e) 3. of the statutes is repealed.

4 **\*-0257/4.5\* SECTION 2579.** 292.11 (9) (e) 5. c. of the statutes is repealed.

5 **\*-0257/4.6\* SECTION 2580.** 292.11 (9) (e) 6. of the statutes is created to read:

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

12 **\*-1419/2.4\* SECTION 2581.** 292.11 (9) (e) 7. of the statutes is created to read:

13 292.11 (9) (e) 7. Subdivision 1m. does not apply to property described in subd.  
14 1m. f. unless the local governmental unit enters into an agreement with the  
15 department to ensure that the conditions in subds. 2. and 4. are satisfied.

16 **\*-1423/3.1\* SECTION 2582.** 292.15 (1) (a) of the statutes is created to read:

17 292.15 (1) (a) "Enforcement standard" has the meaning given in s. 160.01 (2).

18 **\*-1423/3.2\* SECTION 2583.** 292.15 (1) (am) of the statutes is created to read:

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

23 **\*-0929/5.1\* SECTION 2584.** 292.15 (1) (f) of the statutes is repealed and

24 recreated to read:

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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 2585.** 292.15 (2) (a) (title) of the statutes is created to  
4 read:

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

6           \***-0285/1.1**\* **SECTION 2586.** 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:

16           \***-1422/1.1**\* **SECTION 2587.** 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~~ 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 2588.** 292.15 (2) (a) 3. of the statutes is amended to read:

23           292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from  
24 the department that the ~~property~~ environment has been satisfactorily restored to the

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1 extent practicable with respect to the discharges and that the harmful effects from  
2 ~~a discharge of a hazardous substance~~ the discharges have been minimized.

3 **\*-0614/3.2\* SECTION 2589.** 292.15 (2) (a) 6. of the statutes is amended to read:

4 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~  
5 ~~subd. 3. certificate of completion~~ by fraud or misrepresentation, by the knowing  
6 failure to disclose material information or under circumstances in which the  
7 voluntary party knew or should have known about more discharges of hazardous  
8 substances than were revealed by the investigation conducted under subd. 1.

9 **\*-0929/5.2\* SECTION 2590.** 292.15 (2) (a) 7. of the statutes is created to read:

10 292.15 (2) (a) 7. If required by the department, the voluntary party obtains and  
11 maintains insurance to cover the costs of complying with s. 292.11 (3) in case it is  
12 discovered, after the department issues a certificate of completion under subd. 3.,  
13 that the cleanup under subd. 2. fails to fully restore the environment or to minimize  
14 the effects from a discharge or that the hazardous substance that is the subject of the  
15 cleanup is more extensive than known before the department issues the certificate  
16 of completion, and the insurance complies with rules promulgated by the department  
17 and names the voluntary party and this state as insureds.

18 **\*-1423/3.3\* SECTION 2591.** 292.15 (2) (ae) of the statutes is created to read:

19 292.15 (2) (ae) *Natural attenuation.* Except as provided in sub. (6) or (7), if  
20 there exists a hazardous substance in groundwater on a property in a concentration  
21 that exceeds an enforcement standard and the department determines that natural  
22 attenuation will restore groundwater quality in accordance with rules promulgated  
23 by the department, a voluntary party is exempt from ss. 289.05 (1), (2), (3) and (4),  
24 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c)  
25 and 292.31 (8), and rules promulgated under those provisions, with respect to

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1 discharges of hazardous substances on or originating from the property, if the release  
2 of those hazardous substances occurred prior to the date on which the department  
3 approves the environmental investigation of the property under subd. 1. and if all  
4 of the following occur at any time before or after the date of acquisition:

5 1. An environmental investigation of the property is conducted that is approved  
6 by the department.

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

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

19 3m. If required by the department, the voluntary party obtains and maintains  
20 insurance to cover the costs of complying with s. 292.11 (3) with respect to the  
21 hazardous substance that the department has determined will be brought into  
22 compliance with rules promulgated by the department through natural attenuation,  
23 in case natural attenuation fails, and the insurance complies with rules promulgated  
24 by the department and names the voluntary party and this state as insureds.

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

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

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

11           \***-0614/3.3\*** **SECTION 2592.** 292.15 (2) (ag) of the statutes is created to read:

12           292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in  
13 sub. (6) or (7), for a property on which there exists a hazardous substance for which  
14 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is  
15 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25  
16 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules  
17 promulgated under those provisions, with respect to discharges of hazardous  
18 substances on or originating from the property, if the release of those hazardous  
19 substances occurred prior to the date on which the department approves the  
20 environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to  
21 6. apply and all of the following occur at any time before or after the date of  
22 acquisition:

23           1. The environment is restored to the extent practicable with respect to the  
24 discharges and the harmful effects from the discharges are minimized in accordance  
25 with rules promulgated by the department and any contract entered into under those

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1 rules, except that this requirement does not apply with respect to the hazardous  
2 substance for which the voluntary party is exempt from liability under s. 292.13 (1).

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

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

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

13 **\*-0614/3.4\* SECTION 2593.** 292.15 (2) (am) (intro.) of the statutes is amended  
14 to read:

15 292.15 (2) (am) Partial cleanup. (intro.) The department may approve a  
16 partial cleanup and issue a certificate of completion as provided in par. (a), (ae) or (ag)  
17 that states that not all of the property has been satisfactorily restored or that not all  
18 of the harmful effects from a discharge of a hazardous substance have been  
19 minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37  
20 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property  
21 or hazardous substances cleaned up under this paragraph. In addition to meeting  
22 the requirements of par. (a), (ae) or (ag), a certificate for a partial cleanup under this  
23 paragraph may be issued only if:

24 **\*-0614/3.5\* SECTION 2594.** 292.15 (2) (ar) (title) of the statutes is created to  
25 read:



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1           292.15 (2) (ar) (title) *Condition*.

2           \*~~0937/2.1~~\* **SECTION 2595.** 292.15 (2) (at) of the statutes is created to read:

3           292.15 (2) (at) *Discharges discovered after environmental investigations.*

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

11           1. An initial environmental investigation of the property is conducted and is  
12          approved by the department.

13           2. If required by the department, the voluntary party enters into an agreement  
14          with the department under which the voluntary party agrees to conduct a cleanup  
15          approved by the department.

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

22           4. A hazardous substance discharge that occurred before the investigation  
23          under subd. 1. is completed is discovered after the investigation under subd. 1. is  
24          approved and before the cleanup is completed.

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

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

8           \***-0614/3.6\*** **SECTION 2596.** 292.15 (2) (b) of the statutes is amended to read:

9           292.15 (2) (b) Extent of exemptions. The exemptions provided in pars. (a), (ae),  
10 (ag) and (am) continue to apply after the date of certification by the department  
11 under par. (a) 3., (ae) 3. or (ag) 2., or approval by the department under par. (am),  
12 notwithstanding the occurrence of any of the following:

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

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

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

23           \***-0614/3.7\*** **SECTION 2597.** 292.15 (2) (c) (title) of the statutes is created to  
24 read:

25           292.15 (2) (c) (title) *Prohibition on action.*

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1           \***-0937/2.2\*** SECTION 2598. 292.15 (2) (c) of the statutes is amended to read:  
2           292.15 (2) (c) The department of justice may not commence an action under 42  
3           USC 9607 against any voluntary party meeting the criteria of this subsection to  
4           recover costs for which the voluntary party is exempt under pars. (a), (ac), (ag), (am),  
5           (at) and (b).

6           \***-0614/3.8\*** SECTION 2599. 292.15 (2) (d) (title) of the statutes is created to  
7           read:

8           292.15 (2) (d) (title) *Exception.*

9           \***-0929/5.3\*** SECTION 2600. 292.15 (2) (e) of the statutes is created to read:

10          292.15 (2) (e) *Contract with insurer.* If the department requires insurance  
11          under par. (a) 7. or (ae) 3m., the department may contract with an insurer to provide  
12          insurance required under par. (a) 7. or (ae) 3m. and may require voluntary parties  
13          to obtain coverage under the contract.

14          \***-0929/5.4\*** SECTION 2601. 292.15 (3) of the statutes is amended to read:

15          292.15 (3) SUCCESSORS AND ASSIGNS. The An exemption provided in sub. (2)  
16          applies to any successor or assignee of the voluntary party ~~who qualifies as a~~  
17          ~~voluntary party and who~~ if the successor or assignee complies with the provisions of  
18          sub. (2) (a) 4. and 5. ~~unless or (ae) 3m., 4. and 5. and, if applicable, sub. (2) (ag) 4. or~~  
19          (am) as though the successor or assignee were the voluntary party except that the  
20          exemption in sub. (2) does not apply if the successor or assignee knows that a  
21          certificate under sub. (2) (a) 3., (ae) 3., (ag) 12. or (am) was obtained by any of the  
22          means or under any of the circumstances specified in sub. (2) (a) 6.

23          \***-0257/4.7\*** SECTION 2602. 292.15 (4) (intro.) of the statutes is amended to  
24          read:

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1           292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary  
2 party under sub. (2) (a) 2. may be monetarily limited by agreement between the  
3 voluntary party and the department if the voluntary party purchased the property  
4 from a local governmental unit that acquired the property in a way or for a purpose  
5 described in s. 292.11 (9) (e) 1m. ~~a., b., c. or d.~~ The agreement shall stipulate all of the  
6 following:

7           \*~~0929/5.5~~\* **SECTION 2603.** 292.15 (5m) of the statutes is repealed.

8           \*~~1423/3.4~~\* **SECTION 2604.** 292.15 (6) of the statutes is renumbered 292.15 (6)  
9 (a) and amended to read:

10           292.15 (6) (a) This section does not exempt property from any lien filed under  
11 s. 292.81 (3) for costs incurred by the department prior to the date that certification  
12 is issued under sub. (2) (a) 3., ~~(ae) 3. or (ag) 2.~~

13           \*~~0937/2.3~~\* **SECTION 2605.** 292.15 (6) (b) of the statutes is created to read:

14           292.15 (6) (b) This section does not exempt property from any lien filed under  
15 s. 292.81 (3) for costs that are incurred by the department with respect to a hazardous  
16 substance discharge described in sub. (2) (at) 3. and that are not covered by insurance  
17 required by sub. (2) (at) 3.

18           \*~~0256/1.1~~\* **SECTION 2606.** 292.21 (1) (c) 1. b. of the statutes is repealed.

19           \*~~0256/1.2~~\* **SECTION 2607.** 292.21 (1) (c) 1. g. of the statutes is created to read:

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

25           \*~~0256/1.3~~\* **SECTION 2608.** 292.21 (1) (c) 1. h. of the statutes is created to read:

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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 2609.** 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 2610.** 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.

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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.

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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 2611.** 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).

24 **\*-0958/1.1\* SECTION 2612.** 292.33 of the statutes is created to read:

**BILL**

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

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

3           1.

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

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

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

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

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

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

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



**BILL**

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

3           3. Administering the activities under subds. 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.

**BILL****SECTION 2612**

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           \***-1670/1.1**\* **SECTION 2613.** 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 2614.** 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 2615.** 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 2616.** 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:

**BILL**

1           \***-1484/2.3**\* **SECTION 2617.** 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 2618.** 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 2619.** 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 2620.** 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 2621.** 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 2622.** 292.65 (3) (am) 3. of the statutes is repealed and

24 recreated to read:

**BILL****SECTION 2622**

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           \*-1483/1.1\* **SECTION 2623.** 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           \*-1483/1.2\* **SECTION 2624.** 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           \*-1483/1.3\* **SECTION 2625.** 292.65 (4) (h) of the statutes is amended to read:

**BILL**

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           \***-1483/1.4\*** SECTION 2626. 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           \***-1488/1.2\*** SECTION 2627. 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           \***-1488/1.3\*** SECTION 2628. 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           \***-1485/1.1\*** SECTION 2629. 292.65 (6) of the statutes is repealed.

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## SECTION 2630

1           \*-1483/1.5\* SECTION 2630. 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 2631. 292.65 (7) (a) 16. of the statutes is repealed.

4           \*-1482/1.3\* SECTION 2632. 292.65 (7) (b) of the statutes is repealed.

5           \*-1483/1.6\* SECTION 2633. 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 2634. 292.65 (7) (c) 6. of the statutes is created to read:

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

11           \*-1483/1.7\* SECTION 2635. 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.

**BILL**

1           \***-1488/1.4\*** **SECTION 2636.** 292.65 (8) (a) 4m. of the statutes is created to read:  
2           292.65 (8) (a) 4m. If the owner or operator receives any proceeds arising from  
3 an insurance claim for any eligible costs, a record of the payment.

4           \***-1485/1.2\*** **SECTION 2637.** 292.65 (8) (e) 3a. of the statutes is repealed and  
5 recreated to read:

6           292.65 (8) (e) 3a. If eligible costs are \$200,000 or less, \$10,000.

7           \***-1485/1.3\*** **SECTION 2638.** 292.65 (8) (e) 3am. of the statutes is created to read:  
8           292.65 (8) (e) 3am. If eligible costs exceed \$200,000 but do not exceed \$400,000,  
9 \$10,000 plus 8% of the amount by which eligible costs exceed \$200,000.

10          \***-1485/1.4\*** **SECTION 2639.** 292.65 (8) (e) 3ar. of the statutes is created to read:  
11          292.65 (8) (e) 3ar. If eligible costs exceed \$400,000, \$26,000 plus 10% of the  
12 amount by which eligible costs exceed \$400,000.

13          \***-1485/1.5\*** **SECTION 2640.** 292.65 (8) (e) 3b. of the statutes is amended to read:  
14          292.65 (8) (e) 3b. ~~For each year in which the owner or operator has not paid the~~  
15 ~~annual license fee under s. 77.9961 (1) for the dry cleaning facility, an~~ An amount  
16 equal to 30 times the average annual license fee paid under s. 77.9961 (1) for ~~that the~~  
17 year in which an award is made.

18          \***-1485/1.6\*** **SECTION 2641.** 292.65 (8) (e) 3c. of the statutes is amended to read:  
19          292.65 (8) (e) 3c. ~~For each year in which the dry cleaning solvents fee under s.~~  
20 ~~77.9962 was imposed and the dry cleaning facility was not in operation, an~~ An  
21 amount equal to 30 times the total amount collected under s. 77.9962 for ~~that the~~  
22 year in which an award is made divided by the number of dry cleaning facilities in  
23 operation during that year.

24          \***-1488/1.5\*** **SECTION 2642.** 292.65 (9m) of the statutes is created to read:

**BILL****SECTION 2642**

1           292.65 (9m) SUBROGATION. The department is subrogated to the rights of an  
2 applicant who obtains an award under this section or s. 292.66 in an amount equal  
3 to the award and may join in an action by an applicant against an insurance company  
4 to recover eligible costs. An applicant who receives an award under this section shall  
5 cooperate with the state in any action under this subsection. The amounts collected  
6 by the department under this subsection shall be deposited in the dry cleaner  
7 environmental response fund.

8           \***-1487/1.3\*** **SECTION 2643.** 292.65 (11) of the statutes is created to read:

9           292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends  
10 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because  
11 of a discharge of dry cleaning solvent at a dry cleaning facility, the department shall  
12 transfer from the appropriation account under s. 20.370 (6) (eq) to the environmental  
13 fund an amount equal to the amount expended under s. 292.11 (7) (a) or 292.31 (3)  
14 (b). The department shall make transfers under this subsection when the  
15 department determines that sufficient funds are available in the appropriation  
16 account under s. 20.370 (6) (eq).

17           \***-1387/1.1\*** **SECTION 2644.** 292.65 (12m) of the statutes is created to read:

18           292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made  
19 a false or misleading statement in any document submitted to the department under  
20 this section.

21           \***-1483/1.8\*** **SECTION 2645.** 292.66 (1) of the statutes is amended to read:

22           292.66 (1) The department shall allocate 46% of the funds appropriated under  
23 s. 20.370 (6) (eq) in each fiscal year for awards to reimburse owners and operators  
24 for costs of preliminary site screening and the purchase and installation of  
25 equipment to begin the cleanup of discharges of dry cleaning solvent from dry



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1 cleaning facilities before the completion of full site investigations and remedial  
2 action ~~plans options reports~~. The department may not make an award under this  
3 section before September 1, 1998, or after June 30, 2002.

4 **\*-0432/1.1\* SECTION 2646.** 292.66 (3) of the statutes is amended to read:

5 292.66 (3) An award under this section ~~may not exceed \$15,000, of which not~~  
6 ~~more than \$2,500 may be~~ shall equal 50% of the eligible costs, except that an award  
7 may not exceed \$20,000. Of the total award, the reimbursement for the preliminary  
8 site screening shall equal 50% of the cost of conducting the preliminary site  
9 screening, except that the reimbursement for the preliminary site screening may not  
10 exceed \$3,000.

11 **\*-1387/1.2\* SECTION 2647.** 292.66 (5) of the statutes is created to read:

12 292.66 (5) No person may knowingly make or cause to be made a false or  
13 misleading statement in any document submitted to the department under this  
14 section.

15 **\*-1688/1.2\* SECTION 2648.** 292.70 of the statutes is created to read:

16 **292.70 Indemnification for disposal of polychlorinated biphenyls. (1)**

17 DEFINITION. In this section, "PCBs" has the meaning given in s. 299.45 (1) (a).

18 **(2) INDEMNIFICATION AGREEMENT WITH WINNEBAGO COUNTY.** The department  
19 may enter into an agreement with Winnebago County under which this state agrees  
20 to indemnify the county and its agencies, officials, employes and agents against any  
21 liability or damage resulting from the county's acceptance for disposal of sediments  
22 contaminated with PCBs, if the sediments are disposed of in a manner approved by  
23 the department.

24 **(3) INDEMNIFICATION AGREEMENT WITH THE CITY OF OSHKOSH.** The department  
25 may enter into an agreement with the city of Oshkosh under which this state agrees

**BILL****SECTION 2648**

1 to indemnify the city and its agencies, officials, employes and agents against any  
2 liability or damage resulting from the city's acceptance for treatment of leachate that  
3 is contaminated with PCBs and that is from a landfill that accepts sediments  
4 contaminated with PCBs, if the leachate is treated in a manner approved by the  
5 department.

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

9 **\*-1420/2.3\* SECTION 2649.** 292.75 of the statutes is created to read:

10 **292.75 Brownfield site assessment grants.** (1) DEFINITIONS. In this  
11 section:

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

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

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

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

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

5 (d) The department shall promulgate rules as necessary to administer the  
6 program.

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

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

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

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

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

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

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

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

**BILL****SECTION 2649**

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

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

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

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

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

16 \*~~1387/1.3~~\* SECTION 2650. 292.99 (1) of the statutes is amended to read:

17 292.99 (1) Any Except as provided under sub. (1m), any person who violates  
18 this chapter or any rule promulgated or any plan approval, license or special order  
19 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each  
20 violation. Each day of continued violation is a separate offense. While an order is  
21 suspended, stayed or enjoined, this penalty does not accrue.

22 \*~~1387/1.4~~\* SECTION 2651. 292.99 (1m) of the statutes is created to read:

23 292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit  
24 not less than \$10 nor more than \$10,000.

25 \*~~1387/1.5~~\* SECTION 2652. 292.99 (2) of the statutes is amended to read:

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

10           \***-1164/5.51**\* SECTION 2653. 295.11 (10) of the statutes is amended to read:

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

21           \***-0239/1.4**\* SECTION 2654. 299.07 (1)(a) 11. of the statutes is amended to read:

22           299.07 (1) (a) 11. A certification, accreditation or registration under s. 299.11.

23           \***-0239/1.5**\* SECTION 2655. 299.11 (1) (a) of the statutes is renumbered 299.11

24           (1) (am).

25           \***-0239/1.6**\* SECTION 2656. 299.11 (1) (ae) of the statutes is created to read:

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1           299.11 (1) (ae) “Accredited” means accredited under sub. (8m) or recognized as  
2 accredited under sub. (5).

3           \***-0239/1.7\*** **SECTION 2657.** 299.11 (1) (b) of the statutes is amended to read:

4           299.11 (1) (b) “Certified laboratory” means a laboratory which performs tests  
5 ~~for hire in connection with a covered program and which receives certification~~  
6 ~~certified~~ under sub. (7) or ~~receives recognition~~ recognized as a certified laboratory  
7 under sub. (5).

8           \***-0239/1.8\*** **SECTION 2658.** 299.11 (1) (em) of the statutes is created to read:

9           299.11 (1) (em) “National Environmental Laboratory Accreditation  
10 Conference” means the voluntary association of state and federal officials, sponsored  
11 by the federal environmental protection agency, with the purpose of establishing  
12 national performance standards for environmental laboratories.

13           \***-0239/1.9\*** **SECTION 2659.** 299.11 (1) (eq) of the statutes is created to read:

14           299.11 (1) (eq) “National environmental laboratory accreditation program”  
15 means the program of the federal environmental protection agency that oversees the  
16 implementation of national performance standards established by the National  
17 Environmental Laboratory Accreditation Conference and determines whether to  
18 approve state and federal agencies as accrediting authorities for environmental  
19 laboratories.

20           \***-0239/1.10\*** **SECTION 2660.** 299.11 (1) (g) of the statutes is amended to read:

21           299.11 (1) (g) “Registered laboratory” means a laboratory which is registered  
22 under sub. (8) or ~~receives recognition~~ recognized as a registered laboratory under  
23 sub. (5).

24           \***-0239/1.11\*** **SECTION 2661.** 299.11 (3) of the statutes is amended to read:

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1           299.11 (3) CERTIFICATION STANDARDS REVIEW COUNCIL. The council shall review  
2 the laboratory certification and, registration and accreditation program and shall  
3 make recommendations to the department concerning the specification of test  
4 categories, reference sample testing and standards for certification, registration,  
5 accreditation, suspension and revocation and other aspects of the program.  
6 Recommendations concerning accreditations shall be consistent with the standards  
7 established by the National Environmental Laboratory Accreditation Conference.

8           \*-0239/1.12\* SECTION 2662. 299.11 (4) (title) and (a) of the statutes are  
9 amended to read:

10           299.11 (4) (title) DEPARTMENT MAY REQUIRE ACCREDITATION, CERTIFICATION OR  
11 REGISTRATION. (a) *Applicability*. Except as provided in subs. (5) and (6), if results from  
12 a test in a specified test category in a covered program are required to be submitted  
13 to the department, the department may require by rule that the test be conducted  
14 by a laboratory which is accredited, certified or registered to conduct tests in that  
15 specified category. The department may require that tests be conducted by a an  
16 accredited or certified laboratory if the requirements for registration do not meet the  
17 requirements of an applicable federal law.

18           \*-0239/1.13\* SECTION 2663. 299.11 (4) (c) of the statutes is amended to read:

19           299.11 (4) (c) *Delayed effective date*. A rule identifying specified test categories  
20 for which tests are required to be conducted by a an accredited, certified or registered  
21 laboratory may not take effect until at least 120 days after publication. The  
22 department may not require a person to resubmit results of tests which were not  
23 required to be conducted by a an accredited, certified or registered laboratory at the  
24 time of the original submission merely because of that fact.

**BILL****SECTION 2664**

1           \***-0239/1.14\*** **SECTION 2664.** 299.11 (5) (title) of the statutes is amended to  
2 read:

3           299.11 (5) (title) **RECOGNITION OF OTHER ACCREDITATION, CERTIFICATION OR**  
4 **REGISTRATION.**

5           \***-0239/1.15\*** **SECTION 2665.** 299.11 (5) (cm) of the statutes is created to read:

6           299.11 (5) (cm) *Reciprocity for national accreditation.* If the department is  
7 approved as an accrediting authority under sub. (8m) (a) and another accrediting  
8 authority under the national environmental laboratory accreditation program  
9 recognizes accreditation by the department under sub. (8m), the department shall  
10 recognize a laboratory as accredited to conduct tests in any test category for which  
11 the laboratory is accredited by that other accrediting authority.

12           \***-0239/1.16\*** **SECTION 2666.** 299.11 (5) (d) of the statutes is amended to read:

13           299.11 (5) (d) *Discretionary acceptance.* The department may accept the  
14 results of a test in a specified test category even though the test was not conducted  
15 by a an accredited, certified or registered laboratory. The department may charge  
16 an extra fee if it is necessary to verify the results of a test submitted under this  
17 paragraph.

18           \***-0239/1.17\*** **SECTION 2667.** 299.11 (6) of the statutes is amended to read:

19           299.11 (6) **NOT APPLICABLE TO OTHER PROGRAMS.** No laboratory is required to be  
20 accredited, registered or certified under this section for any purpose other than the  
21 submission of results under a covered program.

22           \***-0239/1.18\*** **SECTION 2668.** 299.11 (8m) of the statutes is created to read:

23           299.11 (8m) **ACCREDITATION.** (a) The department may apply to be approved as  
24 an accrediting authority under the national environmental laboratory accreditation  
25 program.



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

7 \***-0239/1.19\*** SECTION 2669. 299.11 (9) of the statutes is amended to read:

8 299.11 (9) FEES. The department shall promulgate by rule a graduated  
9 schedule of fees for accredited, certified and registered laboratories which are  
10 designed to recover the costs of administering this section.

11 \***-0240/1.2\*** SECTION 2670. 299.13 (title) of the statutes is amended to read:

12 **299.13 (title) Hazardous ~~pollution~~ Pollution prevention.**

13 \***-0240/1.3\*** SECTION 2671. 299.13 (1) (be) of the statutes is created to read:

14 299.13 (1) (be) "Center" means the solid and hazardous waste education center  
15 under s. 36.25 (30).

16 \***-0240/1.4\*** SECTION 2672. 299.13 (1) (c) of the statutes is repealed.

17 \***-0240/1.5\*** SECTION 2673. 299.13 (1) (dm) of the statutes is created to read:

18 299.13 (1) (dm) 1. "Pollution prevention" means an action that does any of the  
19 following:

20 a. Prevents waste from being created.

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

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

24 2. "Pollution prevention" does not include incineration, recycling or treatment  
25 of a waste, changes in the manner of disposal of a waste or any practice that changes

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1 the characteristics or volume of a waste if the practice is not part of the process that  
2 produces a product or provides a service.

3 **\*-0240/1.6\* SECTION 2674.** 299.13 (1) (e) of the statutes is repealed.

4 **\*-0240/1.7\* SECTION 2675.** 299.13 (1m) (intro.) of the statutes is amended to  
5 read:

6 299.13 (1m) PROMOTION OF ~~HAZARDOUS~~ POLLUTION PREVENTION. (intro.) In  
7 carrying out the duties under this section and ss. 36.25 (30) and 560.19, the  
8 department, the department of commerce and the program center shall promote all  
9 of the following techniques for ~~hazardous~~ pollution prevention:

10 **\*-0240/1.8\* SECTION 2676.** 299.13 (1m) (f) of the statutes is created to read:

11 299.13 (1m) (f) Reducing energy use.

12 **\*-0240/1.9\* SECTION 2677.** 299.13 (1m) (g) of the statutes is created to read:

13 299.13 (1m) (g) Training employes to minimize waste.

14 **\*-0240/1.10\* SECTION 2678.** 299.13 (2) (a) of the statutes is amended to read:

15 299.13 (2) (a) Designate an employe of the department to serve as ~~hazardous~~  
16 pollution prevention coordinator and to do all of the following:

17 2. Recommend educational priorities to the university of Wisconsin—extension  
18 for the program center, considering volume and toxicity of hazardous substances,  
19 toxic pollutants and hazardous waste produced, lack of compliance with  
20 environmental standards, potential for ~~hazardous~~ pollution prevention and  
21 projected shortfalls in hazardous waste treatment or disposal facilities under the  
22 capacity assurance plan.

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

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1           4. Provide training concerning ~~hazardous~~ pollution prevention to employes of  
2 the department.

3           \***-0240/1.11\*** SECTION 2679. 299.13 (2) (b) of the statutes is amended to read:

4           299.13 (2) (b) Identify all department requirements for reporting on ~~hazardous~~  
5 pollution prevention and, to the extent possible and practical, standardize,  
6 coordinate and consolidate the reporting in order to minimize duplication and  
7 provide useful information on ~~hazardous~~ pollution prevention to the legislature and  
8 the public.

9           \***-0240/1.12\*** SECTION 2680. 299.13 (2) (d) of the statutes is amended to read:

10           299.13 (2) (d) Seek federal funding to promote ~~hazardous~~ pollution prevention.

11           \***-1283/1.1\*** SECTION 2681. 299.15 (3) (cm) 2. of the statutes is amended to read:

12           299.15 (3) (cm) 2. In any fiscal year, the department may not charge total fees  
13 under par. (am) that exceed ~~\$7,450,000~~ \$7,925,000.

14           \***-0236/2.6\*** SECTION 2682. 299.95 of the statutes is amended to read:

15           **299.95 Enforcement; duty of department of justice; expenses.** The  
16 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except  
17 ss. 281.48, 285.57, 285.59 and 299.64, and all rules, special orders, licenses, plan  
18 approvals and permits of the department, except those promulgated or issued under  
19 ss. 281.48, 285.57, 285.59 and 299.64 and except as provided in s. 285.86. The circuit  
20 court for Dane county or for any other county where a violation occurred in whole or  
21 in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or  
22 the rule, special order, license, plan approval or permit by injunctive and other  
23 relief appropriate for enforcement. For purposes of this proceeding where chs. 281  
24 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval  
25 or permit prohibits in whole or in part any pollution, a violation is considered a public

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1 nuisance. The department of natural resources may enter into agreements with the  
2 department of justice to assist with the administration of chs. 281 to 285 and 289 to  
3 295 and this chapter. Any funds paid to the department of justice under these  
4 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

5 **\*-2105/1.42\* SECTION 2683.** 301.01 (2) (b) of the statutes is amended to read:

6 301.01 (2) (b) Any resident of a secured correctional facility, ~~as defined in s.~~  
7 ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~  
8 a secured group home.

9 **\*-2105/1.43\* SECTION 2684.** 301.01 (3k) of the statutes is created to read:

10 301.01 (3k) “Secured child caring institution” has the meaning given in s.  
11 938.02 (15g).

12 **\*-2105/1.44\* SECTION 2685.** 301.01 (3m) of the statutes is created to read:

13 301.01 (3m) “Secured correctional facility” has the meaning given in s. 938.02  
14 (15m).

15 **\*-2105/1.45\* SECTION 2686.** 301.01 (3p) of the statutes is created to read:

16 301.01 (3p) “Secured group home” has the meaning given in s. 938.02 (15p).

17 **\*-2105/1.46\* SECTION 2687.** 301.01 (4) of the statutes is amended to read:

18 301.01 (4) “State correctional institution” means a state prison under s. 302.01  
19 or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~  
20 ~~Mendota Juvenile Treatment Center~~ operated by the department.

21 **\*-2105/1.47\* SECTION 2688.** 301.027 of the statutes is amended to read:

22 **301.027 Treatment program at one or more juvenile secured**  
23 **correctional institutions facilities.** The department shall maintain a  
24 cottage-based intensive alcohol and other drug abuse program at one or more  
25 juvenile secured correctional institutions facilities.

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1           \***-1978/2.1**\* **SECTION 2689.** 301.029 of the statutes is created to read:

2           **301.029 Contracts requiring prisoner access to personal information.**

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

4           **(1)** (em).

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

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

13          \***-2105/1.48**\* **SECTION 2690.** 301.03 (10) (d) of the statutes is amended to read:

14          301.03 **(10)** (d) Administer the office of juvenile offender review in the division  
15          of juvenile corrections in the department. The office shall be responsible for decisions  
16          regarding case planning, the release of juvenile offenders from juvenile secured  
17          correctional institutions facilities, secured child caring institutions or secured group  
18          homes to aftercare placements and the transfer of juveniles to the Racine youthful  
19          offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

20          \***-2105/1.49**\* **SECTION 2691.** 301.03 (10) (e) of the statutes is amended to read:

21          301.03 **(10)** (e) Provide educational programs in all secured correctional  
22          facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~  
23          Center operated by the department.

24          \***-2105/1.50**\* **SECTION 2692.** 301.03 (10) (f) of the statutes is amended to read:

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1           301.03 (10) (f) Provide health services and psychiatric services for residents of  
2 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~  
3 ~~Mendota Juvenile Treatment Center operated by the department.~~

4           \***-2105/1.51\*** **SECTION 2693.** 301.08 (1) (b) 3. of the statutes is amended to read:

5           301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the  
6 supervision, maintenance and operation of secured correctional facilities, ~~as defined~~  
7 ~~in s. 938.02 (15m)~~, child caring institutions, as defined in s. 938.02 (2c), and secured  
8 child caring institutions, ~~as defined in s. 938.02 (15g)~~, for the placement of juveniles  
9 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183  
10 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional  
11 facility, child caring institution or a secured child caring institution contracted for  
12 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02  
13 (20), and may designate a child caring institution or secured child caring institution  
14 contracted for under this subdivision as a Type 2 child caring institution, as defined  
15 in s. 938.02 (19r).

16           \***-2105/1.52\*** **SECTION 2694.** 301.08 (1) (b) 4. of the statutes is created to read:

17           301.08 (1) (b) 4. Contract with not more than one county for the operation of  
18 a secured group home for the placement of juveniles who have been convicted under  
19 s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4h) or (4m). The  
20 contract shall specify that the county operating the secured group home must comply  
21 with all rules of the department that are applicable to the treatment of juveniles who  
22 are placed in a secured correctional facility.

23           \***-0336/2.1\*** **SECTION 2695.** 301.16 (1q) of the statutes is created to read:

24           301.16 (1q) The department shall establish a probation and parole holding and  
25 alcohol and other drug abuse treatment facility to provide 600 beds in southeastern

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1 Wisconsin, as enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and shall  
2 locate the facility in Milwaukee.

3 **\*-0335/3.1\* SECTION 2696.** 301.16 (1r) of the statutes is amended to read:

4 301.16 (1r) In addition to the institutions under sub. (1), the department shall  
5 establish a ~~medium~~ maximum security correctional institution for persons 15 years  
6 of age or over, but not more than 21 years of age, who have been placed in a state  
7 prison under s. 302.01. The ~~medium~~ maximum security correctional institution  
8 under this subsection shall be known as the Racine Youthful Offender Correctional  
9 Facility and shall be located at the intersection of Albert Street and North Memorial  
10 Drive in the city of Racine. The department shall limit the number of prisoners who  
11 may be placed at the Racine Youthful Offender Correctional Facility to no more than  
12 400 at any one time.

13 **\*-0336/2.2\* SECTION 2697.** 301.16 (1s) of the statutes is created to read:

14 301.16 (1s) In addition to the institutions under sub. (1), the department shall  
15 establish a medium security correctional facility that is part of the correctional  
16 facility or facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and  
17 that is located in Redgranite.

18 **\*-0336/2.3\* SECTION 2698.** 301.16 (1t) of the statutes is created to read:

19 301.16 (1t) 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 New Lisbon.

23 **\*-2105/1.53\* SECTION 2699.** 301.205 of the statutes is amended to read:

24 **301.205 Reimbursement to visiting families.** The department may  
25 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~

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## SECTION 2699

1 938.02 ~~(15m)~~. If the department decides to provide the reimbursement, ~~it~~ the  
2 department shall establish criteria for the level of reimbursement, which shall  
3 include family income and size and other relevant factors.

4 **\*-2105/1.54\* SECTION 2700.** 301.26 (4) (c) of the statutes is amended to read:

5 301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of  
6 corrections shall pay, from the appropriation ~~account~~ under s. 20.410 (3) (hm), (ho)  
7 or (hr), the costs of care, services and supplies provided for each person receiving  
8 services under s. 46.057, 48.366, 51.35 (3), 938.183 or 938.34 who was under the  
9 guardianship of the department of health and family services pursuant to an order  
10 under ch. 48 at the time that the person was adjudicated delinquent.

11 **\*-2105/1.55\* SECTION 2701.** 301.26 (4) (cm) 1. of the statutes is amended to  
12 read:

13 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
14 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
15 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured  
16 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~  
17 ~~938.02 (15g)~~, secured group homes, alternate care providers, aftercare supervision  
18 providers and corrective sanctions supervision providers for costs incurred  
19 beginning on July 1, 1996, for the care of any juvenile 14 years of age or over who has  
20 been placed in a juvenile secured correctional facility based on a delinquent act that  
21 is a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31,  
22 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1),  
23 948.025, 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years  
24 of age or over who has been placed in a juvenile secured correctional ~~institution or~~



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1 a facility, secured child caring institution or secured group home for attempting or  
2 committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

3 \***-2105/1.56\*** SECTION 2702. 301.26 (4) (cm) 2. of the statutes is amended to  
4 read:

5 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall  
6 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
7 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured  
8 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~  
9 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective  
10 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
11 care of any juvenile 14 years of age or over and under 18 years of age who has been  
12 placed in a juvenile secured correctional facility under s. 48.366 based on a  
13 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

14 \***-0290/3.1\*** SECTION 2703. 301.26 (4) (d) 2. of the statutes is amended to read:

15 301.26 (4) (d) 2. Beginning on July 1, ~~1997~~ 1999, and ending on  
16 December 31, ~~1997~~ 1999, the per person daily cost assessment to counties shall be  
17 ~~\$150.44~~ \$157.29 for care in a Type 1 secured correctional facility, as defined in s.  
18 938.02 (19), ~~\$150.44~~ \$157.29 for care for juveniles transferred from a juvenile  
19 correctional institution under s. 51.35 (3), ~~\$160.22~~ \$169.24 for care in a child caring  
20 institution, including a secured child caring institution, ~~\$111.16~~ \$117.42 for care in  
21 a group home for children, ~~\$24.78~~ \$26.17 for care in a foster home, ~~\$71.35~~ \$75.37 for  
22 care in a treatment foster home, ~~\$88.19~~ \$85.18 for departmental corrective sanctions  
23 services and ~~\$16.98~~ \$16.85 for departmental aftercare services.

24 \***-0290/3.2\*** SECTION 2704. 301.26 (4) (d) 3. of the statutes is amended to read:

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

10           \*~~-0290/3.3~~\* **SECTION 2705.** 301.26 (4) (d) 4. of the statutes is amended to read:

11           301.26 (4) (d) 4. Beginning on January 1, ~~1999~~ 2001, and ending on June 30,  
12 ~~1999~~ 2001, the per person daily cost assessment to counties shall be ~~\$159.46~~ \$159.62  
13 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$159.46~~  
14 \$159.62 for care for juveniles transferred from a juvenile correctional institution  
15 under s. 51.35 (3), ~~\$163.36~~ \$175.67 for care in a child caring institution, including  
16 a secured child caring institution, ~~\$113.34~~ \$121.88 for care in a group home for  
17 children, ~~\$25.26~~ \$27.16 for care in a foster home, ~~\$72.75~~ \$78.23 for care in a  
18 treatment foster home, ~~\$74.35~~ \$76.67 for departmental corrective sanctions services  
19 and ~~\$17.39~~ \$17.20 for departmental aftercare services.

20           \*~~-2105/1.57~~\* **SECTION 2706.** 301.26 (4) (dt) of the statutes is amended to read:

21           301.26 (4) (dt) ~~For~~ Except as provided in pars. (e) to (g), for serious juvenile  
22 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to  
23 the appropriation account under s. 20.410 (3) (hm).

24           \*~~-2105/1.58~~\* **SECTION 2707.** 301.26 (4) (e) of the statutes is amended to read:

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1           301.26 (4) (e) For foster care, treatment foster care, group home care, including  
2 secured group home care, and institutional child care to delinquent juveniles under  
3 ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made  
4 under this subsection and uniform fee collections under s. 301.03 (18) shall be  
5 credited to the appropriation account under s. 20.410 (3) (ho).

6           \***-2105/1.59\*** **SECTION 2708.** 301.26 (4) (ed) of the statutes is amended to read:

7           301.26 (4) (ed) For foster care, treatment foster care, group home care,  
8 including secured group home care, and institutional child care to serious juvenile  
9 offenders under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all uniform fee  
10 collections under s. 301.03 (18) shall be credited to the appropriation account under  
11 s. 20.410 (3) (ho).

12           \***-0280/2.2\*** **SECTION 2709.** 301.26 (4) (g) of the statutes is amended to read:

13           301.26 (4) (g) For juvenile field and institutional aftercare services under ch.  
14 938 and for the office of juvenile offender review, all payments and deductions made  
15 under this subsection and uniform fee collections under s. 301.03 (18) shall be  
16 deposited in the general fund and shall be treated as a nonappropriated receipt  
17 credited to the appropriation account under s. 20.410 (3) (hm).

18           \***-2105/1.60\*** **SECTION 2710.** 301.263 (3) of the statutes is amended to read:

19           301.263 (3) The department shall distribute 33% of the amounts distributed  
20 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests  
21 reported statewide under the uniform crime reporting system of the office of justice  
22 assistance in the department of administration, during the most recent 2-year  
23 period for which that information is available. The department shall distribute 33%  
24 of the amounts distributed under sub. (1) based on each county's proportion of the  
25 number of juveniles statewide who are placed in a juvenile secured correctional

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

8 **\*-0337/1.1\* SECTION 2711.** 301.27 (2) of the statutes is amended to read:

9 301.27 (2) VENDING STANDS. The department shall establish and maintain a  
10 revolving fund not exceeding ~~\$60,000~~ \$100,000 in any of the state institutions  
11 administered by the department, for the education, recreation and convenience of  
12 the patients, inmates and employes, to be used for the operation of vending stands,  
13 canteen operations, reading clubs, musical organizations, religious programs,  
14 athletics and similar projects. The funds are exempt from s. 20.906, but are subject  
15 to audit by the department and the legislative audit bureau in its discretion.

16 **\*-2105/1.61\* SECTION 2712.** 301.36 (1) of the statutes is amended to read:

17 301.36 (1) GENERAL AUTHORITY. The department shall investigate and  
18 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured  
19 correctional facilities, all secured child caring institutions, all secured group homes  
20 and all secure detention facilities and familiarize itself with all of the circumstances  
21 affecting their management and usefulness.

22 **\*-2105/1.62\* SECTION 2713.** 301.37 (1) of the statutes is amended to read:

23 301.37 (1) The department shall fix reasonable standards and regulations for  
24 the design, construction, repair and maintenance of all houses of correction,  
25 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,

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1 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),  
2 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities  
3 under s. 303.09 and, after consulting with the department of health and family  
4 services, all secured group homes and secure detention facilities operated by county  
5 departments under s. 46.215, 46.22 or 46.23, with respect to their adequacy and  
6 fitness for the needs which they are to serve.

7       \***-2105/1.63\*** SECTION 2714. 301.45 (1) (b) of the statutes is amended to read:  
8       301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~  
9 ~~(15m)~~, or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a secured  
10 group home or is on probation, extended supervision, parole, supervision or aftercare  
11 supervision on or after December 25, 1993, for any violation, or for the solicitation,  
12 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),  
13 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or  
14 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
15 victim's parent.

16       \***-2105/1.64\*** SECTION 2715. 301.45 (1) (bm) of the statutes is amended to read:  
17       301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~  
18 ~~938.02 (15m)~~, or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or  
19 a secured group home or is on probation, extended supervision, parole, supervision  
20 or aftercare supervision on or after December 25, 1993, for a violation, or for the  
21 solicitation, conspiracy or attempt to commit a violation, of a law of this state that  
22 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,  
23 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a  
24 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
25 victim's parent.

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1           \***-2105/1.65**\* **SECTION 2716.** 301.45 (3) (a) 2. of the statutes is amended to read:

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

6           \***-2105/1.66**\* **SECTION 2717.** 301.45 (5) (a) 2. of the statutes is amended to read:

7           301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured  
8           correctional facility ~~or~~, a secured child caring institution or a secured group home,  
9           15 years after discharge from parole or aftercare supervision.

10          \***-0336/2.4**\* **SECTION 2718.** 302.01 of the statutes is amended to read:

11          **302.01 State prisons named and defined.** The penitentiary at Waupun is  
12          named "Waupun Correctional Institution". The correctional treatment center at  
13          Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay  
14          is named "Green Bay Correctional Institution". The medium/maximum penitentiary  
15          at Portage is named "Columbia Correctional Institution". The medium security  
16          institution at Oshkosh is named "Oshkosh Correctional Institution". The medium  
17          security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".  
18          The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".  
19          The medium security penitentiary at Plymouth is named "Kettle Moraine  
20          Correctional Institution". The penitentiary at the village of Sturtevant in Racine  
21          county is named "Racine Correctional Institution". The medium security  
22          penitentiary near Black River Falls is named "Jackson Correctional Institution".  
23          The ~~medium~~ maximum security penitentiary at Racine is named "Racine Youthful  
24          Offender Correctional Facility". The resource facility at Oshkosh is named  
25          "Wisconsin Resource Center". The institutions named in this section, the

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1 ~~correctional institution~~ institutions authorized under s. 301.16 (1n), (1s) and (1t),  
2 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a),  
3 correctional institution authorized under s. 301.046 (1), correctional institution  
4 authorized under s. 301.048 (4) (b), minimum security correctional institutions  
5 authorized under s. 301.13, the probation and parole holding and alcohol and other  
6 drug abuse treatment facility authorized under s. 301.16 (1q) and state-local shared  
7 correctional facilities when established under s. 301.14, are state prisons.

8 **\*-0504/1.1\* SECTION 2719.** 340.01 (3) (b) of the statutes is amended to read:

9 340.01 (3) (b) Conservation wardens' vehicles or foresters' trucks, whether  
10 publicly or privately owned; Conservation wardens' vehicles include all-terrain  
11 vehicles and snowmobiles being operated by conservation wardens.

12 **\*-0504/1.2\* SECTION 2720.** 340.01 (3) (bm) of the statutes is created to read:

13 340.01 (3) (bm) A snowmobile operated by an employe of the department of  
14 natural resources who is authorized to exercise the authority of the department of  
15 natural resources under s. 23.11 (4).

16 **\*-1452/1.1\* SECTION 2721.** 341.135 (1) of the statutes is amended to read:

17 341.135 (1) DESIGN. The Not later than July 1, 2000, and every 6th year  
18 thereafter, the department shall establish new designs of registration plates to be  
19 issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h)  
20 and (j) and (2) (a), (b) and (c) and 341.26 (2) and (3) (a) 1. and (am). The Any design  
21 for registration plates issued for automobiles and for vehicles registered on the basis  
22 of gross weight shall comply with the applicable design requirements of ss. 341.12  
23 (3), 341.13 and 341.14 (6r) (c). The designs for registration plates specified in this  
24 subsection shall be as similar in appearance as practicable during each 6-year  
25 design interval. Each registration plate issued under s. 341.14 (1a), (1m), (1q), (2),

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1 (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) or (j) or (2) (a), (b) or (c) or 341.26 (2) or (3)  
2 (a) 1. or (am) during each 6 year design interval shall be of the design established  
3 under this subsection. The department may not redesign registration plates for the  
4 special group under s. 341.14 (6r) (f) 53. until January 1, 2005.

5 **\*-1452/1.2\* SECTION 2722.** 341.135 (2) (a) of the statutes is renumbered  
6 341.135 (2) (a) 1. and amended to read:

7 341.135 (2) (a) 1. Beginning with registrations initially effective on  
8 July 1, 2000, upon receipt of a completed application to initially register a vehicle  
9 under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), except s. 341.14 (6r) (f) ~~52.~~ 53.,  
10 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~~  
11 ~~(3) (a) 1. and or (am)~~, the department shall issue and deliver prepaid to the applicant  
12 2 new registration plates of the design established under sub. (1).

13 (am) Notwithstanding ss. 341.13 (3) and (3m), beginning with registrations  
14 initially effective on July 1, 2000, upon receipt of a completed application to renew  
15 the registration of a vehicle registered under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m)  
16 or (6r), except s. 341.14 (6r) (f) ~~52.~~ 53., or s. 341.25 (1) (a), (c), (h) ~~and or (j) and or (2)~~  
17 ~~(a), (b) and or (c)~~ for which a registration plate of the design established under sub.  
18 (1) has not been issued, the department may issue and deliver prepaid to the  
19 applicant 2 new registration plates of the design established under sub. (1). This  
20 subdivision does not apply to registration plates issued under s. 341.14 (6r) (f) 52..  
21 1997 stats. This subdivision does not apply after June 30, 2005.

22 **\*-1452/1.3\* SECTION 2723.** 341.135 (2) (a) 2. of the statutes is created to read:

23 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations  
24 initially effective on July 1, 2005, upon receipt of a completed application to initially  
25 register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), or s. 341.25



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1 (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  
2 the registration of a vehicle under those sections for which a registration plate has  
3 not been issued during the previous 6 years, the department shall issue and deliver  
4 prepaid to the applicant 2 new registration plates of the design established for that  
5 6-year period under sub. (1). This subdivision does not apply to registration plates  
6 issued under s. 341.14 (6r) (f) 52., 1997 stats.

7 \*~~1452/1.4~~\* SECTION 2724. 341.135 (2) (e) of the statutes is amended to read:

8 341.135 (2) (e) The department shall issue new registration plates of the design  
9 established under sub. (1) for every vehicle registered under ~~ss. s.~~ s. 341.14 (1a), (1m),  
10 (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) ~~and or~~ (j) ~~and or~~ (2) (a), (b) ~~and or~~  
11 (c) ~~and or~~ 341.26 (2) ~~and or~~ (3) (a) 1. ~~and or~~ (am) by July 1, 2003 within 5 years after  
12 the date specified in sub. (1), except that the department may not issue registration  
13 plates of a new design for a vehicle registered under s. 341.14 (6r) (f) 53. until  
14 January 1, 2005.

15 \*~~1452/1.5~~\* SECTION 2725. 341.135 (3) of the statutes is repealed.

16 \*~~1452/1.6~~\* SECTION 2726. 341.14 (6m) (a) of the statutes is amended to read:

17 341.14 (6m) (a) Upon application to register an automobile, station wagon or  
18 motor truck which has a gross weight of not more than 8,000 pounds by any person  
19 who is a resident of this state and a member or retired member of the national guard,  
20 the department shall issue to the person special plates whose colors and design shall  
21 be determined by the department, ~~after consultation with the adjutant general,~~ and  
22 which have the words "Wisconsin guard member" placed on the plates in the manner  
23 designated by the department. The department shall consult with or obtain the  
24 approval of the adjutant general with respect to any word or symbol used to identify

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1 the national guard. An additional fee of \$10 shall be charged for the issuance of the  
2 plates. Registration plates issued under this subsection shall expire annually.

3 **\*-1452/1.7\* SECTION 2727.** 341.14 (6r) (c) of the statutes is amended to read:

4 341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the  
5 name of the applicable authorized special group, a symbol representing the special  
6 group, not exceeding one position, and identifying letters or numbers or both, not  
7 exceeding 6 positions and not less than one position. The department shall specify  
8 the design for special group plates, but the department shall consult the president  
9 of the ~~university~~ University of Wisconsin ~~system~~ System before specifying the design  
10 ~~for word or symbol used to identify the special group plates~~ groups under par. (f) 35.  
11 to 47., the secretary of natural resources before specifying the ~~design for word or~~  
12 ~~symbol used to identify the special group plate~~ group under par. (f) 50. and the child  
13 abuse and neglect prevention board before specifying the design ~~for word or symbol~~  
14 ~~used to identify the special group plate~~ under par. (f) 53. Special group plates under  
15 par. (f) 50. shall be as similar as possible to regular registration plates in color and  
16 design.

17 **\*-1452/1.8\* SECTION 2728.** 341.14 (6r) (e) of the statutes is amended to read:

18 341.14 (6r) (e) The department shall specify one combination of colors for  
19 special group plates for groups or organizations which are not military in nature and  
20 not special group plates under par. (f) 35. to 47. and 50. The department, ~~after~~  
21 ~~consulting the president of the university of Wisconsin system,~~ shall specify one  
22 combination of colors for special group plates under par. (f) 35. to 47. The department  
23 shall specify the word or words comprising the special group name and the symbol  
24 to be displayed upon special group plates for a group or organization which is not  
25 military in nature after consultation with the chief executive officer in this state of

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1 the group or organization, ~~except that the department may not specify the word or~~  
2 ~~words or the symbol for special group plates under par. (f) 35. to 47. unless the word~~  
3 ~~or words or symbol is approved in writing by the president of the university of~~  
4 ~~Wisconsin system or, with respect to endangered resources, specify the word or words~~  
5 ~~or the symbol for special group plates under par. (f) 50. unless the word or words or~~  
6 ~~symbol is approved in writing by the secretary of natural resources or, with respect~~  
7 ~~to child abuse and neglect prevention, specify any word or words other than~~  
8 ~~“Children First” or the symbol for special group plates under par. (f) 53. unless the~~  
9 ~~word or words or symbol is approved in writing by the child abuse and neglect~~  
10 ~~prevention board. The president may not approve the word or words or symbol for~~  
11 ~~a university specified under par. (f) 35. to 47. unless the chancellor of the university~~  
12 ~~approves in writing the word or words or symbol. The department shall require that~~  
13 ~~the word or words and symbol for a university specified under par. (f) 35. to 47. be~~  
14 ~~a registration decal or tag and affixed to the special group plate and be of the colors~~  
15 ~~for a university specified under par. (f) 35. to 47. that the president of the university~~  
16 ~~University of Wisconsin system System specifies.~~

17 \*~~0686/1.4~~\* SECTION 2729. 341.14 (6r) (f) 53. of the statutes is amended to  
18 read:

19 341.14 (6r) (f) 53. Persons interested in obtaining a plate with the words  
20 ~~“Children First”~~ “Celebrate Children” on it to show their support of the prevention  
21 of child abuse and neglect.

22 \*~~0171/1.1~~\* SECTION 2730. 341.19 (1) (b) of the statutes is amended to read:

23 341.19 (1) (b) ~~Five~~ Ten dollars per vehicle as a late payment for fees received  
24 after the time period established by the department.

25 \*~~0127/1.1~~\* SECTION 2731. 341.25 (1) (gd) of the statutes is amended to read:

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1           341.25 (1) (gd) For each trailer or semitrailer ~~or camping trailer~~ having a gross  
2 weight of 3,000 pounds or less and used for hire or rental, a fee which is one-half of  
3 the fee prescribed for a motor truck of the same maximum gross weight. The  
4 maximum gross weight shall be determined in the same manner as for a motor truck.  
5 A trailer under this paragraph which is part of a fleet of 100 or more trailers used  
6 for hire or rental may be registered under s. 341.308.

7           \***-0127/1.2\*** **SECTION 2732.** 341.25 (1) (i) of the statutes is amended to read:

8           341.25 (1) (i) For each mobile home, and for each camping trailer ~~having a gross~~  
9 ~~weight of more than 3,000 pounds~~, a fee of \$15.

10          \***-0430/1.1\*** **SECTION 2733.** 341.255 (4) of the statutes is repealed.

11          \***-1452/1.9\*** **SECTION 2734.** 341.26 (2g) of the statutes is amended to read:

12           341.26 (2g) REBASING REGISTRATION PLATES. Notwithstanding s. 341.13 (3) and  
13 (3m), beginning with registrations initially effective on July 1, 2000, upon receipt of  
14 a completed application to renew the registration of a vehicle registered under s.  
15 341.26 (2) ~~and or~~ (3) (a) 1. ~~and or~~ (am), ~~the registration for which expires after~~  
16 ~~June 30, 2000, and before January 1, 2004~~, the department shall issue and deliver  
17 prepaid to the applicant 2 new registration plates of the design established for that  
18 6-year period under s. 341.135 (1). ~~The department shall issue only one set of plates~~  
19 ~~under this subsection for each vehicle registered under this section, if the~~  
20 department has not already issued registration plates of that design for that vehicle.

21          \***-1347/1.1\*** **SECTION 2735.** 343.12 (2m) of the statutes is created to read:

22           343.12 (2m) The department shall require each person who holds an  
23 endorsement to operate a school bus to provide proof to the department that, within  
24 the past 4 years, the person has passed an examination described under sub. (2) (h).

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1 If a person fails to provide proof required under this subsection, the department shall  
2 cancel the person's operator's license as provided under s. 343.20 (1) (d).

3 **\*-1347/1.2\* SECTION 2736.** 343.12 (4) (a) 2. of the statutes is repealed.

4 **\*-0528/3.1\* SECTION 2737.** 343.16 (1) (a) of the statutes is amended to read:

5 343.16 (1) (a) *General.* ~~The~~ Except as provided in pars. (b) and (c), the  
6 department shall examine every applicant for an operator's license, including  
7 applicants for license renewal as provided in sub. (3), and every applicant for  
8 authorization to operate a vehicle class or type for which the applicant does not hold  
9 currently valid authorization, other than an instruction permit. Except as provided  
10 in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing  
11 operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall  
12 include both a knowledge test and an actual demonstration in the form of a driving  
13 skills test of the applicant's ability to exercise ordinary and reasonable control in the  
14 operation of a representative vehicle. The department shall not administer a driving  
15 skills test to a person applying for authorization to operate "Class M" vehicles who  
16 has failed 2 previous such skills tests unless the person has successfully completed  
17 a rider course approved by the department. The department may, by rule, exempt  
18 certain persons from the rider course requirement of this paragraph. The driving  
19 skills of applicants for endorsements authorizing the operation of commercial motor  
20 vehicles equipped with air brakes, the transportation of passengers in commercial  
21 motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or  
22 (e), shall also be tested by an actual demonstration of driving skills. The department  
23 may endorse an applicant's commercial driver license for transporting hazardous  
24 materials, or the operation of tank vehicles or vehicles towing double or triple  
25 trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of

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1 a knowledge test. In administering the knowledge test, the department shall  
2 attempt to accommodate any special needs of the applicant. Except as may be  
3 required by the department for an “H” or “S” endorsement, the knowledge test is not  
4 intended to be a test for literacy or English language proficiency. This paragraph  
5 does not prohibit the department from requiring an applicant to correctly read and  
6 understand highway signs.

7 **\*-0528/3.2\* SECTION 2738.** 343.16 (1) (b) (intro.) of the statutes is amended to  
8 read:

9 343.16 (1) (b) *Third-party testing.* (intro.) The department may contract with  
10 a person, including an agency or department of this state or its political subdivisions  
11 or another state, or a private employer of commercial motor vehicle drivers, to  
12 administer commercial motor vehicle skills tests required by 49 CFR 383.110 to  
13 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and,~~  
14 abbreviated driving skills tests required by sub. (3) (b) and, to persons at least 18  
15 years of age, driving skills tests required by par. (a) for authorization to operate  
16 “Class D” vehicles. The department may not enter into such testing contracts with  
17 a private driver training school or other private institution for vehicles other than  
18 “Class D” vehicles. A contract with a 3rd-party tester shall include all of the  
19 following provisions:

20 **\*-0528/3.3\* SECTION 2739.** 343.16 (1) (b) 3. (intro.) of the statutes is amended  
21 to read:

22 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an  
23 on-site inspection of the 3rd-party tester to determine compliance with the contract  
24 and with department and federal standards for testing applicants for commercial  
25 driver licenses and with department standards for testing applicants for regular

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1 licenses and school bus endorsements. At least annually, the department shall also  
2 evaluate testing given by the 3rd-party by one of the following means:

3 **\*-0528/3.4\* SECTION 2740.** 343.16 (1) (b) 4. of the statutes is amended to read:

4 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same  
5 qualifications and training standards as the department's license examiners to the  
6 extent established by the department as necessary to satisfactorily perform the  
7 driving skills tests required by par. (a) for authorization to operate "Class D" vehicles,  
8 skills tests required by 49 CFR 383.110 to 383.135, examinations required to be  
9 administered under s. 343.12 (2) (h) and abbreviated driving skills tests required by  
10 sub. (3) (b).

11 **\*-0528/3.5\* SECTION 2741.** 343.16 (1) (b) 5. of the statutes is amended to read:

12 343.16 (1) (b) 5. The department shall take prompt and appropriate remedial  
13 action against the 3rd-party tester in the event that the tester fails to comply with  
14 department or federal standards for commercial driver license testing, department  
15 standards for regular license and school bus endorsement testing or any provision  
16 of the contract. Such action may include immediate termination of testing by the  
17 3rd-party tester and recovery of damages.

18 **\*-0528/3.6\* SECTION 2742.** 343.16 (1) (c) (intro.) of the statutes is amended to  
19 read:

20 343.16 (1) (c) *Driver education course.* (intro.) The department may, after  
21 consultation with the department of public instruction and the technical college  
22 system board, provide for administration of and certification of the results of the test  
23 of an applicant's knowledge of the traffic laws and ability to read and understand  
24 highway signs, and of the driving skills test of the applicant's ability to exercise  
25 ordinary and reasonable control in the operation of a "Class D" vehicle, in conjunction

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1 with a course in driver education specified in this paragraph, by an instructor in that  
2 course. ~~The test under this paragraph does not include that part of a driver's~~  
3 ~~examination involving the actual demonstration of ability to exercise ordinary and~~  
4 ~~reasonable control in the operation of a motor vehicle required for the issuance of a~~  
5 ~~license other than an instruction permit. The~~ No person may administer a driving  
6 skills test under this paragraph to an applicant, unless the applicant is under 18  
7 years of age, enrolled in a course described in subds. 1. to 4. and the driving skills test  
8 is administered as part of that course. Any test authorized under this paragraph  
9 may be administered and certified by an instructor in any of the following:

10 **\*-0528/3.7\* SECTION 2743.** 343.16 (1) (c) 4. of the statutes is created to read:

11 343.16 (1) (c) 4. A course in driver education in driver schools licensed under  
12 s. 343.61.

13 **\*-2071/2.1\* SECTION 2744.** 343.17 (3) (a) 13. of the statutes is created to read:

14 343.17 (3) (a) 13. If the person is under 18 years of age at the time of issuance  
15 of the license, a distinctive appearance specified by the department that clearly  
16 identifies to the public that the person was under 18 years of age at the time of  
17 issuance of the license.

18 **\*-2071/2.2\* SECTION 2745.** 343.19 (1) of the statutes is amended to read:

19 343.19 (1) If a license issued under this chapter or an identification card issued  
20 under s. 343.50 is lost or destroyed or the name or address named in the license or  
21 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.  
22 no longer applies, the person to whom the license or identification card was issued  
23 may obtain a duplicate thereof or substitute therefor upon furnishing proof  
24 satisfactory to the department of name and date of birth and that the license or  
25 identification card has been lost or destroyed or that application for a duplicate



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1 license or identification card is being made for a change of address or name or  
2 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the  
3 original license or identification card is found it shall immediately be transmitted to  
4 the department. Duplicates of nonphoto licenses shall be issued as nonphoto  
5 licenses.

6 **\*-1347/1.3\* SECTION 2746.** 343.20 (1) (d) of the statutes is amended to read:  
7 343.20 (1) (d) The department shall cancel an operator's license that is  
8 endorsed for the operation of school buses under s. 343.12 (2), regardless of the  
9 license expiration date, if the licensee fails to provide proof to the department that  
10 he or she has passed an examination as required under s. 343.12 (2m). The  
11 department shall cancel an operator's license that is endorsed for the operation of  
12 school buses under s. 343.12 (3), regardless of the license expiration date, if the  
13 licensee fails to provide proof to the department of an annual physical examination  
14 determining that the person meets the physical standards established under s.  
15 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (1m).

16 **\*-0444/1.1\* SECTION 2747.** 343.21 (2) of the statutes is amended to read:  
17 343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose  
18 application for a permit, license, upgrade or endorsement, taken together with the  
19 applicant's currently valid license, if any, requires the department to administer a  
20 driving skills test of the applicant's ability to exercise ordinary and reasonable  
21 control in the operation of a motor vehicle shall pay to the department an  
22 examination fee of \$20 for an examination in a commercial motor vehicle other than  
23 a school bus and ~~\$10~~ \$15 for an examination in any other vehicle. Payment of the  
24 examination fee entitles the applicant to not more than 3 tests of the applicant's  
25 ability to exercise reasonable control in the operation of a motor vehicle. If the

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1 applicant does not qualify for issuance of a license, upgraded license or endorsement  
2 in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which  
3 payment entitles the applicant to not more than 3 additional tests.

4 (b) The operator shall pay to the department an examination fee of \$10 ~~\$15~~ for  
5 conducting the special examination requested under s. 121.555 (2) (cm), except that  
6 if the examination is in a commercial motor vehicle other than a school bus the fee  
7 is \$20. Payment of the examination fee entitles the person to not more than 3 tests  
8 of the person's ability to safely operate the vehicle proposed to be used under s.  
9 121.555 (1) (a). If the applicant does not pass the examination for safe operation of  
10 the vehicle in 3 such tests, then a 2nd examination fee in the same amount shall be  
11 paid, which payment entitles the person to not more than 3 additional tests.

12 \*~~0598/2.1~~\* **SECTION 2748.** 343.305 (9) (a) (intro.) of the statutes is amended  
13 to read:

14 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the  
15 law enforcement officer shall immediately take possession of the person's license and  
16 prepare a notice of intent to revoke, by court order under sub. (10), the person's  
17 operating privilege. If the person was driving or operating a commercial motor  
18 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours  
19 after the refusal and notify the department in the manner prescribed by the  
20 department. The officer shall issue a copy of the notice of intent to revoke the  
21 privilege to the person and submit or mail a copy with the person's license to the  
22 circuit court for the county in which the arrest under sub. (3) (a) was made. The  
23 officer shall also mail a copy of the notice of intent to revoke to the district attorney  
24 for that county and the department. Neither party is entitled to prehearing  
25 discovery, except that at the refusal hearing, before a witness testifies, written or

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1 voice recorded statements of the witness, if any, shall be given to the defendant. For  
2 cause, the court may order the production of those statements before the hearing.  
3 This limit on discovery does not affect either party's right to discovery under s. 971.23  
4 related to any criminal prosecution. The notice of intent to revoke the person's  
5 operating privilege shall contain substantially all of the following information:

6 \*~~0598/2.2~~\* **SECTION 2749.** 343.305 (9) (am) (intro.) of the statutes is amended  
7 to read:

8 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with  
9 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law  
10 enforcement officer shall immediately take possession of the person's license, issue  
11 an out-of-service order to the person for the 24 hours after the refusal and notify the  
12 department in the manner prescribed by the department, and prepare a notice of  
13 intent to revoke, by court order under sub. (10), the person's operating privilege. The  
14 officer shall issue a copy of the notice of intent to revoke the privilege to the person  
15 and submit or mail a copy with the person's license to the circuit court for the county  
16 in which the refusal is made. The officer shall also mail a copy of the notice of intent  
17 to revoke to the district attorney for that county and the department. Neither party  
18 is entitled to prehearing discovery, except that at the refusal hearing, before a  
19 witness testifies, written or voice recorded statements of the witness, if any, shall be  
20 given to the defendant. For cause, the court may order the production of those  
21 statements before the hearing. This limit on discovery does not affect either party's  
22 right to discovery under s. 971.23 related to any criminal prosecution. The notice of  
23 intent to revoke the person's operating privilege shall contain substantially all of the  
24 following information:

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1           \***-0120/1.2\*** **SECTION 2750.** 343.44 (2) (a) of the statutes, as affected by 1997  
2 Wisconsin Act 84, is amended to read:

3           343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in  
4 conformity therewith shall be required to forfeit not less than \$50 nor more than  
5 \$200.

6           \***-0120/1.3\*** **SECTION 2751.** 343.44 (2) (am) of the statutes, as affected by 1997  
7 Wisconsin Act 84, is amended to read:

8           343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, ~~1999~~ 2002,  
9 may be required to forfeit not more than \$600, except that, if the person has been  
10 convicted of a previous violation described in sub. (1) (b) within the preceding 5-year  
11 period, the penalty under par. (b) shall apply.

12           \***-0435/1.1\*** **SECTION 2752.** 345.09 (2) of the statutes is amended to read:

13           345.09 (2) The secretary as attorney upon whom processes and notices may be  
14 served under this section shall, upon being served with such process or notice,  
15 forthwith mail by registered mail a copy thereof to such nonresident at the  
16 out-of-state nonresident address given in the papers so served. It is the duty of the  
17 party or the party's attorney to certify in the papers so served that the address given  
18 therein is the last-known out-of-state nonresident address of the party to be served.  
19 In all cases of service under this section there shall be served 2 authenticated copies  
20 for the secretary and such additional number of authenticated copies as there are  
21 defendants so served in the action. One of the secretary's copies shall be retained for  
22 the secretary's record of service and the other copy shall be returned with proper  
23 certificate of service attached for filing in court as proof of service of the copies by  
24 having mailed them by registered mail to the defendants named therein. The service

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1 fee shall be ~~\$15~~ \$25 for each defendant so served. The secretary shall keep a record  
2 of all such processes and notices, which record shall show the day and hour of service.

3 **\*-1265/7.30\* SECTION 2753.** 345.26 (1)(b) 1. of the statutes is amended to read:

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

13 **\*-1265/7.31\* SECTION 2754.** 345.37 (2) of the statutes is amended to read:

14 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may  
15 serve as the initial pleading and the defendant shall be deemed to have tendered a  
16 plea of no contest and submitted to a forfeiture and a penalty assessment, if required  
17 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing  
18 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a  
19 crime laboratories and drug law enforcement assessment, if required by s. 165.755,  
20 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the  
21 amount of the deposit. The court may either accept the plea of no contest and enter  
22 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the  
23 defendant fails to appear in response to the summons, the court shall issue a warrant  
24 under ch. 968. If the court accepts the plea of no contest, the defendant may move  
25 within 6 months after the date set for the appearance to withdraw the plea of no

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1 contest, open the judgment and enter a plea of not guilty upon a showing to the  
2 satisfaction of the court that the failure to appear was due to mistake, inadvertence,  
3 surprise or excusable neglect. If on reopening the defendant is found not guilty, the  
4 court shall immediately notify the department to delete the record of conviction  
5 based on the original proceeding and shall order the defendant's deposit returned.

6 **\*-1265/7.32\* SECTION 2755.** 345.37 (5) of the statutes is amended to read:

7 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default  
8 judgment, the official receiving the forfeiture, the penalty assessment, if required by  
9 s. ~~165.87~~ 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing  
10 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the  
11 crime laboratories and drug law enforcement assessment, if required by s. 165.755,  
12 shall forward to the department a certification of the entry of default judgment or a  
13 judgment of forfeiture.

14 **\*-1265/7.33\* SECTION 2756.** 345.375 (2) of the statutes is amended to read:

15 345.375 (2) Upon default of the defendant corporation or limited liability  
16 company or upon conviction, judgment for the amount of the forfeiture, the penalty  
17 assessment, if required under s. ~~165.87~~ 757.05, the jail assessment, if required by s.  
18 302.46 (1), and the crime laboratories and drug law enforcement assessment, if  
19 required under s. 165.755, shall be entered.

20 **\*-1265/7.34\* SECTION 2757.** 345.47 (1) (intro.) of the statutes is amended to  
21 read:

22 345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
23 judgment against the defendant for a monetary amount not to exceed the maximum  
24 forfeiture, penalty assessment, if required by s. ~~165.87~~ 757.05, the jail assessment,  
25 if required by s. 302.46 (1), the railroad crossing improvement assessment, if

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1 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug  
2 law enforcement assessment, if required by s. 165.755, provided for the violation and  
3 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating  
4 privilege under s. 343.30. If the judgment is not paid, the court shall order:

5 **\*-1265/7.35\* SECTION 2758.** 345.47 (1) (b) of the statutes is amended to read:

6 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension  
7 or revocation, that the defendant's operating privilege be suspended for 30 days or  
8 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~  
9 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing  
10 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the  
11 crime laboratories and drug law enforcement assessment, if required by s. 165.755,  
12 but not to exceed 5 years. Suspension under this paragraph shall not affect the power  
13 of the court to suspend or revoke under s. 343.30 or the power of the secretary to  
14 suspend or revoke the operating privilege.

15 **\*-1265/7.36\* SECTION 2759.** 345.47 (1) (c) of the statutes is amended to read:

16 345.47 (1) (c) If a court or judge suspends an operating privilege under this  
17 section, the court or judge shall immediately take possession of the suspended license  
18 and shall forward it to the department together with the notice of suspension, which  
19 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
20 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46  
21 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495  
22 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if  
23 required by s. 165.755, and the fee required under s. 85.135, imposed by the court.  
24 The notice of suspension and the suspended license, if it is available, shall be  
25 forwarded to the department within 48 hours after the order of suspension. If the

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1 forfeiture, penalty assessment, jail assessment, railroad crossing improvement  
2 assessment and crime laboratories and drug law enforcement assessment are paid  
3 during a period of suspension, the court or judge shall immediately notify the  
4 department. Upon receipt of the notice and payment of the reinstatement fee under  
5 s. 343.21 (1) (j), the department shall return the surrendered license.

6 **\*-1265/7.37\* SECTION 2760.** 345.49 (1) of the statutes is amended to read:

7 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a  
8 forfeiture, a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail assessment,  
9 if required by s. 302.46 (1), a railroad crossing improvement assessment, if required  
10 by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law  
11 enforcement assessment, if required by s. 165.755, may, on request, be allowed to  
12 work under s. 303.08. If the person does work, earnings shall be applied on the  
13 unpaid forfeiture, penalty assessment, jail assessment, railroad crossing  
14 improvement assessment or crime laboratories and drug law enforcement  
15 assessment after payment of personal board and expenses and support of personal  
16 dependents to the extent directed by the court.

17 **\*-1265/7.38\* SECTION 2761.** 345.61 (2) (c) of the statutes is amended to read:

18 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means  
19 any printed card or other certificate issued by an automobile club, association or  
20 insurance company to any of its members or insureds, which card or certificate is  
21 signed by the member or insureds and contains a printed statement that the  
22 automobile club, association or insurance company and a surety company, or an  
23 insurance company authorized to transact both automobile liability insurance and  
24 surety business, guarantee the appearance of the persons whose signature appears  
25 on the card or certificate and that they will in the event of failure of the person to



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1 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,  
2 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment  
3 required by s. 302.46 (1), the railroad crossing improvement assessment required by  
4 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law  
5 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,  
6 or \$1,000 as provided in sub. (1) (b).

7 **\*-0504/1.3\* SECTION 2762.** 346.02 (10) of the statutes is amended to read:

8 346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon  
9 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,  
10 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33,  
11 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51,  
12 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and  
13 346.94 (1) and (9) and, if the snowmobile is an authorized emergency vehicle, be  
14 subject to s. 346.03.

15 **\*-0504/1.4\* SECTION 2763.** 346.02 (11) of the statutes is amended to read:

16 346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an  
17 all-terrain vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),  
18 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,  
19 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,  
20 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and  
21 (9) but is not and, if the all-terrain vehicle is an authorized emergency vehicle, is  
22 subject to s. 346.03, but no operator of an all-terrain vehicle is subject to any other  
23 provision of this chapter.

24 **\*-0504/1.5\* SECTION 2764.** 346.03 (3) of the statutes is amended to read:

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1           346.03 (3) The exemption granted the operator of an authorized emergency  
2 vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual  
3 signal by means of at least one flashing, oscillating or rotating red light except that  
4 the visual signal given by a police vehicle may be by means of a blue light and a red  
5 light which are flashing, oscillating or rotating, except as otherwise provided in sub.  
6 (4m) (a). The exemptions granted by sub. (2) (b), (c) and (d) apply only when the  
7 operator of the emergency vehicle is giving both such visual signal and also an  
8 audible signal by means of a siren or exhaust whistle, except as otherwise provided  
9 in sub. (4) or (4m).

10           \*~~0504/1.6~~\* **SECTION 2765.** 346.03 (4m) of the statutes is renumbered 346.03  
11 (4m) (a).

12           \*~~0504/1.7~~\* **SECTION 2766.** 346.03 (4m) (b) of the statutes is created to read:  
13           346.03 (4m) (b) The exemptions granted by sub. (2) (b), (c) and (d) apply to a  
14 vehicle that is giving a visual signal or an audible signal, or both, in the manner  
15 described in sub. (3), if the vehicle is any of the following:

16           1. A snowmobile operated by an employe of the department of natural resources  
17 who is authorized to exercise the authority of the department of natural resources  
18 under s. 23.11 (4).

19           2. An all-terrain vehicle or snowmobile operated by a conservation warden.

20           \*~~0196/7.11~~\* **SECTION 2767.** 347.415 (1) of the statutes is renumbered 347.415  
21 (1m) and amended to read:

22           347.415 (1m) No person shall may, either personally or through an agent,  
23 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer  
24 of any motor vehicle, snowmobile or all-terrain vehicle with the intent to change or  
25 affect the number of miles indicated thereon.