

1           (6) PROCESS FOR TIER II. (a) *Letter of intent.* To apply for participation in tier  
2           II of the program, an entity shall submit a letter of intent to the department. In  
3           addition to providing information necessary to show that the applicant satisfies the  
4           requirements in sub. (5), the applicant shall do all of the following in the letter of  
5           intent:

6           1. Describe the involvement of interested persons in developing the proposal  
7           for maintaining and improving the applicant's superior environmental performance,  
8           identify the interested persons, and describe the interests that those person have in  
9           the applicant's participation in the program.

10          2. Outline the provisions that it proposes to include in the participation  
11          contract.

12          3. Explain how the measures that the applicant proposes to take to maintain  
13          and improve its superior environmental performance are proportional to the  
14          incentives that it proposes to receive under the participation contract.

15          (b) *Limitation.* The department may limit the number of letters of intent that  
16          it processes based on the staff resources available.

17          (c) *Notice.* If the department decides to process a letter of intent, within 90 days  
18          of receiving the letter of intent the department shall provide public notice about the  
19          letter of intent in the area in which each covered facility or activity is located or  
20          performed.

21          (d) *Public meeting.* After providing public notice under par. (c) about a letter  
22          of intent, the department may hold a public informational meeting on the letter of  
23          intent.

24          (e) *Request to participate.* Within 30 days after the public notice under par. (c),  
25          interested persons may request the department to grant them authorization to

1 participate in the negotiations under par. (f). A person who makes a request under  
2 this paragraph shall describe the person's interests in the issues raised by the letter  
3 of intent. The department shall determine whether a person who makes a request  
4 under this paragraph may participate in the negotiations under par. (f) based on  
5 whether the person has demonstrated sufficient interest in the issues raised by the  
6 letter of intent to warrant that participation.

7 (f) *Negotiations.* If the department determines that an applicant satisfies the  
8 requirements in sub. (5), the department may begin negotiations concerning a  
9 participation contract with the applicant and with any persons to whom the  
10 department granted permission under par. (e). The department may begin the  
11 negotiations no sooner than 30 days after providing public notice under par. (c) about  
12 the applicant's letter of intent.

13 (g) *Termination of negotiations.* The department may terminate negotiations  
14 with an applicant concerning a participation contract and the decision to terminate  
15 negotiations is not subject to review under ch. 227. The department shall conclude  
16 negotiations within 12 months of beginning negotiations unless the applicant and  
17 the department agree to an extension.

18 (h) *Notice of proposed contract.* If negotiations under par. (f) result in a  
19 proposed participation contract, the department shall provide public notice about  
20 the proposed participation contract in the area in which each covered facility or  
21 activity is located or performed.

22 (i) *Meeting on proposed contract.* After providing public notice under par. (h)  
23 about a proposed participation contract, the department may hold a public  
24 informational meeting on the proposed participation contract.

1           (j) *Participation contract.* Within 30 days after providing notice under par. (h)  
2 or, if the department holds a public informational meeting under par. (i), within 30  
3 days after that meeting, the department shall decide whether to enter into a  
4 participation contract with an applicant, unless the applicant and the department  
5 agree to an extension beyond 30 days. In a participation contract, the department  
6 shall require that the participant maintain the environmental management system  
7 described in sub. (5) (c) 1. and abide by the commitments in sub. (5) (c) 2. and 3. The  
8 department may not reduce the frequency of required inspections or monitoring as  
9 an incentive in a participation contract if the audit under sub. (5) (c) 3. is conducted  
10 by a person other than an outside environmental auditor. The department shall  
11 ensure that the incentives provided under a participation contract are proportional  
12 to the environmental benefits that will be provided by the participant under the  
13 participation contract. The department shall include in a participation contract  
14 remedies that apply if a party fails to comply with the participation contract. The  
15 term of a participation contract may not be less than 3 years or more than 10 years,  
16 with opportunity for renewal for additional terms of the same length as the original  
17 term upon agreement of the parties. The term of a participation contract may not  
18 exceed 5 years if the participation contract incorporates, modifies, or otherwise  
19 affects the terms or conditions of a permit issued under s. 283.31, 283.33, or 285.62,  
20 unless federal and state law authorize a longer term for the permit.

21           (k) *Review of decision.* Notwithstanding s. 227.42, there is no right to an  
22 administrative hearing on the department's decision to enter into a participation  
23 contract under par. (j), but the decision is subject to judicial review.

24           **(6m) COMPLIANCE REPORTS AND DEFERRED CIVIL ENFORCEMENT.** (a) *Compliance*  
25 *reports.* If an audit under sub. (3) (d) 4. or (5) (c) 2. or 3. reveals any violations of

1 environmental requirements, the participant shall include all of the following in the  
2 report of the results of the audit:

3 1. A description of all of the violations.

4 2. A description of the actions taken or proposed to be taken to correct the  
5 violations identified in subd. 1.

6 3. A commitment to correct the violations identified in subd. 1. within 90 days  
7 of submitting the report or according to a compliance schedule approved by the  
8 department.

9 4. If the participant proposes to take more than 90 days after submitting the  
10 report to correct the violations identified in subd. 1., a proposed compliance schedule  
11 that contains the shortest reasonable periods for correcting the violations, a  
12 statement that justifies the proposed compliance schedule, a description of measures  
13 that the participant will take to minimize the effects of the violations during the  
14 period of the compliance schedule, and proposed stipulated penalties to be imposed  
15 if the participant violates the proposed compliance schedule.

16 5. A description of the measures that the participant has taken or will take to  
17 prevent future violations.

18 (b) *Compliance schedules.* 1. If the department receives a report under par. (a)  
19 that contains a proposed compliance schedule under par. (a) 4., the department shall  
20 review the proposed compliance schedule. The department may approve the  
21 compliance schedule as submitted or propose a different compliance schedule. If the  
22 participant does not agree to implement a compliance schedule proposed by the  
23 department, the department shall schedule a meeting with the participant to  
24 attempt to reach an agreement on a compliance schedule. If the department and the  
25 participant do not reach an agreement on a compliance schedule, the department

1 shall terminate the participation of the participant in the program. If the parties  
2 agree to a compliance schedule, the participant shall incorporate the compliance  
3 schedule into its environmental management system.

4 2. The department may not approve a compliance schedule that extends longer  
5 than 12 months beyond the date of approval of the compliance schedule. The  
6 department shall consider the following factors in determining whether to approve  
7 a compliance schedule:

8 a. The environmental and public health consequences of the violations.

9 b. The time needed to implement a change in raw materials or method of  
10 production if that change is an available alternative to other methods of correcting  
11 the violations.

12 c. The time needed to purchase any equipment or supplies that are needed to  
13 correct the violations.

14 (c) *Stipulated penalties.* 1. If the department receives proposed stipulated  
15 penalties under par. (a) 4., the department shall review the proposed stipulated  
16 penalties. The department may approve the stipulated penalties as submitted or  
17 propose different stipulated penalties. If the participant does not agree to stipulated  
18 penalties proposed by the department, the department shall schedule a meeting with  
19 the participant to attempt to reach an agreement on stipulated penalties. If no  
20 agreement is reached, there are no stipulated penalties for violations of the  
21 compliance schedule.

22 (d) *Deferred civil enforcement.* 1. a. If a participant in the program corrects  
23 violations that are disclosed in a report that meets the requirements of par. (a) within  
24 90 days after the department receives the report, this state may not bring a civil  
25 action to collect forfeitures for the violations.

1           b. This state may not begin a civil action to collect forfeitures for violations  
2 covered by a compliance schedule that is approved under par. (b) during the period  
3 of the compliance schedule if the participant is not violating the compliance schedule.  
4 If the participant violates the compliance schedule and there are stipulated  
5 penalties, the department may collect any stipulated penalties or may terminate  
6 participation in the program. If the participant violates the compliance schedule and  
7 there are no stipulated penalties, the department may terminate participation in the  
8 program. After the department terminates participation in the program, this state  
9 may begin a civil action to collect forfeitures for the violations.

10           c. If the department approves a compliance schedule under par. (b) and the  
11 participant corrects the violations according to the compliance schedule, this state  
12 may not bring a civil action to collect forfeitures for the violations.

13           2. Notwithstanding subd. 1., this state may at any time begin a civil action to  
14 collect forfeitures for violations if any of the following apply:

15           a. The violations present an imminent threat to public health or the  
16 environment or may cause serious harm to public health or the environment.

17           b. The department discovers the violations before submission of a report that  
18 meets the requirement of par. (a).

19           (7) SUSPENSION OR TERMINATION OF PARTICIPATION. (a) The department may  
20 suspend or terminate the participation of a participant in the program at the request  
21 of the participant.

22           (b) The department may terminate the participation of a participant in the  
23 program if a judgment is entered against the participant, any managing operator of  
24 the participant, or any person with a 25% or more ownership interest in the  
25 participant for a criminal or civil violation involving a covered facility or activity that

1       resulted in substantial harm to public health or the environment or that presented  
2       an imminent threat to public health or the environment.

3           (c) The department may suspend the participation of a participant in the  
4       program if the department determines that the participant, any managing operator  
5       of the participant, or any person with a 25% or more ownership interest in the  
6       participant committed a criminal or civil violation involving a covered facility or  
7       activity that resulted in substantial harm to public health or the environment or that  
8       presented an imminent threat to public health or the environment and the  
9       department refers the matter to the department of justice for prosecution.

10          (d) The department may suspend or terminate the participation of a  
11       participant in tier I of the program if the participant does not implement, or fails to  
12       maintain, the environmental management system described in sub. (3) (d) 1., fails  
13       to conduct annual audits described in sub. (3) (d) 4., or fails to submit annual reports  
14       described in sub. (3) (d) 5.

15          (e) The department may, after an opportunity for a hearing, terminate a  
16       participation contract if the department determines that the participant is in  
17       substantial noncompliance with the participation contract.

18          (f) A person who is not a party to a participation contract, but who believes that  
19       a participant is in substantial noncompliance with a participation contract, may ask  
20       the department to terminate a participation contract under par. (e).

21          **(7e) CHARTERS.** (a) The department may issue an environmental results  
22       charter to an association of entities to assist the entities to participate in tier I or tier  
23       II of the program and to achieve superior environmental performance. An  
24       association to which a charter is issued may consist of private entities, public  
25       entities, or a combination of private and public entities. An association to which a

1 charter is issued may be organized on any basis that helps to achieve superior  
2 environmental performance.

3 (b) In a charter the entities in the association shall describe the goals of the  
4 association, the responsibilities of the entities, and the activities that the entities will  
5 engage in to accomplish their goals. The term of a charter may not be less than 3  
6 years or more than 10 years, with the opportunity for renewal for additional terms  
7 of the same length upon the agreement of the entities and the department.

8 (c) The department may not issue a charter unless the department determines  
9 that the entities in the association have the resources to carry out the charter. Before  
10 issuing a proposed charter, the department shall provide public notice of the  
11 proposed charter in the areas in which the activities under the charter will be  
12 engaged in. After providing public notice and before issuing a proposed charter, the  
13 department shall hold a public informational hearing on the proposed charter. A  
14 decision by the department to issue a charter is not subject to review under ch. 227.

15 (d) An association to which a charter has been issued shall report annually to  
16 the department on the activities that have been engaged in under the charter.

17 (e) The department may, after an opportunity for a hearing, terminate a charter  
18 if the department determines that the entities in the chartered association are in  
19 substantial noncompliance with the charter. Any person who has evidence that the  
20 entities in a chartered association are not in compliance with a charter may ask the  
21 department to terminate the charter.

22 **(7m) ENVIRONMENTAL AUDITORS.** The department may not approve an outside  
23 environmental auditor for the purposes of sub. (3) (d) 4. or (5) (c) 2. unless the outside  
24 environmental auditor is certified by the Registrar Accreditation Board of the  
25 American National Standards Institute or meets criteria concerning education,



1 training, experience, and performance that are equal to the criteria in International  
2 Organization for Standardization standard 14012.

3 (7s) ACCESS TO RECORDS. (a) Except as provided in par. (c), the department shall  
4 make any record, report, or other information obtained in the administration of this  
5 section available to the public.

6 (c) The department shall keep confidential any part of a record, report, or other  
7 information obtained in the administration of this section, other than emission data  
8 or discharge data, upon receiving an application for confidential status by any person  
9 containing a showing satisfactory to the department that the part of a record, report,  
10 or other information would, if made public, divulge a method or process that is  
11 entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

12 (d) If the department refuses to release information on the grounds that it is  
13 confidential under par. (c) and a person challenges that refusal, the department shall  
14 inform the affected participant of that challenge. Unless the participant authorizes  
15 the department to release the information, the participant shall pay the reasonable  
16 costs incurred by this state to defend the refusal to release the information.

17 (e) Paragraph (c) does not prevent the disclosure of any information to a  
18 representative of the department for the purpose of administering this section or to  
19 an officer, employee, or authorized representative of the federal government for the  
20 purpose of administering federal law. When the department provides information  
21 that is confidential under par. (c) to the federal government, the department shall  
22 also provide a copy of the application for confidential status.

23 (8) POWERS AND DUTIES OF THE DEPARTMENT. (a) To facilitate the process under  
24 sub. (6), the department shall develop model terms that may be used in participation  
25 contracts.

1 (b) After consultations with interested persons, the department shall annually  
2 establish a list identifying aspects of superior environmental performance that the  
3 department will use to identify which letters of intent it will process under sub. (6)  
4 in the following year and the order in which it will process the letters of intent.

5 (c) The department may promulgate rules for the administration of the  
6 program. In the rules, the department may specify incentives, that are consistent  
7 with federal laws and other state laws, that the department may provide to  
8 participants in tier II of the program.

9 (d) The department shall encourage small businesses, agricultural  
10 organizations, entities that are not subject to environmental requirements, local  
11 governments, and other entities to form groups to work cooperatively on projects to  
12 achieve superior environmental performance.

13 (dm) The department shall select a logo for the program.

14 (e) The department shall consult with the environmental results council about  
15 the operation of the program, priorities for the program, and evaluation of the  
16 program.

17 (f) The department and the department of commerce shall jointly provide  
18 information about participation contracts and environmental management systems  
19 to potential participants in the program and to other interested persons. The  
20 department shall consult with the department of commerce about the  
21 administration of the program.

22 (g) The department shall collect, process, evaluate, and disseminate data and  
23 information about environmentally beneficial and innovative practices submitted by  
24 participants in the program. The department may conduct or direct studies,  
25 experiments, or research related to the program in cooperation with participants and

1 other interested persons. The department may enter into agreements with the  
2 Robert M. La Follette institute of public affairs at the University of  
3 Wisconsin–Madison to assist in the promotion, administration, or evaluation of the  
4 program.

5 (h) The department shall submit a progress report on the program to the  
6 legislature, in the manner provided in s. 13.172 (2), no later than the first day of the  
7 36th month beginning after the effective date of this paragraph .... [revisor inserts  
8 date], and every 2 years after it submits the first report.

9 (9) ENVIRONMENTAL RESULTS COUNCIL. The environmental results council shall  
10 advise the department about all of the following:

11 (a) The implementation of the program, including the setting of goals for the  
12 program.

13 (b) Evaluating the costs of applying for the program and of entering into a  
14 participation contract or a charter and the administrative costs of participating in  
15 the program.

16 (c) Assessing whether incentives provided under a participation contract are  
17 proportional to the environmental benefits committed to under a participation  
18 contract.

19 (d) Procedures for evaluating the program.

20 (e) Changes that should be made in the program.

21 (10) PENALTY. Any person who intentionally makes a false statement in  
22 material submitted under this section shall be fined not less than \$10 nor more than  
23 \$10,000 or imprisoned for not more than 6 months or both.

24 (11) SUNSET. The department may not process or approve any application for  
25 participation in the program that it receives after July 1, 2007.

1           **\*b2403/1.6\* SECTION 373g.** 299.85 of the statutes is created to read:

2           **299.85 Environmental improvement program. (1) DEFINITIONS.** In this  
3 section:

4           (a) “Environmental compliance audit” means a systematic, documented, and  
5 objective review, conducted by or on behalf of the owner or operator of a facility, of  
6 the environmental performance of the facility, including an evaluation of compliance  
7 with one or more environmental requirements.

8           (am) “Environmental performance” means the effects of a facility on air, water,  
9 land, natural resources, and human health.

10          (c) “Environmental requirement” means a requirement in any of the following:

11           1. Chapters 29 to 31, 160 or 280 to 299, a rule promulgated under one of those  
12 chapters, or a permit, license, other approval, or order issued by the department  
13 under one of those chapters.

14           2. An ordinance or other legally binding requirement of a local governmental  
15 unit enacted under authority granted by a state law relating to environmental  
16 protection.

17          (d) “Facility” means all buildings, equipment, and structures located on a  
18 single parcel or on adjacent parcels that are owned or operated by the same person.

19          (e) “Local governmental unit” means a city, village, town, county, town sanitary  
20 district, or metropolitan sewerage district.

21          (f) “Regulated entity” means a public or private entity that is subject to  
22 environmental requirements.

23          **(2) REQUIREMENTS FOR PARTICIPATION.** A regulated entity qualifies for  
24 participation in the environmental improvement program with respect to a facility  
25 owned or operated by the regulated entity if all of the following apply:

1           (a) The regulated entity conducts an environmental compliance audit of the  
2 facility.

3           (b) The regulated entity notified the department in writing, no fewer than 30  
4 days before beginning the environmental compliance audit, of the date on which the  
5 environmental compliance audit would begin, the site or facility or the operations or  
6 practices at a site or facility to be reviewed, and the general scope of the  
7 environmental compliance audit.

8           (c) The environmental compliance audit complies with sub. (4).

9           (e) The regulated entity submits a report as required under sub. (3).

10          (f) At the time of submitting a report under sub. (3), the department of justice  
11 has not, within 2 years, filed a suit to enforce an environmental requirement, and the  
12 department or a local governmental unit has not, within 2 years, issued a citation  
13 to enforce an environmental requirement, because of a violation of an environmental  
14 requirement involving the facility.

15          **(3) AUDIT REPORT.** To participate in the environmental improvement program  
16 with respect to a facility, the regulated entity that owns or operates the facility shall  
17 submit a report to the department within 45 days after the date of the final written  
18 report of findings of the environmental compliance audit of the facility. The  
19 regulated entity shall complete the environmental compliance audit, including the  
20 final written report of findings, within 365 days after providing the notice under sub.

21          (2) (b). The report submitted to the department shall include all of the following:

22           (a) A description of the environmental compliance audit, including who  
23 conducted the environmental compliance audit, when it was completed, what  
24 activities and operations were examined, what was revealed by the environmental

1 compliance audit, and any other information needed by the department to make the  
2 report under sub. (9m).

3 (b) A description of all violations of environmental requirements revealed by  
4 the environmental compliance audit and of the length of time that the violations may  
5 have continued.

6 (c) A description of actions taken or proposed to be taken to correct the  
7 violations of environmental requirements.

8 (d) A commitment to correct the violations of environmental requirements  
9 within 90 days of submitting the report or according to a compliance schedule  
10 approved by the department.

11 (e) If the regulated entity proposes to take more than 90 days to correct the  
12 violations of environmental requirements, a proposed compliance schedule that  
13 contains the shortest reasonable periods for correcting the violations of  
14 environmental requirements, a statement that justifies the proposed compliance  
15 schedule, and a description of measures that the regulated entity will take to  
16 minimize the effects of the violations of environmental requirements during the  
17 period of the compliance schedule.

18 (em) If the regulated entity proposes to take more than 90 days to correct the  
19 violations of environmental requirements, the proposed stipulated penalties to be  
20 imposed if the regulated entity violates the compliance schedule under par. (e).

21 (f) A description of the measures that the regulated entity has taken or will take  
22 to prevent future violations of environmental requirements and a timetable for  
23 taking the measures that it has not yet taken.

24 **(3m)** PUBLIC NOTICE; COMMENT PERIOD. (a) The department shall provide at least  
25 30 days for public comment on a compliance schedule and stipulated penalties

1 proposed in a report under sub. (3). The department may not approve or issue a  
2 compliance schedule under sub. (6) or approve stipulated penalties under sub. (6m)  
3 until after the end of the comment period.

4 (b) Before the start of the public comment period under par. (a), the department  
5 shall provide public notice of the proposed compliance schedule and stipulated  
6 penalties that does all of the following:

7 1. Identifies the regulated entity that submitted the report under sub. (3) and  
8 the facility at which the violation occurred, describes the environmental  
9 requirement that was violated, and indicates whether the violation related to  
10 reporting or another administrative requirement and whether the violation related  
11 to air, water, solid waste, hazardous waste, or another, specified, aspect of  
12 environmental regulation.

13 2. Describes the proposed compliance schedule and the proposed stipulated  
14 penalties.

15 3. Identifies an employee of the department and an employee of the regulated  
16 entity who may be contacted for additional information about the proposed  
17 compliance schedule and the proposed stipulated penalties.

18 4. States that comments concerning the proposed compliance schedule and the  
19 proposed stipulated penalties may be submitted to the department during the  
20 comment period and states the last date of the comment period.

21 (4) ENVIRONMENTAL COMPLIANCE AUDIT. A regulated entity does not qualify for  
22 participation in the environmental improvement program unless the final written  
23 report of findings of the environmental compliance audit is labeled “environmental  
24 compliance audit report,” is dated, and, if the environmental compliance audit  
25 identifies violations of environmental requirements, includes a plan for corrective

1 action. A regulated entity may use a form developed by the regulated entity, by a  
2 consultant, or by the department for the final written report of findings of the  
3 environmental compliance audit.

4 (6) COMPLIANCE SCHEDULES. (a) If the department receives a report under sub.  
5 (3) that contains a proposed compliance schedule under sub. (3) (e), the department  
6 shall review the proposed compliance schedule. The department may approve the  
7 compliance schedule as submitted or propose a different compliance schedule. If the  
8 regulated entity does not agree to implement a compliance schedule proposed by the  
9 department, the department shall schedule a meeting with the regulated entity to  
10 attempt to reach an agreement on a compliance schedule. If the department and the  
11 regulated entity do not reach an agreement on a compliance schedule, the  
12 department may issue a compliance schedule. A compliance schedule under this  
13 subsection is subject to review under ch. 227.

14 (b) The department may not approve or issue a compliance schedule that  
15 extends longer than 12 months beyond the date of approval of the compliance  
16 schedule. The department shall consider the following factors in determining  
17 whether to approve a compliance schedule:

- 18 1. The environmental and public health consequences of the violations.
- 19 2. The time needed to implement a change in raw materials or method of  
20 production if that change is an available alternative to other methods of correcting  
21 the violations.
- 22 3. The time needed to purchase any equipment or supplies that are needed to  
23 correct the violations.

24 (6m) STIPULATED PENALTIES. (a) If the department receives proposed stipulated  
25 penalties under sub. (3) (em), the department shall review the proposed stipulated



1 penalties. The department may approve the stipulated penalties as submitted or  
2 propose different stipulated penalties. If the regulated entity does not agree to  
3 stipulated penalties proposed by the department, the department shall schedule a  
4 meeting with the regulated entity to attempt to reach an agreement on stipulated  
5 penalties. If no agreement is reached, there are no stipulated penalties for violations  
6 of the compliance schedule.

7 (b) Stipulated penalties approved under par. (a) shall specify a period, not  
8 longer than 6 months beyond the end of the compliance schedule, during which the  
9 stipulated penalties will apply.

10 (7) DEFERRED CIVIL ENFORCEMENT. (a) 1. For at least 90 days after the  
11 department receives a report that meets the requirements in sub. (3), this state may  
12 not begin a civil action to collect forfeitures for violations of environmental  
13 requirements that are disclosed in the report by a regulated entity that qualifies  
14 under sub. (2) for participation in the environmental improvement program.

15 2. If the regulated entity corrects violations that are disclosed by a regulated  
16 entity that qualifies under sub. (2) for participation in the environmental  
17 improvement program in a report that meets the requirements of sub. (3) within 90  
18 days after the department receives a report that meets the requirements of sub. (3),  
19 this state may not bring a civil action to collect forfeitures for the violations.

20 3. This state may not begin a civil action to collect forfeitures for violations  
21 covered by a compliance schedule that is approved under sub. (6) during the period  
22 of the compliance schedule if the regulated entity is not violating the compliance  
23 schedule. If the regulated entity violates the compliance schedule, the department  
24 may collect any stipulated penalties during the period in which the stipulated  
25 penalties apply. This state may begin civil action to collect forfeitures for violations

1 of environmental requirements that are not corrected by the end of the period in  
2 which the stipulated penalties apply. If the regulated entity violates the compliance  
3 schedule and there are no stipulated penalties, this state may begin a civil action to  
4 collect forfeitures for the violations.

5 4. If the department approves a compliance schedule under sub. (6) and the  
6 regulated entity corrects the violations according to the compliance schedule, this  
7 state may not bring a civil action to collect forfeitures for the violations.

8 (b) Notwithstanding par. (a), this state may at any time begin a civil action to  
9 collect a forfeiture for a violation of an environmental requirement if any of the  
10 following apply:

11 1. The violation presents an imminent threat to public health or the  
12 environment or may cause serious harm to public health or the environment.

13 2. The department discovers the violation before submission of a report under  
14 sub. (3).

15 3. The violation resulted in a substantial economic benefit that gives the  
16 regulated entity a clear advantage over its business competitors.

17 4. The violation is identified through monitoring or sampling required by  
18 permit, statute, rule, regulation, judicial or administrative order, or consent  
19 agreement.

20 5. The violation is a violation of the same environmental requirement at the  
21 same facility and committed in the same manner as a violation previously reported  
22 by the regulated entity under sub. (3), unless the violation is caused by a change in  
23 business processes or activities.

24 (8) CONSIDERATION OF ACTIONS BY REGULATED ENTITY. If the department receives  
25 a report that complies with sub. (3) from a regulated entity that qualifies under sub.

1 (2) for participation in the environmental improvement program, and the report  
2 discloses a potential criminal violation of an environmental requirement, the  
3 department and the department of justice shall take into account the diligent actions  
4 of, and reasonable care taken by, the regulated entity to comply with environmental  
5 requirements in deciding whether to pursue a criminal enforcement action and what  
6 penalty should be sought. In determining whether a regulated entity acted with due  
7 diligence and reasonable care, the department and the department of justice shall  
8 consider whether the regulated entity has demonstrated any of the following:

9 (a) That the regulated entity took corrective action that was timely when the  
10 violation was discovered.

11 (b) That the regulated entity exercised reasonable care in attempting to  
12 prevent the violation and to ensure compliance with environmental requirements.

13 (c) That the regulated entity had a documented history of good faith efforts to  
14 comply with environmental requirements before beginning to conduct  
15 environmental compliance audits.

16 (d) That the regulated entity has promptly made appropriate efforts to achieve  
17 compliance with environmental requirements since beginning to conduct  
18 environmental compliance audits and that action was taken with due diligence.

19 (e) That the regulated entity exercised reasonable care in identifying violations  
20 in a timely manner.

21 (f) That the regulated entity willingly cooperated in any investigation that was  
22 conducted by this state or a local governmental unit to determine the extent and  
23 cause of the violation.

1           **(9) ACCESS TO RECORDS.** (a) Except as provided in par. (c), the department shall  
2 make any record, report, or other information obtained in the administration of this  
3 section available to the public.

4           (c) The department shall keep confidential any part of a record, report, or other  
5 information obtained in the administration of this section, other than emission data  
6 or discharge data, upon receiving an application for confidential status by any person  
7 containing a showing satisfactory to the department that the part of a record, report,  
8 or other information would, if made public, divulge a method or process that is  
9 entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

10          (d) If the department refuses to release information on the grounds that it is  
11 confidential under par. (c) and a person challenges that refusal, the department shall  
12 inform the affected regulated entity of that challenge. Unless the regulated entity  
13 authorizes the department to release the information, the regulated entity shall pay  
14 the reasonable costs incurred by this state to defend the refusal to release the  
15 information.

16          (e) Paragraph (c) does not prevent the disclosure of any information to a  
17 representative of the department for the purpose of administering this section or to  
18 an officer, employee or authorized representative of the federal government for the  
19 purpose of administering federal law. When the department provides information  
20 that is confidential under par. (c) to the federal government, the department shall  
21 also provide a copy of the application for confidential status.

22          **(9m) ANNUAL REPORT.** The department shall submit an annual report under s.  
23 13.172 (3) concerning the environmental improvement program to the standing  
24 committees of the legislature with jurisdiction over environmental matters. The  
25 department shall submit the first annual report no later than the first day of the 24th

1 month beginning after the effective date of this subsection .... [revisor inserts date].

2 The department shall include all of the following in the annual report:

3 (a) The number of reports received under sub. (3), including the number of  
4 reports by county of the facility involved and by whether the regulated entity is  
5 governmental or nongovernmental.

6 (b) The number of violations reported by type, including the number of  
7 violations related to air, water, solid waste, hazardous waste, and to other specified  
8 aspects of environmental regulation and the number of violations involving each of  
9 the following:

- 10 1. Failure to have a required permit or other approval.
- 11 2. Failure to have a required plan.
- 12 3. Violation of a condition of a permit or other approval.
- 13 4. Release of a substance to the environment.
- 14 5. Failure to report.

15 (c) The average time to correct the reported violations and the number of  
16 violations not yet corrected, by category under par. (b).

17 (d) The number of regulated entities requiring longer than 90 days to take  
18 corrective action and a description of the stipulated penalties associated with the  
19 compliance schedules for those corrective actions.

20 (e) Any recommendations for changes in the program based on discussions with  
21 interested persons, including legislators and members of the public.

22 **(10) PENALTY.** Any person who intentionally makes a false statement in a report  
23 submitted under sub. (3) shall be fined not less than \$10 nor more than \$10,000 or  
24 imprisoned for not more than 6 months or both.

1           **(11) SUNSET.** Subsections (7) and (8) do not apply to a regulated entity that  
2 submits a report under sub. (3) after July 1, 2007.”.

3           **\*b2483/2.2\* 244.** Page 186, line 13: after that line insert:

4           **\*b2483/2.2\* “SECTION 374e.** 301.03 (18) (am) of the statutes is created to read:  
5           301.03 (18) (am) Paragraph (a) does not prevent a county department under  
6 s. 46.215, 46.22, or 46.23 from charging and collecting the cost of an examination  
7 ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).”.

8           **\*b2374/1.1\* 245.** Page 187, line 7: after that line insert:

9           **\*b2374/1.1\* “SECTION 377b.** 301.21 (1m) (a) (intro.) of the statutes is amended  
10 to read:

11           301.21 (1m) (a) (intro.) ~~The~~ Subject to sub. (3), the department may enter into  
12 one or more contracts with another state or a political subdivision of another state  
13 for the transfer and confinement in that state of prisoners who have been committed  
14 to the custody of the department. Any such contract shall provide for all of the  
15 following:

16           **\*b2374/1.1\* SECTION 377c.** 301.21 (2m) (a) (intro.) of the statutes is amended  
17 to read:

18           301.21 (2m) (a) (intro.) ~~The~~ Subject to sub. (3), the department may enter into  
19 one or more contracts with a private person for the transfer and confinement in  
20 another state of prisoners who have been committed to the custody of the  
21 department. Any such contract shall provide for all of the following:

22           **\*b2374/1.1\* SECTION 377d.** 301.21 (3) of the statutes is created to read:

1           301.21 (3) (a) Subject to par. (b), when contracting for the placement of  
2 prisoners in out-of-state facilities, the department shall give preference to a person  
3 that does all of the following:

4           1. Houses prisoners at facilities in close proximity to Wisconsin.

5           2. Provides alcohol and other drug abuse treatment, education, job  
6 preparation, and other elements of treatment designed to prepare prisoners for their  
7 return to the community.

8           3. Provides comprehensive assessment of prisoners in order to establish  
9 effective courses of treatment and rehabilitation, including academic and vocational  
10 training, with the goal of eventually successfully reintegrating prisoners into the  
11 community.

12           4. Staffs any facility in which prisoners will be confined with trained, certified  
13 professionals and manages and supervises the facility through a team of licensed  
14 professionals, including educators, certified counselors, vocational specialists, and  
15 medical professionals.

16           (b) The department shall give preference to a person under this subsection only  
17 if the person offers a daily rate that is comparable to the lowest good faith rate offered  
18 by other persons offering facilities for out-of-state placement of prisoners.”.

19           **\*b2599/1.4\* 246.** Page 187, line 8: delete lines 8 to 17.

20           **\*b2368/1.2\* 247.** Page 188, line 7: after that line insert:

21           **\*b2368/1.2\* “SECTION 378m.** 301.45 (1m) (title) of the statutes is amended to  
22 read:

23           301.45 (1m) (title) EXCEPTION TO REGISTRATION REQUIREMENT, UNDERAGE SEXUAL  
24 ACTIVITY.

1           **\*b2368/1.2\* SECTION 378t.** 301.45 (1p) of the statutes is created to read:

2           **301.45 (1p) EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF INVASION**  
3           **OF PRIVACY ADJUDICATION OR CONVICTION.** If a person is covered under sub. (1g) based  
4           solely on an order that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in  
5           connection with a delinquency adjudication or a conviction for a violation of s. 942.08  
6           (2) (b) or (c), the person is not required to comply with the reporting requirements  
7           under this section if the delinquency adjudication is expunged under s. 938.355 (4m)  
8           (b) or if the conviction is expunged under s. 973.015 (2).”.

9           **\*b2368/1.3\* 248.** Page 188, line 14: after that line insert:

10           **\*b2368/1.3\* “SECTION 379m.** 301.45 (7) (e) of the statutes is created to read:  
11           **301.45 (7) (e)** The department shall purge all of the information maintained  
12           in the registry under sub. (2) concerning a person to whom sub. (1p) applies if any  
13           of the following occurs:

14           1. The department receives notice under s. 938.355 (4m) (b) that a court has  
15           expunged the record of the person’s delinquency adjudication for the violation  
16           described in sub. (1p).

17           2. The department issues a certificate of discharge under s. 973.015 (2).

18           3. The department receives a certificate of discharge issued under s. 973.015  
19           (2) by the detaining authority.”.

20           **\*b2429/2.1\* 249.** Page 209, line 22: after that line insert:

21           **\*b2429/2.1\* “SECTION 432c.** 341.09 (7) of the statutes is amended to read:

22           **341.09 (7)** The owner of a special interest vehicle registered under s. 341.266  
23           (2) (a) or a reconstructed, ~~replica~~, street modified, or homemade vehicle registered  
24           under s. 341.268 (2) (a) may, upon payment of a fee of \$5 and application to the



1 department, be issued a permit for operation of the vehicle for a period not to exceed  
2 5 successive days during the month of January. The permit shall be valid only in the  
3 calendar year for which the permit is issued. The department shall prescribe the  
4 form of the application and permit and the manner in which the permit shall be  
5 displayed. The owner may be issued additional permits in subsequent years upon  
6 application and payment of the required fee.

7 \*b2429/2.1\* SECTION 432f. 341.14 (4r) of the statutes is amended to read:

8 341.14 (4r) For reconstructed, street modified, and homemade vehicles as  
9 specified in s. 341.268.

10 \*b2429/2.1\* SECTION 432g. 341.268 (title) of the statutes is amended to read:

11 **341.268 (title) Reconstructed, replica, street modified, and homemade**  
12 **vehicles; registration, plates, use.**

13 \*b2429/2.1\* SECTION 432h. 341.268 (1) (a) of the statutes is amended to read:

14 341.268 (1) (a) "Hobbyist" means the owner of one or more reconstructed,  
15 ~~replica~~, street modified, or homemade vehicles who collects, purchases, acquires,  
16 trades, or disposes of reconstructed, ~~replica~~, street modified, or homemade vehicles  
17 or parts thereof for personal use in order to build, reconstruct, restore, preserve, and  
18 maintain a reconstructed, ~~replica~~, street modified, or homemade vehicle for historic  
19 or hobby interest.

20 \*b2429/2.1\* SECTION 432i. 341.268 (1) (b) of the statutes is renumbered

21 341.268 (1) (b) (intro.) and amended to read:

22 341.268 (1) (b) (intro.) "Homemade vehicle" means a motor vehicle ~~which has~~  
23 ~~been constructed~~ that is any of the following:

1           1. Constructed or assembled from new or used parts or both using a body and  
2 frame not originating from and not resembling any previously manufactured motor  
3 vehicle.

4           **\*b2429/2.1\* SECTION 432j.** 341.268 (1) (c) of the statutes is amended to read:

5           341.268 (1) (c) “Parts car” means a motor vehicle generally in nonoperable  
6 condition ~~which~~ that is owned by the hobbyist to furnish parts ~~which~~ that will enable  
7 the hobbyist to build, reconstruct, restore, preserve, and maintain a reconstructed,  
8 ~~replica,~~ street modified, or homemade vehicle.

9           **\*b2429/2.1\* SECTION 432k.** 341.268 (1) (e) of the statutes is renumbered  
10 341.268 (1) (b) 2. and amended to read:

11           341.268 (1) (b) 2. ~~“Replica vehicle” means a motor vehicle that is a~~ A  
12 reproduction of a vehicle originally made by another manufacturer and ~~which~~ that  
13 consists of a reproduction body that is combined with a new, used, or replica frame  
14 and drivetrain.

15           **\*b2429/2.1\* SECTION 432L.** 341.268 (2) (a) (intro.) of the statutes is amended  
16 to read:

17           341.268 (2) (a) (intro.) Any person who is the owner of a reconstructed, ~~replica,~~  
18 street modified, or homemade vehicle and who owns, has registered in this state, and  
19 uses for regular transportation at least one vehicle that has regular registration  
20 plates may upon application register the vehicle as a reconstructed, ~~replica,~~ street  
21 modified, or homemade vehicle upon payment of a fee under par. (b), provided that  
22 the vehicle is one of the following:

23           **\*b2429/2.1\* SECTION 432m.** 341.268 (2) (a) 2. of the statutes is renumbered  
24 341.268 (2) (a) 5. and amended to read:

1           341.268 (2) (a) 5. A ~~replica vehicle which~~ homemade vehicle under sub. (1) (b)  
2           2. that is a reproduction of a vehicle manufactured 20 years or more prior to the time  
3           of making application for registration or transfer of title of the ~~replica~~ homemade  
4           vehicle.

5           **\*b2429/2.1\* SECTION 432n.** 341.268 (2) (a) 4. of the statutes is amended to  
6           read:

7           341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

8           **\*b2429/2.1\* SECTION 432o.** 341.268 (2) (c) of the statutes is amended to read:

9           341.268 (2) (c) The department shall furnish the owner of the vehicle with  
10          registration plates of a distinctive design in lieu of the usual registration plates, and  
11          those plates shall show that the vehicle is a reconstructed, ~~replica,~~ street modified,  
12          or homemade vehicle owned by a Wisconsin hobbyist. Upon application, the owner  
13          may reregister the vehicle without the payment of any additional fee.

14          **\*b2429/2.1\* SECTION 432p.** 341.268 (2) (d) of the statutes is amended to read:

15          341.268 (2) (d) Each hobbyist applying for reconstructed, ~~replica,~~ street  
16          modified, or homemade vehicle registration plates will be issued a hobbyist's  
17          identification number which will appear on each plate. Second and all subsequent  
18          registrations under this section by the same hobbyist will bear the same hobbyist's  
19          identification number followed by a suffix letter for vehicle identification.

20          **\*b2429/2.1\* SECTION 432q.** 341.268 (2) (e) 3. of the statutes is amended to read:

21          341.268 (2) (e) 3. Except as provided in s. 341.09 (7), no reconstructed, ~~replica,~~  
22          street modified, or homemade vehicle may be operated upon any highway of this  
23          state during the month of January unless the owner of the vehicle reregisters the  
24          vehicle under s. 341.25 and replaces the distinctive registration plates issued under

1 par. (c) with regular registration plates or transfers regular registration plates to the  
2 vehicle.

3 **\*b2429/2.1\* SECTION 432r.** 341.268 (2) (f) of the statutes is amended to read:

4 341.268 (2) (f) Unless inconsistent with this section, the provisions of this  
5 chapter applicable to other vehicles shall apply to reconstructed, ~~replica~~, street  
6 modified, and homemade vehicles.

7 **\*b2429/2.1\* SECTION 432s.** 341.268 (3) of the statutes is amended to read:

8 341.268 (3) In addition to the fee in sub. (2) (b), there shall be an original (first  
9 time only) processing fee of \$50 to defray the cost of issuing the original hobbyist's  
10 reconstructed, ~~replica~~, street modified, or homemade vehicle registration plates and  
11 to ensure that each hobbyist will be issued only one hobbyist's identification number.

12 **\*b2429/2.1\* SECTION 432t.** 341.268 (4m) of the statutes is created to read:

13 341.268 (4m) A vehicle registered as a replica vehicle under s. 341.268, 1999  
14 stats., shall be considered a homemade vehicle for purposes of this section and ss.  
15 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of the  
16 vehicle is not required to replace the distinctive registration plates issued under s.  
17 341.268 (2) (c), 1999 stats., showing that the vehicle is a replica vehicle.

18 **\*b2429/2.1\* SECTION 432u.** 341.27 (3) (a) of the statutes is amended to read:

19 341.27 (3) (a) If the applicant holds current registration plates that were  
20 removed from an automobile that the applicant no longer owns or that has been  
21 junked, is no longer used on the highways or has been registered as a special interest  
22 vehicle under s. 341.266 (2) (a) or a reconstructed, ~~replica~~, street modified, or  
23 homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the  
24 system of registration prescribed by this section, the department shall register the

1 automobile ~~which~~ that is the subject of the application for the remainder of the  
2 unexpired registration period.

3 \*b2429/2.1\* SECTION 432v. 341.28 (2) (intro.) of the statutes is amended to  
4 read:

5 341.28 (2) (intro.) If the applicant for registration holds current registration  
6 plates ~~which~~ that were removed from an automobile ~~which~~ that the applicant no  
7 longer owns or ~~which~~ that has been junked, is no longer being used on the highways,  
8 or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a  
9 reconstructed, ~~replica~~, street modified, or homemade vehicle under s. 341.268 (2) (a),  
10 and the plates were issued under the system of registration prescribed by s. 341.27,  
11 the applicant is exempt from the payment of a registration fee, except in the following  
12 cases:

13 \*b2429/2.1\* SECTION 432w. 341.31 (4) (b) of the statutes is amended to read:

14 341.31 (4) (b) A person retaining a set of plates removed from a vehicle under  
15 s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and ~~which~~ that was junked or transferred,  
16 is no longer leased to the person or used on the highways or has been registered as  
17 a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, ~~replica~~, street  
18 modified, or homemade vehicle under s. 341.268 (2) (a) may receive credit for the  
19 unused portion of the registration fee paid when registering a replacement vehicle  
20 of the same type and gross weight.”.

21 \*b2476/2.1\* 250. Page 209, line 22: after that line insert:

22 \*b2476/2.1\* “SECTION 432g. 341.09 (8) of the statutes is amended to read:

23 341.09 (8) The department may issue a temporary operation plate to a person  
24 who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e)

1 if the department determines that the person's disability is temporary. The plate  
2 shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m),  
3 if applicable. The plate shall otherwise be similar to or identical to plates issued  
4 under s. 341.14 (1e). No charge in addition to the registration fee may be made for  
5 the issuance of a plate under this subsection.

6 \*b2476/2.1\* SECTION 432m. 341.13 (2m) of the statutes is created to read:

7 341.13 (2m) A registration plate issued for a motorcycle shall have a white  
8 background and black lettering and shall be 4 inches by 7 inches in size.

9 \*b2476/2.1\* SECTION 432r. 341.14 (6w) of the statutes, as created by 2001  
10 Wisconsin Act 16, is amended to read:

11 341.14 (6w) Upon application to register a motorcycle by any person who is a  
12 resident of this state and a veteran of the U.S. armed forces, the department shall  
13 issue to the person a special plate whose colors and design shall indicate that the  
14 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify  
15 the design of the special plate. The special plate shall be colored red, white, and blue  
16 and be 4 inches by 7 inches in size. An additional fee of \$15 shall be charged for the  
17 issuance or reissuance of the plate.

18 \*b2476/2.1\* SECTION 432w. 341.14 (6w) of the statutes, as affected by 2001  
19 Wisconsin Act 16 and 2001 Wisconsin Act .... (this act), is amended to read:

20 341.14 (6w) Upon application to register a motorcycle by any person who is a  
21 resident of this state and a veteran of the U.S. armed forces, the department shall  
22 issue to the person a special plate whose colors and design shall indicate that the  
23 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify  
24 the design of the special plate. The Notwithstanding s. 341.13 (2m), the special plate

1 shall be colored red, white, and blue and be 4 inches by 7 inches in size. An additional  
2 fee of \$15 shall be charged for the issuance or reissuance of the plate.”.

3 **\*b2424/2.1\* 251.** Page 211, line 3: after that line insert:

4 **\*b2424/2.1\* “SECTION 439e.** 343.23 (2) (b) of the statutes, as affected by 1997  
5 Wisconsin Act 84, is amended to read:

6 343.23 (2) (b) The information specified in par. (a) must be filed by the  
7 department so that the complete operator’s record is available for the use of the  
8 secretary in determining whether operating privileges of such person shall be  
9 suspended, revoked, canceled, or withheld in the interest of public safety. The record  
10 of suspensions, revocations, and convictions that would be counted under s. 343.307  
11 (2) shall be maintained permanently. The record of convictions for disqualifying  
12 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record  
13 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be  
14 maintained for at least 3 years. The record of convictions for disqualifying offenses  
15 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years  
16 after a licensee transfers residency to another state such record may be transferred  
17 to another state of licensure of the licensee if that state accepts responsibility for  
18 maintaining a permanent record of convictions for disqualifying offenses. Such  
19 reports and records may be cumulative beyond the period for which a license is  
20 granted, but the secretary, in exercising the power of suspension granted under s.  
21 343.32 (2) may consider only those reports and records entered during the 4–year  
22 period immediately preceding the exercise of such power of suspension.

23 **\*b2424/2.1\* SECTION 439g.** 343.245 (3) (c) of the statutes is created to read:

1           343.245 (3) (c) No employer may knowingly allow, permit, or authorize an  
2 employee to operate a commercial motor vehicle in violation of any federal, state, or  
3 local law, rule, or regulation relating to railroad crossings.

4           **\*b2424/2.1\* SECTION 439i.** 343.245 (4) (a) of the statutes is amended to read:

5           343.245 (4) (a) Except as provided in ~~par.~~ pars. (b) and (c), any person who  
6 violates sub. (2) or (3) shall forfeit not more than \$2,500.

7           **\*b2424/2.1\* SECTION 439j.** 343.245 (4) (c) of the statutes is created to read:

8           343.245 (4) (c) Any person who violates sub. (3) (c) shall forfeit not more than  
9 \$10,000.”.

10           **\*b2424/2.2\* 252.** Page 211, line 10: after that line insert:

11           **\*b2424/2.2\* “SECTION 441m.** 343.315 (2) (j) of the statutes is created to read:

12           343.315 (2) (j) A person is disqualified for a period of 60 days from operating  
13 a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days  
14 if convicted of 2 railroad crossing violations or one year if convicted of 3 or more  
15 railroad crossing violations, arising from separate occurrences committed within a  
16 3-year period while driving or operating a commercial motor vehicle. In this  
17 paragraph, “railroad crossing violation” means a violation of a federal, state, or local  
18 law, rule, or regulation relating to any of the following offenses at a railroad crossing:

19           1. If the operator is not always required to stop the vehicle, failing to reduce  
20 speed and determine that the tracks are clear of any approaching train.

21           2. If the operator is not always required to stop the vehicle, failing to stop before  
22 reaching the crossing if the tracks are not clear.

23           3. If the operator is always required to stop the vehicle, failing to do so before  
24 proceeding onto the crossing.



1           4. Failing to have sufficient space to proceed completely through the crossing  
2 without stopping the vehicle.

3           5. Failing to obey any official traffic control device or the directions of any traffic  
4 officer, railroad employee, or other enforcement official.

5           6. Failing to successfully proceed through the crossing because of insufficient  
6 undercarriage clearance.

7           **\*b2424/2.2\* SECTION 441p.** 343.315 (3) (b) of the statutes is amended to read:

8           343.315 (3) (b) If a person's license or operating privilege is not otherwise  
9 revoked or suspended as the result of an offense committed after March 31, 1992,  
10 which results in disqualification under sub. (2) (a) to (f), (h) ~~or~~, (i), or (j), the  
11 department shall immediately disqualify the person from operating a commercial  
12 motor vehicle for the period required under sub. (2) (a) to (f), (h) ~~or~~, (i), or (j). Upon  
13 proper application by the person and payment of a duplicate license fee, the  
14 department may issue a separate license authorizing only the operation of vehicles  
15 other than commercial motor vehicles. Upon expiration of the period of  
16 disqualification, the person may apply for authorization to operate commercial  
17 motor vehicles under s. 343.26.”.

18           **\*b2429/2.2\* 253.** Page 215, line 7: after that line insert:

19           **\*b2429/2.2\* “SECTION 461m.** 347.02 (7) of the statutes is amended to read:

20           347.02 (7) The vehicle equipment requirements for a street modified vehicle  
21 shall be the same as the vehicle equipment requirements for a vehicle of the same  
22 type and model year that is not a street modified vehicle. The vehicle equipment  
23 requirements for a ~~replica vehicle~~ homemade vehicle specified in s. 341.268 (1) (b)

1     2. shall be the same as the vehicle equipment requirements for a vehicle of the same  
2     type and model year as the vehicle used for purposes of the reproduction.”.

3             **\*b2432/1.1\* 254.** Page 215, line 7: after that line insert:

4             **\*b2432/1.1\*** “SECTION 461p. 348.07 (2) (gr) of the statutes is amended to read:

5             348.07 (2) (gr) 53 feet for a semitrailer whose length from kingpin to axle does  
6     not exceed 43 feet and which is operated as part of a 2-vehicle combination ~~on a~~  
7     highway designated under sub. (4).

8             **\*b2432/1.1\*** SECTION 461q. 348.07 (4) of the statutes is amended to read:

9             348.07 (4) The secretary shall, by rule, designate the highways to which sub.  
10     (2) (f), (fm), and (gm) ~~and (gr)~~ and s. 348.08 (1) (e) and (h) apply. The designation of  
11     highways under this subsection may not be inconsistent with the designation of  
12     highways made by the U.S. secretary of transportation under P.L. 97-424, section  
13     411. The secretary may also designate additional highways by rule. In adopting a  
14     rule designating other highways, which may include 2-lane highways, the secretary  
15     shall specify the factors which resulted in the determination to designate the  
16     highways. These factors shall include, but are not limited to, safety, economics,  
17     energy savings, industry productivity and competition. Vehicles to which sub. (2) (f),  
18     (fm), and (gm) ~~and (gr)~~ and s. 348.08 (1) (e) and (h) apply may also operate on  
19     undesignated highways for a distance of 5 miles or less in order to obtain access to  
20     a designated highway or to reach fuel, food, maintenance, repair, rest, staging,  
21     terminal or vehicle assembly facilities or points of loading or unloading. The  
22     secretary may, by rule, designate an access route of more than 5 miles from a  
23     designated highway when the longer route provides safer and better access to a  
24     location which is within the 5-mile limit. Household goods carriers may operate

1 between highways designated in this subsection and points of loading and  
2 unloading.”.

3 **\*b2391/1.12\* 255.** Page 215, line 14: after that line insert:

4 **\*b2391/1.12\* “SECTION 464p.** 440.142 of the statutes is created to read:

5 **440.142 Reporting potential causes of public health emergency. (1)** A  
6 pharmacist or pharmacy shall report to the department of health and family services  
7 all of the following:

8 (a) An unusual increase in the number of prescriptions dispensed or  
9 nonprescription drug products sold for the treatment of medical conditions specified  
10 by the department of health and family services by rule under s. 252.02 (7).

11 (b) An unusual increase in the number of prescriptions dispensed that are  
12 antibiotic drugs.

13 (c) The dispensing of a prescription for treatment of a disease that is relatively  
14 uncommon or may be associated with bioterrorism, as defined in s. 166.02 (1r).

15 (2) (a) Except as provided in par. (b), a pharmacist or pharmacy may not report  
16 personally identifying information concerning an individual who is dispensed a  
17 prescription or who purchases a nonprescription drug product as specified in sub. (1)  
18 (a), (b), or (c).

19 (b) Upon request by the department of health and family services, a pharmacist  
20 or pharmacy shall report to that department personally identifying information  
21 other than a social security number concerning an individual who is dispensed a  
22 prescription or who purchases a nonprescription drug product as specified in sub. (1)  
23 (a), (b), or (c).”.

24 **\*b2403/1.7\* 256.** Page 218, line 2: after that line insert:

1           **\*b2403/1.7\*** “SECTION 474g. 560.125 of the statutes is created to read:

2           **560.125 Environmental results and environmental management**  
3 **system grant program.** (1) The department shall make grants from the  
4 appropriation under s. 20.143 (3) (z) to nongovernmental organizations to help those  
5 organizations develop the ability to participate as interested persons in the  
6 environmental results program under s. 299.83. The department shall allocate at  
7 least half of the amounts appropriated under s. 20.143 (3) (z) in the 2001–03 fiscal  
8 biennium for grants under this subsection.

9           (2) The department shall make grants from the appropriation under s. 20.143  
10 (3) (z) to assist persons to develop environmental management systems, as defined  
11 in s. 299.83 (1) (b).”.

12           **\*b2413/2.37\* 257.** Page 221, line 13: after that line insert:

13           **\*b2413/2.37\*** “SECTION 508r. 601.34 of the statutes is created to read:

14           **601.34 Loan to general fund.** No later than the first day of the 2nd month  
15 after the effective date of this section .... [revisor inserts date], an amount equal to  
16 \$850,000 shall be lapsed from the appropriation account under s. 20.145 (1) (g) to the  
17 general fund. The amount lapsed from the appropriation account shall be considered  
18 a loan to the general fund and interest shall accrue on the amount lapsed at the  
19 average rate earned by the state on its deposits in the state investment fund during  
20 the period of the loan. The general fund shall repay the loan from moneys lapsed to  
21 the general fund from the appropriation under s. 20.515 (2) (a) at the end of the  
22 2001–03 fiscal biennium, if any, and from moneys lapsed to the general fund from the  
23 appropriation under s. 20.515 (2) (g) in the amounts specified in s. 40.98 (6m). If the  
24 secretary of administration determines that the moneys lapsed from these

1 appropriations will not be sufficient to repay the loan within a reasonable period of  
2 time, as determined by the secretary and the commissioner, the secretary shall credit  
3 the appropriation account under s. 20.145 (1) (g) from moneys in the general fund an  
4 amount sufficient to repay the loan.

5 **\*b2413/2.37\* SECTION 508s.** 601.41 (8) of the statutes is created to read:

6 601.41 (8) UNIFORM EMPLOYEE APPLICATION FORM. (a) In this subsection:

7 1. "Group health benefit plan" has the meaning given in s. 632.745 (9).

8 2. "Small employer" has the meaning given in s. 635.02 (7).

9 3. "Small employer insurer" has the meaning given in s. 635.02 (8).

10 (b) In consultation with the life and disability advisory council established by  
11 the commissioner, the commissioner shall by rule develop a uniform employee  
12 application form that a small employer insurer must use when a small employer  
13 applies for coverage under a group health benefit plan offered by the small employer  
14 insurer. The commissioner shall revise the form at least every 2 years.

15 **\*b2413/2.37\* SECTION 508t.** 601.41 (9) of the statutes is created to read:

16 601.41 (9) UNIFORM CLAIM PROCESSING FORM. (a) In this subsection, "health care  
17 provider" has the meaning given in s. 146.81 (1).

18 (b) If the federal government has not developed by July 1, 2003, a uniform claim  
19 processing form that must be used by all health care providers for submitting claims  
20 to insurers and by all insurers for processing claims submitted by health care  
21 providers, the commissioner shall develop, by no later than December 31, 2003, a  
22 uniform claim processing form for that purpose."

23 **\*b2413/2.38\* 258.** Page 221, line 22: after that line insert:

24 **\*b2413/2.38\* "SECTION 509cm.** 610.65 of the statutes is created to read:

1           **610.65 Uniform claim processing form.** Beginning no later than July 1,  
2 2004, every insurer shall use the uniform claim processing form developed by the  
3 commissioner under s. 601.41 (9) (b) when processing a claim submitted by a health  
4 care provider, as defined in s. 146.81 (1).”.

5           **\*b2413/2.39\* 259.** Page 221, line 25: after that line insert:

6           **\*b2413/2.39\* “SECTION 509gc.** 632.835 (2) (b) of the statutes, as created by  
7 1999 Wisconsin Act 155, is amended to read:

8           632.835 (2) (b) ~~Whenever~~ If an adverse determination or an experimental  
9 treatment determination is made, the insurer involved in the determination shall  
10 provide notice to the insured of the insured’s right to obtain the independent review  
11 required under this section, how to request the review, and the time within which the  
12 review must be requested. The notice shall include a current listing of independent  
13 review organizations certified under sub. (4). An independent review under this  
14 section may be conducted only by an independent review organization certified  
15 under sub. (4) and selected by the insured.

16           **\*b2413/2.39\* SECTION 509gd.** 632.835 (2) (bg) of the statutes is created to read:

17           632.835 (2) (bg) Notwithstanding par. (b), an insurer is not required to provide  
18 the notice under par. (b) to an insured until the insurer sends notice of the disposition  
19 of the internal grievance, if all of the following apply:

20           1. The health benefit plan issued by the insurer contains a description of the  
21 independent review procedure under this section, including an explanation of the  
22 insured’s rights under par. (d), how to request the review, the time within which the  
23 review must be requested, and how to obtain a current listing of independent review  
24 organizations certified under sub. (4).

1           2. The insurer includes on its explanation of benefits form a statement that the  
2 insured may have a right to an independent review after the internal grievance  
3 process and that an insured may be entitled to expedited independent review with  
4 respect to an urgent matter. The statement shall also include a reference to the  
5 section of the policy or certificate that contains the description of the independent  
6 review procedure as required under subd. 1. The statement shall provide a toll-free  
7 telephone number and website, if appropriate, where consumers may obtain  
8 additional information regarding internal grievance and independent review  
9 processes.

10           3. For any adverse determination or experimental treatment determination for  
11 which an explanation of benefits is not provided to the insured, the insurer provides  
12 a notice that the insured may have a right to an independent review after the  
13 internal grievance process and that an insured may be entitled to expedited,  
14 independent review with respect to an urgent matter. The notice shall also include  
15 a reference to the section of the policy or certificate that contains the description of  
16 the independent review procedure as required under subd. 1. The notice shall  
17 provide a toll-free telephone number and website, if appropriate, where consumers  
18 may obtain additional information regarding internal grievance and independent  
19 review processes.

20           **\*b2413/2.39\* SECTION 509jm.** 635.10 of the statutes is created to read:

21           **635.10 Uniform employec application.** Beginning no later than the first  
22 day of the 13th month beginning after the effective date of this section .... [revisor  
23 inserts date], every small employer insurer shall use the uniform employee  
24 application form developed by the commissioner by rule under s. 601.41 (8) (b) when

1 a small employer applies for coverage under a group health benefit plan offered by  
2 the small employer insurer.

3 **\*b2413/2.39\* SECTION 509mp.** 635.25 of the statutes is created to read:

4 **635.25 Catastrophic risk. (1) DEFINITION.** In this section, “board” means the  
5 small employer catastrophic reinsurance board.

6 **(2) THRESHOLDS FOR COVERED BENEFITS.** (a) By December 1, 2002, and every 2  
7 years thereafter until December 1, 2006, every small employer insurer that chooses  
8 to participate in the program under this section shall select, and submit a report to  
9 the commissioner that specifies, the small employer insurer’s threshold level of  
10 covered benefits, which may be any of the following:

- 11 1. Fifty thousand dollars in a calendar year.
- 12 2. One hundred thousand dollars in a calendar year.
- 13 3. One hundred fifty thousand dollars in a calendar year.
- 14 4. Two hundred fifty thousand dollars in a calendar year.

15 (b) The threshold level of benefits specified in a report under par. (a) shall apply  
16 to each insured under every group health benefit plan issued to a small employer in  
17 this state by the small employer insurer submitting the report. In addition, the small  
18 employer insurer may in the report limit the covered benefits to which the threshold  
19 level applies, which may be costs of one or more types of health care facilities, as  
20 defined in s. 146.997 (1) (c), costs of one or more types of health care professionals,  
21 as defined in s. 180.1901 (1m), or any combination of those costs.

22 (c) For each of the 2 calendar years after the year in which a small employer  
23 insurer submits a report under par. (a), if the amount of applicable covered benefits  
24 paid in a calendar year, beginning with 2003 and ending with 2007, by the small  
25 employer insurer on behalf of any insured under any group health benefit plan to



1 which this section applies exceeds the threshold level of covered benefits specified in  
2 the report, the commissioner, at the direction of the board, shall reimburse the small  
3 employer insurer from the appropriation under s. 20.145 (1) (j), in accordance with  
4 the procedures established by rule under sub. (5) (e), for 80% of the amount paid by  
5 the small employer insurer in that calendar year in excess of the threshold level  
6 specified in the report.

7 **(3) PREMIUMS FOR REIMBURSEMENTS.** (a) For every group health benefit plan  
8 issued or renewed to a small employer in this state on or between the dates specified  
9 by rule under sub. (5) (b), a small employer insurer that chooses to participate in the  
10 program under this section shall charge a total premium that includes the premium  
11 amount established by rule under sub. (5) (a).

12 (b) By the date specified by rule under sub. (5) (c), a small employer insurer that  
13 chooses to participate in the program under this section shall forward to the board  
14 the premiums established by rule under sub. (5) (a), in the manner required by rule  
15 under sub. (5) (d). The board shall credit all premium amounts received under this  
16 paragraph to the appropriation account under s. 20.145 (1) (j).

17 (c) In addition to the disclosures required under s. 635.11, before the issuance  
18 or renewal of a group health benefit plan to a small employer in this state on or  
19 between the dates specified by rule under sub. (5) (b), a small employer insurer that  
20 chooses to participate in the program under this section shall disclose to the small  
21 employer all of the following:

22 1. The small employer insurer's current threshold level of covered benefits  
23 under sub. (2) (a), the covered benefits to which the threshold level applies, and the  
24 calendar years to which the threshold level applies.

1           2. The amount of the total premium that is attributable to coverage for the  
2 small employer insurer's threshold level of covered benefits and 20% of covered  
3 benefits in excess of that threshold level.

4           3. The amount of the total premium that is the premium amount established  
5 by rule under sub. (5) (a).

6           (4) PROVIDER DISCOUNTS. (a) The commissioner shall promulgate a rule  
7 determined by the board that establishes provider discount rates for charges for  
8 covered services provided to insureds under group health benefit plans that are  
9 issued or renewed to small employers in this state on or between the dates specified  
10 by rule under sub. (5) (b). The rule may provide for higher provider discount rates  
11 for covered benefits under group health benefit plans that are issued by small  
12 employer insurers that specify higher threshold levels under sub. (2) (a). The rule  
13 shall provide that a provider's charges for which a small employer insurer seeks  
14 reimbursement shall be discounted in the same proportion that the provider's  
15 charges bears to the total amount of provider charges for which the small employer  
16 insurer seeks reimbursement. The provider discount rates under this paragraph  
17 apply only to services for which the commissioner provides reimbursement under  
18 sub. (2) (c).

19           (b) Except for copayments, coinsurance, or deductibles required or authorized  
20 under a group health benefit plan, a provider of a covered service, drug, or device  
21 shall accept as payment in full for the covered service, drug, or device the discounted  
22 payment rate under par. (a) and may not bill the insured under the group health  
23 benefit plan who receives the service, drug, or device for any amount by which the  
24 charge is reduced under par. (a).

1           (5) RULES. The commissioner shall promulgate rules developed by the board  
2 for the operation of this section, including rules that do all of the following:

3           (a) Establish and periodically adjust the premium amounts that must be  
4 charged to small employers under sub. (3) (c) 3. by small employer insurers that  
5 choose to participate in the program under this section. The premium amounts  
6 under sub. (3) (c) 3. shall be based on an actuarially sound charge per covered  
7 individual that is calculated to generate sufficient moneys, in conjunction with  
8 provider discounts under sub. (4), to cover the reimbursements required under sub.  
9 (2) (c).

10          (b) Specify the dates that apply in sub. (3) (a), subject to the dates specified in  
11 par. (c) and sub. (2) (c).

12          (c) Specify the dates by which a small employer insurer must forward to the  
13 board the premiums established under par. (a). The first date by which the  
14 premiums must be forwarded to the board may not be later than July 1, 2003.

15          (d) Specify the procedures that small employer insurers must use for collecting,  
16 segregating, holding in trust, and forwarding to the board the premiums established  
17 under par. (a).

18          (e) Specify the procedures that small employer insurers must use for obtaining  
19 reimbursement under sub. (2) (c), including requirements for documenting the  
20 payment of covered benefits for determining whether a small employer insurer has  
21 paid its threshold level of covered benefits.”.

22           **\*b2497/1.1\* 260.** Page 225, line 3: after that line insert:

23           **\*b2497/1.1\* “SECTION 522n.** 895.25 of the statutes is created to read:

1           **895.25 Multiple-form requirement.** If any person is required to submit a  
2 form to a state agency, as defined in s. 20.001 (1), or a political subdivision of the state,  
3 that is composed of multiple-part, carbonless copies, that requirement is met if the  
4 person submits the number of copies required without using multiple-part,  
5 carbonless paper.”.

6           **\*b2483/2.3\* 261.** Page 225, line 22: after that line insert:

7           **\*b2483/2.3\* “SECTION 529j.** 938.295 (2) (a) of the statutes is amended to read:

8           938.295 (2) (a) If there is probable cause to believe that the juvenile has  
9 committed the alleged offense and if there is reason to doubt the juvenile’s  
10 competency to proceed, or upon entry of a plea under s. 938.30 (4) (c) the court shall  
11 order the juvenile to be examined by a psychiatrist or licensed psychologist. The  
12 ~~expenses of an~~ cost of the examination, if approved by the court, shall be paid by the  
13 county of the court ordering the examination, and the county may recover that cost  
14 from the juvenile’s parent or guardian as provided in par. (c). Evaluation shall be  
15 made on an outpatient basis unless the juvenile presents a substantial risk of  
16 physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal  
17 counsel or guardian ad litem, consent to an inpatient evaluation. Any inpatient  
18 evaluation shall be for a specified period that is no longer than is necessary to  
19 complete the evaluation.

20           **\*b2483/2.3\* SECTION 529k.** 938.295 (2) (c) of the statutes is created to read:

21           938.295 (2) (c) A county that pays the cost of an examination under par. (a) may  
22 recover a reasonable contribution toward that cost from the juvenile’s parent or  
23 guardian, based on the ability of the parent or guardian to pay. If the examination  
24 is provided or otherwise funded by the county department under s. 46.215, 46.22, or

1 46.23, the county department shall collect the contribution of the parent or guardian  
2 as provided in s. 301.03 (18). If the examination is provided or otherwise funded by  
3 the county department under s. 51.42 or 51.437, the county department shall collect  
4 the contribution of the parent or guardian as provided in s. 46.03 (18).”.

5 \*b2368/1.4\* **262.** Page 226, line 10: after that line insert:

6 \*b2368/1.4\* **SECTION 531g.** 938.34 (15m) (am) of the statutes is amended to  
7 read:

8 938.34 (15m) (am) Except as provided in par. (bm), if the juvenile is adjudicated  
9 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to  
10 commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the  
11 court may require the juvenile to comply with the reporting requirements under s.  
12 301.45 if the court determines that the underlying conduct was sexually motivated,  
13 as defined in s. 980.01 (5), and that it would be in the interest of public protection to  
14 have the juvenile report under s. 301.45.

15 \*b2368/1.4\* **SECTION 531r.** 938.345 (3) (a) (intro.) of the statutes is amended  
16 to read:

17 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection  
18 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to  
19 commit a violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the  
20 court may require the juvenile to comply with the reporting requirements under s.  
21 301.45 if the court determines that the underlying conduct was sexually motivated,  
22 as defined in s. 980.01 (5), and that it would be in the interest of public protection to  
23 have the juvenile report under s. 301.45. In determining whether it would be in the

1 interest of public protection to have the juvenile report under s. 301.45, the court may  
2 consider any of the following.”.

3 \*b2368/1.5\* **263.** Page 227, line 4: after that line insert:

4 \*b2368/1.5\* “SECTION 533g. 938.355 (4m) of the statutes is renumbered  
5 938.355 (4m) (a) and amended to read:

6 938.355 (4m) (a) A juvenile who has been adjudged delinquent may, on  
7 attaining 17 years of age, petition the court to expunge the court’s record of the  
8 juvenile’s adjudication. The Subject to par. (b), the court may expunge the court’s  
9 record of the juvenile’s adjudication if the court determines that the juvenile has  
10 satisfactorily complied with the conditions of his or her dispositional order and that  
11 the juvenile will benefit and society will not be harmed by the expungement.

12 \*b2368/1.5\* SECTION 533r. 938.355 (4m) (b) of the statutes is created to read:

13 938.355 (4m) (b) The court shall expunge the court’s record of a juvenile’s  
14 adjudication if it was the juvenile’s first adjudication based on a violation of s. 942.08  
15 (2) (b) or (c) and if the court determines that the juvenile has satisfactorily complied  
16 with the conditions of his or her dispositional order. Notwithstanding s. 938.396 (2)  
17 (a), the court shall notify the department promptly of any expungement under this  
18 paragraph.”.

19 \*b2369/1.1\* **264.** Page 228, line 3: after that line insert:

20 \*b2369/1.1\* “SECTION 535m. 939.24 (2) of the statutes is amended to read:

21 939.24 (2) Except as provided in ss. 940.285, 940.29 ~~and~~, 940.295, and 943.76,  
22 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness  
23 is indicated by the term “reckless” or “recklessly”.”.

24 \*b2368/1.6\* **265.** Page 255, line 2: after that line insert:

1           **\*b2368/1.6\*** **SECTION 700d.** 942.08 (1) (b) of the statutes is amended to read:

2           942.08 (1) (b) “Private place” means a place where a person may reasonably  
3 expect to be safe from ~~surveillance~~ being observed without his or her knowledge and  
4 consent.

5           **\*b2368/1.6\*** **SECTION 700j.** 942.08 (2) of the statutes is renumbered 942.08 (2)  
6 (intro.) and amended to read:

7           942.08 (2) (intro.) Whoever ~~knowingly~~ does any of the following is guilty of a  
8 Class A misdemeanor:

9           (a) Knowingly installs a surveillance device in any private place, or uses a  
10 surveillance device that has been installed in a private place, with the intent to  
11 observe any nude or partially nude person without the consent of the person observed  
12 ~~is guilty of a Class A misdemeanor.~~

13           **\*b2368/1.6\*** **SECTION 700q.** 942.08 (2) (b) of the statutes is created to read:

14           942.08 (2) (b) For the purpose of sexual arousal or gratification and without the  
15 consent of any person who is present in the private place, looks into a private place  
16 that is or is part of a public accommodation, as defined in s. 134.48 (1) (b), and in  
17 which a person may reasonably be expected to be nude or partially nude.

18           **\*b2368/1.6\*** **SECTION 700w.** 942.08 (2) (c) of the statutes is created to read:

19           942.08 (2) (c) Enters private property without the consent of any person  
20 present on the property and, for the purpose of sexual arousal or gratification, with  
21 the intent to intrude upon or interfere with the privacy of another, and without the  
22 consent of any person who is present in the dwelling, looks into the dwelling of  
23 another.”.

24           **\*b2369/1.2\*** **266.** Page 271, line 8: after that line insert:

1           **\*b2369/1.2\*** “SECTION 810g. 943.76 (1) of the statutes, as created by 2001  
2 Wisconsin Act 16, is renumbered 943.76 (1) (intro.) and amended to read:

3           943.76 (1) (intro.) In this section, ~~“livestock”~~:

4           (a) “Livestock” means cattle, horses, swine, sheep, goats, farm-raised deer, as  
5 defined in s. 95.001 (1) (a), poultry, and other animals used or to be used in the  
6 production of food, fiber, or other commercial products.

7           **\*b2369/1.2\*** SECTION 810k. 943.76 (1) (b) of the statutes is created to read:

8           943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

9           **\*b2369/1.2\*** SECTION 810n. 943.76 (1) (c) of the statutes is created to read:

10          943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial  
11 risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor  
12 is aware of that risk.”.

13          **\*b2370/2.1\* 267.** Page 271, line 8: after that line insert:

14          **\*b2370/2.1\*** “SECTION 810d. 943.76 (1) of the statutes, as created by 2001  
15 Wisconsin Act 16, is amended to read:

16          943.76 (1) In this section, “livestock” means cattle, horses, swine, sheep, goats,  
17 farm-raised deer, as defined in s. 95.001 (1) (a), poultry, and other animals used or  
18 to be used in the production of food, fiber, or other commercial products.”.

19          **\*b2369/1.3\* 268.** Page 271, line 18: after that line insert:

20          **\*b2369/1.3\*** “SECTION 812m. 943.76 (3) of the statutes is created to read:

21          943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or  
22 infectious disease other than paratuberculosis into livestock without the consent of  
23 the owner of the livestock is guilty of a Class A misdemeanor.



1 (b) Whoever, through reckless conduct, introduces a contagious or infectious  
2 disease other than paratuberculosis into wild deer without the consent of the  
3 department of natural resources is guilty of a Class A misdemeanor.

4 (c) This subsection does not apply if the actor's conduct is undertaken pursuant  
5 to a directive issued by the department of agriculture, trade and consumer protection  
6 or an agreement between the actor and the department of agriculture, trade and  
7 consumer protection, if the purpose of the directive or the agreement is to prevent  
8 or control the spread of the disease.”.

9 \*b2370/2.2\* **269.** Page 271, line 18: after that line insert:

10 \*b2370/2.2\* “SECTION 812t. 943.76 (4) of the statutes is created to read:

11 943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or  
12 infectious disease into livestock located in this state without the consent of the owner  
13 of the livestock is guilty of a Class D felony if one of the following applies:

14 1. The owner of the livestock is aware of the threat and reasonably believes that  
15 the actor will attempt to carry out the threat.

16 2. The owner of the livestock is unaware of the threat, but if the owner were  
17 apprised of the threat, it would be reasonable for the owner to believe that the actor  
18 would attempt to carry out the threat.

19 (b) Whoever intentionally threatens to introduce a contagious or infectious  
20 disease into wild deer located in this state without the consent of the department of  
21 natural resources is guilty of a Class D felony if one of the following applies:

22 1. The department of natural resources is aware of the threat and reasonably  
23 believes that the actor will attempt to carry out the threat.

1           2. The department of natural resources is unaware of the threat, but if the  
2 department were apprised of the threat, it would be reasonable for the department  
3 to believe that the actor would attempt to carry out the threat.

4           **\*b2370/2.2\* SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by  
5 2001 Wisconsin Act .... (this act), is amended to read:

6           943.76 (4) (a) (intro.) Whoever intentionally threatens to introduce a  
7 contagious or infectious disease into livestock located in this state without the  
8 consent of the owner of the livestock is guilty of a Class ~~D~~ H felony if one of the  
9 following applies:

10           **\*b2370/2.2\* SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by  
11 2001 Wisconsin Act .... (this act), is amended to read:

12           943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a  
13 contagious or infectious disease into wild deer located in this state without the  
14 consent of the department of natural resources is guilty of a Class ~~D~~ H felony if one  
15 of the following applies:”.

16           **\*b2368/1.7\* 270.** Page 327, line 10: after that line insert:

17           **\*b2368/1.7\* “SECTION 1108m.** 971.17 (1m) (b) 1m. of the statutes is amended  
18 to read:

19           971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under  
20 sub. (1) is found not guilty by reason of mental disease or defect for any violation, or  
21 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,  
22 or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the defendant to  
23 comply with the reporting requirements under s. 301.45 if the court determines that  
24 the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that

1 it would be in the interest of public protection to have the defendant report under s.  
2 301.45.”.

3 \*b2368/1.8\* **271.** Page 332, line 23: after that line insert:

4 \*b2368/1.8\* **SECTION 1134f.** 973.015 (1) of the statutes is renumbered 973.015  
5 (1) (a) and amended to read:

6 973.015 (1) (a) ~~When~~ Subject to par. (b), when a person is under the age of 21  
7 at the time of the commission of an offense for which the person has been found guilty  
8 in a court for violation of a law for which the maximum penalty is imprisonment for  
9 one year or less in the county jail, the court may order at the time of sentencing that  
10 the record be expunged upon successful completion of the sentence if the court  
11 determines the person will benefit and society will not be harmed by this disposition.

12 \*b2368/1.8\* **SECTION 1134m.** 973.015 (1) (b) of the statutes is created to read:

13 973.015 (1) (b) The court shall order at the time of sentencing that the record  
14 be expunged upon successful completion of the sentence if the offense was a violation  
15 of s. 942.08 (2) (b) or (c) and the person was under the age of 18 when he or she  
16 committed it.

17 \*b2368/1.8\* **SECTION 1134t.** 973.015 (2) of the statutes is amended to read:

18 973.015 (2) A person has successfully completed the sentence if the person has  
19 not been convicted of a subsequent offense and, if on probation, the probation has not  
20 been revoked and the probationer has satisfied the conditions of probation. Upon  
21 successful completion of the sentence the detaining or probationary authority shall  
22 issue a certificate of discharge which shall be forwarded to the court of record and  
23 which shall have the effect of expunging the record. If the person has been

1 imprisoned, the detaining authority shall also forward a copy of the certificate of  
2 discharge to the department.”.

3 \*b2386/1.1\* **272.** Page 338, line 22: delete the material beginning with that  
4 line and ending on page 339, line 4, and substitute:

5 “(10m) REQUIRED FINDINGS OF FACT. (a) Except as provided in par. (b), the court  
6 shall make explicit findings of fact in open court and on the record to support each  
7 element of its sentencing decision, including its decision as to whether to impose a  
8 bifurcated sentence under s. 973.01 or to place a person on probation and its decision  
9 as to the length of a bifurcated sentence, including the length of each component of  
10 the bifurcated sentence, the amount of a fine, and the length of a term of probation.

11 (b) If the court determines that is not in the interest of the defendant to make  
12 the finding of fact required under par. (a) in the defendant’s presence, the court shall  
13 make the findings of fact in writing and include the written findings in the record.”.

14 \*b2368/1.9\* **273.** Page 339, line 13: after that line insert:

15 \*b2368/1.9\* “SECTION 1140m. 973.048 (1m) of the statutes is amended to read:  
16 973.048 (1m) Except as provided in sub. (2m), if a court imposes a sentence or  
17 places a person on probation for any violation, or for the solicitation, conspiracy, or  
18 attempt to commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01  
19 to 943.15, the court may require the person to comply with the reporting  
20 requirements under s. 301.45 if the court determines that the underlying conduct  
21 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest  
22 of public protection to have the person report under s. 301.45.”.

23 \*b2391/1.13\* **274.** Page 345, line 19: after that line insert:

24 \*b2391/1.13\* “SECTION 1151r. 979.012 of the statutes is created to read:

1           **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
2 medical examiner is aware of the death of a person who, at the time of his or her  
3 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
4 or medical examiner shall report the illness or health condition to the department  
5 of health and family services and to the local health department, as defined in s.  
6 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing  
7 or by electronic transmission within 24 hours of learning of the deceased's illness or  
8 health condition.

9           (2) In a report under sub. (1), the coroner or medical examiner shall include all  
10 of the following information if such information is available:

11           (a) The illness or health condition of the deceased.

12           (b) The name, date of birth, gender, race, occupation, and home and work  
13 addresses of the deceased.

14           (c) The name and address of the coroner or medical examiner.

15           (d) If the illness or health condition was related to an animal or insect bite, the  
16 suspected location where the bite occurred and the name and address of the owner  
17 of the animal or insect, if an owner is identified.”

18           **\*b2397/2.2\* 275.** Page 346, line 1: after that line insert:

19           **\*b2397/2.2\*** “SECTION 1160dd. 2001 Wisconsin Act 16, section 9123 (16rs) (b)  
20 (intro.) is amended to read:

21           [2001 Wisconsin Act 16] Section 9123 (16rs) (b) (intro.) The department of  
22 health and family services shall, as soon as possible before July 1, 2002, seek waivers  
23 of federal medical assistance statutes and regulations from the federal department  
24 of health and human services that are necessary to implement, in pilot sites, the

1 program. If the waivers are granted, the department shall report this fact to relevant  
2 standing committees of the legislature within 30 days after the granting of the  
3 waivers and, otherwise, shall report on the status of the waiver requests to relevant  
4 standing committees of the legislature within 12 months after submitting the  
5 request for waivers. If the waivers are granted, the program shall have all of the  
6 following characteristics:

7 \*b2397/2.2\* SECTION 1160dr. 2001 Wisconsin Act 16, section 9123 (16rs) (c)  
8 is amended to read:

9 [2001 Wisconsin Act 16] Section 9123 (16rs) (c) If the federal waivers specified  
10 under paragraph (b) are approved, the department of health and family services  
11 shall, as soon as possible before July 1, 2002, seek enactment of statutory language,  
12 including appropriation of necessary funding, to implement the model described  
13 under paragraph (b), as approved under the federal waivers. Any new resources for  
14 supports and services for long-term care for children with disabilities and their  
15 families shall be managed under the program after approval of the federal waivers  
16 specified in paragraph (b) and enactment of necessary statutory language to  
17 implement the model under paragraph (b).”.

18 \*b2422/3.1\* 276. Page 346, line 8: after that line insert:

19 \*b2422/3.1\* “SECTION 1160p. 2001 Wisconsin Act 16, section 9156 (3pn) is  
20 amended to read:

21 [2001 Wisconsin Act 16] Section 9156 (3pn) NONRESIDENT TUITION.  
22 Notwithstanding section 36.27 (1) (a) of the statutes, the board of regents of the  
23 University of Wisconsin System shall increase nonresident undergraduate tuition by  
24 5% in the 2001–02 academic year and by ~~5%~~ 15% in the 2002–03 academic year. This

1 subsection does not apply to students covered by a reciprocity agreement under  
2 section 39.47 of the statutes.”.

3 \*b2462/2.3\* **277.** Page 347, line 11: after that line insert:

4 \*b2462/2.3\* “(1g) TRANSFER OF MONEYS FROM GENERAL FUND TO PERMANENT  
5 ENDOWMENT FUND. The secretary of administration shall transfer \$125,000,000 from  
6 the general fund to the permanent endowment fund on June 30, 2003.”.

7 \*b2470/2.1\* **278.** Page 348, line 9: after that line insert:

8 \*b2470/2.1\* “(6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP  
9 DUES IN NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.

10 (a) In this subsection:

11 1. “Secretary” means the secretary of administration.

12 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

13 \*b2470/2.1\* (b) The secretary shall determine for each state agency the  
14 amount expended by the state agency for membership dues for any national, state,  
15 or local nongovernmental organization in the 2000–01 fiscal year that was funded  
16 from general purpose revenue and the appropriation from which the dues were paid.

17 (c) From each sum certain appropriation of general purpose revenue identified  
18 in paragraph (b), the secretary shall lapse to the general fund in the 2002–03 fiscal  
19 year an amount that equals 20% of the amount specified in paragraph (b) for that  
20 appropriation. After the secretary makes the lapse, each of the sum certain  
21 appropriations is decreased by the amount of the lapse.

22 (d) For each sum sufficient appropriation of general purpose revenue identified  
23 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03

1 fiscal year is reestimated to subtract an amount that equals 20% of the amount  
2 specified in paragraph (b) for that appropriation.”.

3 \*b2373/2.1\* **279.** Page 349, line 19: after that line insert:

4 \*b2373/2.1\* “(7p) REDUCTION OF STATE MOTOR VEHICLE FLEET. The department  
5 of administration shall, no later than June 30, 2005, offer for sale a sufficient number  
6 of motor vehicles selected by the department to reduce the total number of motor  
7 vehicles in the pool of vehicles maintained by the department to 1,800. The  
8 department of administration shall credit the proceeds of any sales to offset any  
9 liabilities created for the motor vehicles under section 20.903 (2) (b) of the statutes.  
10 The department of administration shall deposit any remaining proceeds of the sales  
11 in the general fund as general purpose revenue — earned.”.

12 \*b2420/1.7\* **280.** Page 349, line 19: after that line insert:

13 \*b2420/1.7\* “(7n) EXECUTIVE ASSISTANT POSITIONS. For any state agency, as  
14 defined in section 20.001 (1) of the statutes, that is authorized one or more executive  
15 assistant positions, the secretary of administration shall reduce the authorized  
16 positions from the funding source or sources from which the positions are funded for  
17 that state agency by the number of executive assistant positions that are vacant on  
18 the effective date of this subsection.”.

19 \*b2466/1.3\* **281.** Page 349, line 19: after that line insert:

20 \*b2466/1.3\* “(7d) EMPLOYEE CONTRIBUTIONS FOR HEALTH INSURANCE COVERAGE.

21 (a) The definitions in section 20.001 of the statutes are applicable in this  
22 subsection.

23 (b) The secretary of administration shall determine for each state agency the  
24 amount that the agency is not required to spend during the period that begins on



1 January 1, 2003, and ends on June 30, 2003, as a result of the payment of required  
2 employee contributions under section 40.05 (4) (a) 1. of the statutes, as affected by  
3 this act, and from each appropriation from which the moneys would have been  
4 expended during that period, other than appropriations of federal revenues.

5 (c) From each sum certain appropriation of general purpose revenue identified  
6 in paragraph (b), the secretary of administration shall lapse to the general fund the  
7 amount specified in paragraph (b) that would otherwise have been expended from  
8 each of the appropriations. The secretary shall make the lapse on the day on which  
9 the state agency would have been required to make the expenditure. After the  
10 secretary makes the lapse, each of the sum certain appropriations is decreased by the  
11 amount specified in paragraph (b) for that appropriation.

12 (d) For each sum sufficient appropriation of general purpose revenue identified  
13 in paragraph (b) the expenditure estimate for the appropriation during the 2002–03  
14 fiscal year is reestimated to subtract the amount specified in paragraph (b) for that  
15 appropriation.

16 (e) From each appropriation of program revenues or program revenues–service  
17 identified in paragraph (b), the secretary of administration shall lapse to the general  
18 fund the amount specified in paragraph (b) that would otherwise have been  
19 expended from each of the appropriations. The secretary shall make the lapse on the  
20 day on which the state agency would have been required to make the expenditure.  
21 After the secretary makes the lapse, each of the sum certain program revenues or  
22 program revenues–service appropriations is decreased by the amount specified in  
23 paragraph (b) for that appropriation.

24 (f) From each appropriation of segregated fund revenues or segregated fund  
25 revenues — service identified in paragraph (b), the secretary of administration shall

1 lapse to the underlying fund the amount specified in paragraph (b) that would  
2 otherwise have been expended from each of the appropriations. The secretary shall  
3 make the lapse on the day on which the state agency would have been required to  
4 make the expenditure. After the secretary makes the lapse, each of the sum certain  
5 segregated revenues or segregated revenues — service appropriations is decreased  
6 by the amount specified in paragraph (b) for that appropriation and the expenditure  
7 estimate for each of the appropriations that are not sum certain appropriations is  
8 reestimated to subtract the amount specified in paragraph (b) for that appropriation.  
9 The secretary shall then transfer the lapsed amounts and an amount equal to the  
10 amount subtracted from the estimates to the general fund.”.

11 \*b2414/2.1\* **282.** Page 350, line 3: delete lines 3 to 11.

12 \*b2408/1.3\* **283.** Page 350, line 11: after that line insert:

13 \*b2408/1.3\* “(8xf) EMPLOYER CONTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS  
14 FOR STATE EMPLOYEES.

15 (a) The definitions in section 20.001 of the statutes are applicable in this  
16 subsection.

17 (b) The secretary of administration shall determine for each state agency the  
18 amount that the agency would have been required to expend under section 40.05 (4)  
19 (ag) 1., 1999 stats., during the period that begins on January 1, 2003, and ends on  
20 June 30, 2003, and from each appropriation from which the moneys would have been  
21 expended, other than appropriations of federal revenues.

22 (c) From each sum certain appropriation of general purpose revenue identified  
23 in paragraph (b), the secretary of administration shall lapse to the general fund the  
24 amount specified in paragraph (b) that would otherwise have been expended from

1 each of the appropriations. The secretary shall make the lapse on the day on which  
2 the state agency would have been required to make the expenditure. After the  
3 secretary makes the lapse, each of the sum certain appropriations is decreased by the  
4 amount specified in paragraph (b) for that appropriation.

5 (d) For each sum sufficient appropriation of general purpose revenue identified  
6 in paragraph (b) the expenditure estimate for the appropriation during the 2001–03  
7 fiscal biennium is reestimated to subtract the amount specified in paragraph (b) for  
8 that appropriation.

9 (e) From each appropriation of program revenues or program revenues–service  
10 identified in paragraph (b), the secretary of administration shall lapse to the general  
11 fund the amount specified in paragraph (b) that would otherwise have been  
12 expended from each of the appropriations. The secretary shall make the lapse on the  
13 day on which the state agency would have been required to make the expenditure.  
14 After the secretary makes the lapse, each of the sum certain program revenues or  
15 program revenues–service appropriations is decreased by the amount specified in  
16 paragraph (b) for that appropriation.

17 (f) From each appropriation of segregated fund revenues or segregated fund  
18 revenues — service identified in paragraph (b), the secretary of administration shall  
19 lapse to the underlying fund the amount specified in paragraph (b) that would  
20 otherwise have been expended from each of the appropriations. The secretary shall  
21 make the lapse on the day on which the state agency would have been required to  
22 make the expenditure. After the secretary makes the lapse, each of the sum certain  
23 segregated revenues or segregated revenues — service appropriations is decreased  
24 by the amount specified in paragraph (b) for that appropriation and the expenditure  
25 estimate for each of the appropriations that are not sum certain appropriations is

1 reestimated to subtract the amount specified in paragraph (b) for that appropriation.  
2 The secretary shall then transfer the lapsed amounts and an amount equal to the  
3 amount subtracted from the estimates to the general fund.”.

4 **\*b2410/1.2\* 284.** Page 350, line 11: after that line insert:

5 **\*b2410/1.2\*** “(8xg) LAPSES TO GENERAL FUND RESULTING FROM EMPLOYER SAVINGS  
6 FROM INCOME CONTINUATION INSURANCE PROGRAM.

7 (a) The definitions in section 20.001 of the statutes are applicable in this  
8 subsection.

9 (b) The secretary of administration shall determine for each state agency the  
10 amount of general purpose revenue that the agency is not required to spend during  
11 the period that begins on July 1, 2002, and ends on June 30, 2003, as a result of  
12 eliminating employer contributions for income continuation insurance premiums for  
13 nonrepresented state employees and for represented state employees, if such  
14 contributions are not required under applicable collective bargaining units, under  
15 section 40.05 (5) of the statutes, as affected by this act, and from which appropriation  
16 the moneys would have been expended during that period.

17 (c) From each sum certain appropriation of general purpose revenue identified  
18 in paragraph (b), the secretary of administration shall lapse to the general fund the  
19 amount specified in paragraph (b) that would otherwise have been expended from  
20 each of the appropriations. The secretary shall make the lapse on the day on which  
21 the state agency would have been required to make the expenditure. After the  
22 secretary makes the lapse, each of the sum certain appropriations is decreased by the  
23 amount specified in paragraph (b) for that appropriation.