

1 the board of directors constitute a quorum for the purpose of conducting the business
2 and exercising the powers of the authority, notwithstanding the existence of any
3 vacancy. The board of directors may take action upon a vote of a majority of the
4 members present, unless the bylaws of the authority require a larger number.

5 (6) The board of directors shall appoint a chief executive officer who shall not
6 be a member of the board of directors and who shall serve at the pleasure of the board
7 of directors. The authority may delegate by resolution to one or more of its members
8 or its executive director any powers and duties that it considers proper. The chief
9 executive officer shall receive such compensation as may be determined by the board
10 of directors. The chief executive officer or other person designated by resolution of
11 the board of directors shall keep a record of the proceedings of the authority and shall
12 be custodian of all books, documents, and papers filed with the authority, the minute
13 book or journal of the authority, and its official seal. The chief executive officer or
14 other person may cause copies to be made of all minutes and other records and
15 documents of the authority and may give certificates under the official seal of the
16 authority to the effect that such copies are true copies, and all persons dealing with
17 the authority may rely upon such certificates.

18 **237.03 Duties of authority. (1) GENERAL DUTIES.** In addition to all other
19 duties imposed under this chapter, the authority shall do all of the following:

20 (a) Adopt bylaws and policies and procedures for the regulation of its affairs
21 and the conduct of its business.

22 (b) Contract for any legal services required for the authority.

23 (c) Establish the authority's annual budget and monitor the fiscal management
24 of the authority.

1 (d) Procure liability insurance covering its officers and employees and procure
2 insurance against any loss in connection with its property and other assets.

3 (e) Make every reasonable effort to contract with one or more corporations to
4 provide the services specified under s. 237.09 (2).

5 (2) DUTIES UPON LEASING. Upon entering into the lease under s. 237.06, the
6 authority shall rehabilitate, repair, replace, operate, and maintain the navigational
7 system.

8 **237.04 Powers of authority.** The authority shall have all the powers
9 necessary or convenient to carry out the purposes and provisions of this chapter. In
10 addition to all other powers granted by this chapter, the authority may:

11 (1) Incur debt, except as restricted under s. 237.05 (1).

12 (2) Sue and be sued.

13 (3) Hire employees, define their duties, and fix their rate of compensation.

14 (4) Have a seal and alter the seal at pleasure; have perpetual existence; and
15 maintain an office.

16 (5) Appoint any technical or professional advisory committee that the
17 authority finds necessary to assist the authority in exercising its duties and powers.
18 The authority shall define the duties of the committee, and provide reimbursement
19 for the expenses of the committee.

20 (6) Enter into contracts with 3rd parties as are necessary for the rehabilitation,
21 repair, replacement, operation, or maintenance of the navigational system.

22 (7) Acquire, lease, subject to s. 237.05 (2), and dispose of property as is
23 necessary for the rehabilitation, repair, replacement, operation, or maintenance of
24 the navigational system.

1 (8) Accept gifts and other funding for the rehabilitation, repair, replacement,
2 operation, or maintenance of the navigational system.

3 (9) Charge user fees for services the authority provides to the operators of
4 watercraft using the navigational system.

5 (10) Charge fees for use of facilities of the navigational system as provided in
6 s. 16.845.

7 **237.05 Restrictions on authority.** (1) The authority may not issue bonds.

8 (2) The authority may not sublease all, or any part of, the navigational system
9 without the approval of the department of administration.

10 **237.06 Lease.** Upon transfer of the ownership of the navigational system by
11 the federal government to the state, the department of administration on behalf of
12 the state and the authority shall enter into a lease agreement under which the state
13 shall lease the navigational system to the authority for nominal consideration. The
14 secretary of administration shall determine the amount of the rental payments.

15 **237.07 Management plan; financial statements.** (1) (a) The authority
16 shall submit to the department of administration a plan that does all the following:

17 1. Addresses the costs of and funding for the rehabilitation, repair,
18 replacement, operation, and maintenance of the navigational system.

19 2. Describes how the authority will manage its funds to ensure that sufficient
20 funding is available to abandon the navigational system if the operation of the
21 navigational system is no longer feasible.

22 (b) The authority shall submit the plan under par. (a) within 180 days after the
23 date on which the state and the authority enter into the lease agreement specified
24 in s. 237.06.

1 (2) The authority shall update and resubmit the plan under sub. (1) upon the
2 request of the department of administration.

3 (3) (a) For each fiscal year, the authority shall submit to the department of
4 administration an audited financial statement of the funding received by the
5 authority from the department of natural resources under s. 237.08 (2) and by the
6 authority from contributions and other funding accepted by the authority under s.
7 237.08 (3).

8 (b) The financial statement under par. (a) shall include notes that explain in
9 detail the specific sources of funding contained in the financial statement.

10 (4) For each fiscal year in which moneys are to be released to the authority by
11 the department of natural resources under s. 237.08, each corporation specified in
12 s. 237.09 shall submit to the authority an audited financial statement of the amount
13 raised by the corporation under s. 237.09 (2) (b) for that fiscal year.

14 **237.08 Sources of funding. (1) FEDERAL FUNDING.** The authority shall accept
15 federal funding for the rehabilitation, repair, replacement, operation, and
16 maintenance of the navigational system and shall agree with any conditions
17 attached to the funding.

18 (2) **STATE FUNDING.** From the appropriation under s. 20.370 (5) (cq) and before
19 applying the percentages under s. 30.92 (4) (b) 6., the department of natural
20 resources shall set aside for the rehabilitation and repair of the navigational system
21 \$400,000 in each fiscal year to be matched by the moneys raised under s. 237.09 (2)
22 (b). The funding shall be set aside beginning with the first fiscal year beginning after
23 the submittal of the initial management plan submitted under s. 237.07 (1) and shall
24 continue to be set aside in each of the next 6 consecutive fiscal years. From the
25 funding that is set aside, the department shall release to the authority for each fiscal

1 year an amount equal to the total amount raised by each corporation under s. 237.09
2 (2) (b) for which matching funding has not been previously released.

3 (3) OTHER FUNDING. The authority shall encourage and may accept
4 contributions and funding for the rehabilitation, repair, replacement, operation, or
5 maintenance of the navigational system. The authority shall also accept funding
6 raised by each corporation under s. 237.09 (2).

7 **237.09 Requirements for nonprofit corporations.** (1) Each corporation
8 contracted with under s. 237.03 (1) (e) shall be a nonprofit corporation as described
9 in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income
10 tax under section 501 (a) of the Internal Revenue Code and shall be based in one or
11 more of the counties in which the navigational system is located.

12 (2) Each corporation contracted with under s. 237.03 (1) (e) shall do all of the
13 following:

14 (a) Provide marketing and fund-raising services for the authority.

15 (b) Make every reasonable effort to raise \$2,750,000 of local or private funding
16 for the rehabilitation and repair of the navigational system.

17 (c) Accept for investment moneys received by the authority for rehabilitation
18 and repair under s. 237.08 and invest the moneys at a rate of return that the
19 authority finds adequate to enable the authority to exercise its duties and powers in
20 rehabilitating and repairing the navigational system.

21 (3) If the authority contracts with more than one corporation under s. 237.03
22 (1) (e), all of the corporations shall make the effort to raise the total of \$2,750,000.

23 **237.10 Rapide Croche lock.** (1) Upon entering into the lease under s.
24 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche

1 lock according to specifications of the department of natural resources in order to
2 prevent sea lampreys and other aquatic nuisance from moving upstream.

3 (2) If the authority decides to construct a means to transport watercraft around
4 the Rapide Croche lock, the authority shall develop a plan for the construction that
5 includes steps to be taken to control sea lampreys and other aquatic nuisance species.
6 The authority shall submit the plan to the department of natural resources and may
7 not implement the plan unless it has been approved by the department.

8 **237.11 Political activities.** (1) No employee of the authority may directly
9 or indirectly solicit or receive subscriptions or contributions for any partisan political
10 party or any political purpose while engaged in his or her official duties as an
11 employee. No employee of the authority may engage in any form of political activity
12 calculated to favor or improve the chances of any political party or any person seeking
13 or attempting to hold partisan political office while engaged in his or her official
14 duties as an employee or engage in any political activity while not engaged in his or
15 her official duties as an employee to such an extent that the person's efficiency during
16 working hours will be impaired or that he or she will be tardy or absent from work.
17 Any violation of this section is adequate grounds for dismissal.

18 (2) If an employee of the authority declares an intention to run for partisan
19 political office the employee shall be placed on a leave of absence for the duration of
20 the election campaign and if elected shall no longer be employed by the authority on
21 assuming the duties and responsibilities of such office.

22 (3) An employee of the authority may be granted by the chief executive officer
23 a leave of absence to participate in partisan political campaigning.

1 (4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the
2 restrictions of sub. (1), except as they apply to the solicitation of assistance,
3 subscription, or support from any other employee in the authority.

4 **237.12 Liability limited.** (1) Neither the state nor any political subdivision
5 of the state nor any officer, employee, or agent of the state or a political subdivision
6 who is acting within the scope of employment or agency is liable for any debt,
7 obligation, act, or omission of the authority.

8 (2) All of the expenses incurred by the authority in exercising its duties and
9 powers under this chapter shall be payable only from funds of the authority.

10 **237.13 Exemption.** (1) In this section, “lock structure” includes a spillway
11 of a lock and excludes the canal body of a lock.

12 (2) Any activity or work that is performed on a lock structure that is part of the
13 navigational system is exempt from any permit or other approval required under ch.
14 30 or 31.

15 **237.14 Abandonment.** If the authority determines the operation of the
16 navigational system is no longer feasible, the authority shall submit a plan to the
17 department of administration and to the department of natural resources describing
18 the steps the authority will take in abandoning the navigational system. The
19 navigational system may not be abandoned unless both the department of
20 administration and the department of natural resources determine that the plan for
21 abandonment will preserve the public rights in the Fox River, will ensure safety, and
22 will protect life, health, and property.

23 **237.15 Transitional provisions.** (1) FUNDING. The department of
24 administration shall transfer the unencumbered balances in the appropriation
25 accounts under s. 20.370 (9) (jL) and (ju) to the authority on the day after the date

1 on which the state and the authority enter into the lease agreement specified in s.
2 237.06.

3 (2) TRANSFERS. (a) The chairperson of the Fox River management commission
4 and the chairperson of the board of directors of the authority, acting jointly, shall
5 identify all of the following that will transfer from the commission to the authority:

6 1. Any assets and liabilities of the commission.

7 2. Any tangible personal property, including records, of the commission.

8 3. Any contracts entered into by the commission, and any policies and
9 procedures of the commission that will be in effect on the day after the date on which
10 the state and the authority enter into the lease agreement specified in s. 237.06.

11 (b) On the day after the date on which the state and the authority enter into
12 the lease agreement specified in s. 237.06, all of the assets, liabilities, and personal
13 property identified for transfer under par. (a) 1. and 2. shall become the assets,
14 liabilities, and personal property of the authority.

15 (c) On the day after the date on which the state and the authority enter into
16 the lease agreement specified in s. 237.06, all the contracts identified under par. (a)
17 3. shall remain in effect and the authority shall, beginning on that day, carry out any
18 such contractual obligations until modified or rescinded to the extent allowed under
19 the contract.

20 (d) On the day after the date on which the state and the authority enter into
21 the lease agreement specified in s. 237.06, all policies and procedures identified in
22 par. (a) 3. shall become policies and procedures of the authority and shall remain in
23 effect until their expiration date or until modified or rescinded by the authority.

1 (e) In case of disagreement with respect to any matter specified in pars. (a) to
2 (d), the secretary of administration shall determine the matter and shall develop a
3 plan for an orderly transfer of the item subject to the disagreement.

4 **SECTION 3128m.** Chapter 247 of the statutes is created to read:

5 **CHAPTER 247**

6 **WISCONSIN ARTISTIC**

7 **ENDOWMENT FOUNDATION**

8 **247.02 Definition.** In this chapter, “foundation” means the Wisconsin Artistic
9 Endowment Foundation.

10 **247.03 Creation and organization.** (1) There is created a public body
11 corporate and politic, to be known as the “Wisconsin Artistic Endowment
12 Foundation.” The foundation shall be a nonprofit corporation organized under ch.
13 181 so that contributions to it are deductible from adjusted gross income under
14 section 170 of the Internal Revenue Code.

15 (2) The board of directors of the foundation shall consist of the following
16 persons:

17 (a) Eight nominees of the governor, who are residents of this state, represent
18 the diverse artistic interests of the people of this state, and represent each of the
19 geographic regions of the state, appointed for 7-year terms with the advice and
20 consent of the senate. At least one of the nominees shall be knowledgeable in
21 marketing and fund raising. Each member appointed under this paragraph may
22 hold office until a successor is appointed.

23 (b) The chairperson of the arts board or the chairperson’s designee.

24 (c) The executive secretary of the arts board as a nonvoting member.

1 (d) Two representatives to the assembly, one appointed by the speaker of the
2 assembly and one appointed by the minority leader of the assembly.

3 (e) Two senators, one appointed by the majority leader of the senate and one
4 appointed by the minority leader of the senate.

5 (3) The board of directors holds the powers of the foundation. The members
6 of the board of directors shall annually elect a chairperson and may elect other
7 officers as they consider appropriate. Seven voting members of the board of directors
8 constitute a quorum for the purpose of conducting the business and exercising the
9 powers of the foundation, notwithstanding the existence of any vacancy. The board
10 of directors may take action upon a vote of a majority of the voting members present,
11 unless the bylaws of the foundation require a larger number.

12 (4) No member of the board of directors may receive compensation for
13 performing his or her duties. Each member shall be reimbursed for actual and
14 necessary expenses, including travel expenses, incurred in performing those duties.

15 **247.05 General powers and duties.** (1) Except as otherwise provided in this
16 chapter, the foundation has all of the powers necessary and convenient to carry out
17 its duties under sub. (2) and s. 247.06, including the power to do all of the following:

18 (a) Make, amend, and repeal bylaws for the conduct of its affairs.

19 (b) Adopt a seal and alter that seal.

20 (c) Sue and be sued.

21 (d) Maintain an office.

22 (e) Solicit and accept donations of money, property, and art objects.

23 (f) Execute contracts and other instruments.

24 (g) Employ legal, financial, technical, or other experts and any other necessary
25 employees, and fix their qualifications, duties, and compensation.

1 (h) Establish arts programs with the advice of the arts board and statewide arts
2 organizations.

3 (i) Convert any noncash gift, grant, bequest, or other contribution to the
4 foundation to cash.

5 (2) The foundation shall do all of the following:

6 (a) In carrying out its responsibilities under this chapter, ensure to the greatest
7 extent possible the equitable distribution of funds and other support among all of the
8 following:

9 1. The various geographic regions of the state.

10 2. Urban, suburban, and rural areas of the state.

11 3. The various ethnic, racial, and cultural groups of the state.

12 (b) Appoint a licensed appraiser to evaluate each donated art object to establish
13 the current value of, potential appreciation of, degree of risk in holding, and
14 recommended timing for sale of, the art object.

15 (c) Adopt bylaws for accepting restricted donations.

16 (d) Annually submit to the governor and to the presiding officer of each house
17 of the legislature an audited financial statement of the operations of the foundation,
18 prepared in accordance with generally accepted accounting principles.

19 (e) Contract for all education and marketing activities.

20 (f) Deposit in the state treasury all cash, gifts, grants, bequests, or other
21 contributions made to the foundation, and all noncash gifts, grants, bequests, or
22 other contributions made to the foundation that have been converted to cash under
23 sub. (1) (i).

1 (g) Biennially review the foundation's priorities for expenditures under s.
2 247.06 (1) (b) and report those priorities to the presiding officer of each house of the
3 legislature.

4 **247.06 Support of arts programs.** (1) (a) The foundation may distribute
5 moneys appropriated under s. 20.220 (1) (r) to the arts board for programs that
6 provide operating support to arts organizations and for the Wisconsin regranting
7 program under s. 44.62.

8 (b) The foundation may distribute moneys appropriated under s. 20.220 (1) (r)
9 to an arts program established under s. 247.05 (1) (h) if the program is reviewed
10 biennially by the foundation with the advice of the arts board and statewide arts
11 organizations. To the extent possible, the programs funded under this paragraph
12 shall use existing arts board mechanisms and staff for administering and
13 distributing the moneys.

14 (2) (a) Of the total amount distributed by the foundation under sub. (1) in any
15 fiscal year that constitutes earnings on unrestricted donations, the foundation shall
16 distribute at least 50% to the arts board under sub. (1) (a).

17 (b) The foundation may not distribute moneys to the arts board under sub. (1)
18 (a) in any fiscal year in which the foundation determines that the amount of general
19 purpose revenue appropriated to the arts board under s. 20.215 is less than the
20 amount appropriated in the previous fiscal year.

21 **247.07 Dissolution.** The foundation may not dissolve and wind up its affairs
22 unless the legislature enacts a law ordering dissolution.

23 **SECTION 3128pd.** 250.01 (4) (a) 2. of the statutes is amended to read:

24 250.01 (4) (a) 2. A city-county health department established under s. 251.02
25 ~~(1)~~ (1m).

1 **SECTION 3128pe.** 251.01 (1) of the statutes is renumbered 251.01 (1r) and
2 amended to read:

3 251.01 (1r) "County board of health" means a board of health for a single county
4 health department or for a multiple county health department.

5 **SECTION 3128pf.** 251.01 (1g) of the statutes is created to read:

6 251.01 (1g) "City-county board of health" means a board of health for a
7 city-county health department.

8 **SECTION 3128pg.** 251.01 (2) of the statutes is repealed.

9 **SECTION 3128ph.** 251.01 (3) of the statutes is amended to read:

10 251.01 (3) "County health officer" means the position of a local health officer
11 in a single county health department or in a multiple county health department.

12 **SECTION 3128pi.** 251.01 (7m) of the statutes is created to read:

13 251.01 (7m) "Represented employee" means an employee in a collective
14 bargaining unit for which a representative is recognized or certified under subch. IV
15 of ch. 111.

16 *Extra Line*

17 **SECTION 3128pj.** 251.02 (1) of the statutes is amended to read:

18 251.02 (1) In counties with a population of less than 500,000, unless a county
19 board establishes a city-county health department under sub. (1m) jointly with the
20 governing body of a city or establishes a multiple county health department under
21 sub. (3) in conjunction with another county, the county board shall establish a single
22 county health department that meets, which shall meet the requirements of this
23 chapter. The county health department shall serve all areas of the county that are
24 not served by a city health department that was established prior to
25 January 1, 1994, by a town or village health department established under sub.

1 (3m), or by a multiple municipal local health department established under sub. (3r).
2 ~~No governing body of a city may establish a city health department may be~~
3 ~~established after January 1, 1994, but a city-county health department may be~~
4 ~~established after that date.~~

5 **SECTION 3128pk.** 251.02 (1m) of the statutes is created to read:

6 251.02 (1m) Subject to sub. (1r), in counties with a population of less than
7 500,000, the county board and the governing body of a city that has a city health
8 department may jointly establish a city-county health department, which shall meet
9 the requirements of this chapter. A city-county health department shall serve all
10 areas of the county that are not served by a city health department that was
11 established prior to January 1, 1994, by a town or village health department
12 established under sub. (3m), or by a multiple municipal local health department
13 established under sub. (3r). A city-county health department established under this
14 subsection after the effective date of this subsection [revisor inserts date], is
15 subject to the control of the city and county acting jointly under an agreement
16 entered into under s. 66.0301 that specifies, in conformity with this chapter, all of the
17 following:

18 (a) The powers and duties of the city-county health department.

19 (b) The powers and duties of the city-county board of health for the city-county
20 health department.

21 (c) The relative powers and duties of the city and county with respect to
22 governance of the city-county health department and the city-county board of
23 health.

24 **SECTION 3128pL.** 251.02 (1r) of the statutes is created to read:

1 251.02 (1r) If a city that assigns represented employees to its city health
2 department and if a county that assigns represented employees to its county health
3 department jointly establish a city–county health department under an agreement
4 specified under sub. (1m), all of the following shall apply, but only if the represented
5 employees at the city health department and at the county health department who
6 perform similar functions are included in collective bargaining units that are
7 represented by the same representative:

8 (a) The city–county health department shall offer employment to all city and
9 county employees who are represented employees and who perform functions for the
10 city and county that are transferred to the city–county health department in the
11 agreement under sub. (1m).

12 (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that
13 is initially created at the city–county health department, all of the former city and
14 county employees were represented by the same representative when they were
15 employed by the city or county, that representative shall become the initial
16 representative of the employees in the collective bargaining unit without the
17 necessity of filing a petition or conducting an election.

18 (c) Unless otherwise prohibited by law, with respect to city–county health
19 department employees who were formerly represented employees at the city or
20 county, the city–county health department shall adhere to the terms of the collective
21 bargaining agreements that covered these employees while they were employed by
22 the city or county until such time that the city–county health department and the
23 representative of the employees have entered into a collective bargaining agreement.

24 **SECTION 3128pm.** 251.02 (3) of the statutes is amended to read:

1 251.02 (3) A county board may, in conjunction with the county board of another
2 county, establish a multiple county health department in conjunction with the
3 county board of another county, which shall meet the requirements of this chapter.
4 A multiple county health department shall serve all areas of the respective counties
5 that are not served by a city health department that was established prior to January
6 1, 1994, by a town or village health department established under sub. (3m), or by
7 a multiple municipal local health department established under sub. (3r).

8 **SECTION 3128pn.** 251.04 (1) of the statutes is amended to read:

9 251.04 (1) ~~A city or county board of health shall govern each local health~~
10 ~~department other than a local health department~~ Except as authorized in s. 251.02
11 (3m) and (3r) and a, a city board of health shall govern a city health department, a
12 county board of health shall govern a county health department or multiple county
13 health department, and a city-county board of health shall govern a city-county
14 health department. A city or board of health, a county board of health, a city-county
15 board of health, or a board of health for a local health department as authorized in
16 s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes
17 and public health rules of the department as prescribed for a Level I local health
18 department. A local board of health may contract or subcontract with a public or
19 private entity to provide public health services. The contractor's staff shall meet the
20 appropriate qualifications for positions in a Level I local health department.

21 **SECTION 3128pp.** 251.08 of the statutes is amended to read:

22 **251.08 Jurisdiction of local health department.** The jurisdiction of the
23 local health department shall extend to the entire area represented by the governing
24 body of the county, city, village or town that established the local health department,
25 except that the jurisdiction of a single or multiple county health department or of a

1 city-county health department does not extend to cities, villages and towns that
2 have local health departments. Cities, towns and villages having local health
3 departments may by vote of their local boards of health determine to come under the
4 jurisdiction of the county health department. No part of any expense incurred under
5 this section by a county health department may be levied against any property
6 within any city, village or town that has a local health department and that has not
7 determined to come under the jurisdiction of the county health department.

8 **SECTION 3128pq.** 251.11 (1) of the statutes is amended to read:

9 251.11 (1) The local board of health of every multiple county health department
10 established under s. 251.02 (3) and of every city-county health department
11 established under s. 251.02 (1) (1m) shall annually prepare a budget of its proposed
12 expenditures for the ensuing fiscal year and determine the proportionate cost to each
13 participating county and city on the basis of equalized valuation. A certified copy of
14 the budget, which shall include a statement of the amount required from each county
15 and city, shall be delivered to the county board of each participating county and to
16 the mayor or city manager of each participating city. The appropriation to be made
17 by each participating county and city shall be determined by the governing body of
18 the county and city. No part of the cost apportioned to the county shall be levied
19 against any property within the city.

20 **SECTION 3128pr.** 251.11 (2) of the statutes is amended to read:

21 251.11 (2) The local board of health of ~~every a~~ multiple county health
22 department established under s. 251.02 (3) ~~and of every city-county health~~
23 ~~department established under s. 251.02 (1)~~ shall, under this section, determine the
24 compensation for the employees of the multiple county health departments and
25 city-county health departments. The local board of health of a city-county health

1 department established under s. 251.02 (1m) shall, under this section, determine the
2 compensation for the employees of the city–county health department.

3 **SECTION 3128ps.** 251.15 (2) of the statutes is amended to read:

4 251.15 (2) A city that had established a local health department prior to
5 deciding to participate in a city–county health department established under s.
6 251.02 (1) (1m) may withdraw from the city–county health department if the
7 common council of the city gives written notice to the county board of the
8 participating county.

9 **SECTION 3129.** 252.12 (title) of the statutes is amended to read:

10 **252.12 (title) ~~Services relating to acquired immunodeficiency~~**
11 **syndrome HIV and related infections, including hepatitis C virus**
12 **infections; services and prevention.**

13 **SECTION 3130.** 252.12 (2) (a) (intro.) of the statutes is amended to read:

14 252.12 (2) (a) ~~*Acquired immunodeficiency syndrome HIV and related*~~
15 ~~*infections, including hepatitis C virus infections; services.*~~ (intro.) From the
16 appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute
17 funds for the provision of services to individuals with or at risk of contracting
18 ~~acquired immunodeficiency syndrome~~ HIV infection, as follows:

19 **SECTION 3131.** 252.12 (2) (a) 1. of the statutes is amended to read:

20 252.12 (2) (a) 1. ‘Partner referral and notification.’ The department shall
21 contact an individual known to have received an HIV infection and encourage him
22 or her to refer for counseling ~~and, HIV testing, and, if appropriate, testing for~~
23 hepatitis C virus infection any person with whom the individual has had sexual
24 relations or has shared intravenous equipment.

25 **SECTION 3132.** 252.12 (2) (a) 2. of the statutes is amended to read:

1 252.12 (2) (a) 2. ‘Grants to local projects.’ The department shall make grants
2 to applying organizations for the provision of ~~acquired immunodeficiency syndrome~~
3 HIV and related infection prevention information, the establishment of counseling
4 support groups and the provision of direct care to persons with ~~acquired~~
5 ~~immunodeficiency syndrome~~ HIV infection, including those persons with hepatitis
6 C virus infection.

7 **SECTION 3133.** 252.12 (2) (a) 3. (intro.) of the statutes is amended to read:

8 252.12 (2) (a) 3. ‘Statewide public education campaign.’ (intro.) The
9 department shall promote public awareness of the risk of contracting ~~acquired~~
10 ~~immunodeficiency syndrome~~ HIV and related infections and measures for ~~acquired~~
11 ~~immunodeficiency syndrome~~ HIV and related infections protection by development
12 and distribution of information through clinics providing family planning services,
13 as defined in s. 253.07 (1) (b), offices of physicians and clinics for sexually transmitted
14 diseases and by newsletters, public presentations or other releases of information to
15 newspapers, periodicals, radio and television stations and other public information
16 resources. The information ~~would~~ shall be targeted at individuals whose behavior
17 puts them at risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and
18 related infections and ~~would~~ shall encompass the following topics:

19 **SECTION 3134.** 252.12 (2) (a) 3. a. of the statutes is amended to read:

20 252.12 (2) (a) 3. a. ~~Acquired immunodeficiency syndrome and HIV infection~~
21 and related infections.

22 **SECTION 3135.** 252.12 (2) (a) 3. b. of the statutes is amended to read:

23 252.12 (2) (a) 3. b. Means of identifying whether or not individuals may be at
24 risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

25 **SECTION 3136.** 252.12 (2) (a) 3. c. of the statutes is amended to read:

1 252.12 (2) (a) 3. c. Measures individuals may take to protect themselves from
2 contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

3 **SECTION 3137.** 252.12 (2) (a) 4. of the statutes is amended to read:

4 252.12 (2) (a) 4. ‘Information network.’ The department shall establish a
5 network to provide information to local health officers and other public officials who
6 are responsible for ~~acquired immunodeficiency syndrome~~ HIV infection and related
7 infection prevention and training.

8 **SECTION 3138.** 252.12 (2) (a) 5. of the statutes is amended to read:

9 252.12 (2) (a) 5. ‘HIV seroprevalence studies.’ The department shall perform
10 tests for the presence of HIV, ~~antigen or nonantigenic products of HIV or an antibody~~
11 ~~to HIV and, if appropriate, related infections~~ and shall conduct behavioral surveys
12 among population groups determined by the department to be highly at risk of
13 becoming infected with or transmitting HIV and related infections. Information
14 obtained shall be used to develop targeted HIV infection and related infection
15 prevention efforts for these groups and to evaluate the state’s prevention strategies.

16 **SECTION 3139.** 252.12 (2) (a) 6. of the statutes is amended to read:

17 252.12 (2) (a) 6. ‘Grants for targeted populations and intervention services.’
18 The department shall make grants to those applying organizations ~~determined by~~
19 ~~that the department to be~~ determines are best able to contact individuals who are
20 determined to be highly at risk of contracting ~~acquired immunodeficiency syndrome~~
21 HIV for the provision of ~~acquired immunodeficiency syndrome~~ HIV and related
22 infection information and intervention services.

23 **SECTION 3140.** 252.12 (2) (a) 7. of the statutes is amended to read:

24 252.12 (2) (a) 7. ‘Contracts for counseling and laboratory testing services.’ The
25 department shall distribute funding in each fiscal year to contract with

1 organizations to provide, at alternate testing sites, anonymous or confidential
2 counseling services for HIV and laboratory testing services for the presence of HIV
3 and, if appropriate, related viruses.

4 **SECTION 3140c.** 252.12 (2) (a) 8. of the statutes is amended to read:

5 252.12 (2) (a) 8. 'Life care and early intervention services.' The department
6 shall award not more than \$1,994,900 in each fiscal year 2001–02 and not more than
7 \$2,069,900 in each fiscal year thereafter in grants to ~~applying state–designated~~ HIV
8 service organizations for the provision of needs assessments; assistance in procuring
9 financial, medical, legal, social and pastoral services and housing assistance;
10 counseling and therapy; homecare services and supplies; advocacy; and case
11 management services. These services shall include early intervention services. The
12 department shall also award not more than \$74,000 in each year from the
13 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The
14 state share of payment for case management services that are provided under s.
15 49.45 (25) (be) to recipients of medical assistance shall be paid from the
16 appropriation under s. 20.435 (5) (am).

17 **SECTION 3140c.** 252.12 (2) (a) 9. of the statutes is created to read:

18 252.12 (2) (a) 9. 'Grant for family resource center.' The department shall award
19 a grant in each fiscal year to develop and implement an African–American family
20 resource center in the city of Milwaukee that targets activities toward the prevention
21 and treatment of HIV infection and related infections, including hepatitis C virus
22 infection, of minority group members, as defined in s. 560.036 (1) (f).

23 **SECTION 3141d.** 252.12 (2) (c) 2. of the statutes is amended to read:

24 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
25 department shall award \$75,000 in each fiscal year as grants for services to prevent

1 HIV infection and related infections, including hepatitis C virus infection. Criteria
2 for award of the grants shall include the criteria specified under subd. 1. The
3 department shall award 60% of the funding to applying organizations that receive
4 funding under par. (a) 8. and 40% of the funding to applying community-based
5 organizations that are ~~operated by minority group members, as defined in s. 560.036~~
6 ~~(1)(f) minority businesses certified by the department of commerce under s. 560.036~~
7 (2).

8 **SECTION 3142.** 252.12 (2) (c) 3. of the statutes is amended to read:

9 252.12 (2) (c) 3. From the appropriation under s. 20.435 (5) (am), the
10 department shall award to the African American AIDS task force of the Black Health
11 Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to
12 prevent HIV infection and related infections, including hepatitis C infection.

13 **SECTION 3142m.** 253.065 of the statutes is created to read:

14 **253.065 Grants for childhood asthma.** From the appropriation under s.
15 20.435 (5) (ca), annually, the department shall award grants to local health
16 departments established under s. 251.02 (2) for case management services for
17 children who have asthma and who are enrolled in the medical assistance program
18 under subch. IV of ch. 49 or the badger care health care program under s. 49.665.

19 **SECTION 3143.** 253.13 (2) of the statutes is amended to read:

20 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;
21 FEES. The department shall contract with the state laboratory of hygiene to perform
22 the tests specified under this section and to furnish materials for use in the tests.
23 The department shall provide necessary diagnostic services, special dietary
24 treatment as prescribed by a physician for a patient with a congenital disorder as
25 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and

1 his or her family. The state laboratory of hygiene board, on behalf of the department,
2 shall impose a fee for tests performed under this section sufficient to pay for services
3 provided under the contract ~~and~~. The state laboratory of hygiene board shall include
4 as part of this fee and pay to the department an amount ~~amounts~~ the department
5 determines is ~~are~~ sufficient to fund the provision of diagnostic and counseling
6 services, special dietary treatment, and periodic evaluation of infant screening
7 programs, the costs of consulting with experts under sub. (5), and the costs of
8 administering the congenital disorder program under this section and shall credit
9 these amounts to the appropriations under s. 20.435 (1) (jb) and (5) (ja).

10 **SECTION 3143m.** 254.11 (13) of the statutes is amended to read:

11 254.11 (13) “Third-party payer” means a disability insurance policy that is
12 required to provide coverage for a blood lead test under s. 632.895 (10) (a); a health
13 maintenance organization or preferred provider plan under ch. 609; a health care
14 coverage plan offered by the state under s. 40.51 (6); a self-insured health plan
15 offered by a city or village under s. 66.0137 (4), a political subdivision under s.
16 66.0137 (4m), a town under s. 60.23 (25), a county under s. 59.52 (11) (c), or a school
17 district under s. 120.13 (2) (b); or a sickness care plan operated by a cooperative
18 association under s. 185.981.

19 **SECTION 3144.** 254.31 (10) of the statutes is amended to read:

20 254.31 (10) “Source material” means ~~any material except special nuclear~~
21 ~~material, which contains by weight 0.05 per cent or more of uranium, thorium, or any~~
22 ~~combination thereof~~ in any physical or chemical form, or ores that contain by weight
23 0.05% or more of uranium, thorium, or any combination thereof. “Source material”
24 does not include special nuclear material.

25 **SECTION 3145.** 254.34 (1) (a) of the statutes is amended to read:

1 254.34 (1) (a) Promulgate and enforce rules, including registration and
2 licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent
3 unnecessary radiation exposure. The rules may incorporate by reference the
4 recommended standards of nationally recognized bodies in the field of radiation
5 protection and other fields of atomic energy, under the procedure established by s.
6 227.21 (2). The rules for by-product material, source material and special nuclear
7 material ~~may be no less stringent than~~ shall be in accordance with the requirements
8 of 42 USC 2021 (o) and shall otherwise be compatible with the requirements under
9 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114.

10 **SECTION 3146.** 254.34 (2) (c) of the statutes is created to read:

11 254.34 (2) (c) Develop requirements for qualification, certification, training,
12 and experience of an individual who does any of the following:

- 13 1. Operates radiation generating equipment.
- 14 2. Utilizes, stores, transfers, transports, or possesses radioactive materials.
- 15 3. Acts as a radiation safety consultant to any person who possesses a license
16 or registration issued by the department under this subchapter.

17 **SECTION 3147.** 254.34 (2) (d) of the statutes is created to read:

18 254.34 (2) (d) Recognize certification by another state or by a nationally
19 recognized certifying organization of an individual to perform acts under par. (c) 1.
20 to 3. if the standards for the other state's certification or the organization's
21 certification are substantially equivalent to the standards of the department for
22 certification of individuals under par. (c).

23 **SECTION 3147w.** 254.47 (1) of the statutes is amended to read:

24 254.47 (1) Except as provided in sub. (1g) and ss. 250.041 and 254.115, the
25 department or a local health department granted agent status under s. 254.69 (2)

1 shall issue permits to and regulate campgrounds and camping resorts, recreational
2 and educational camps and public swimming pools. No person or state or local
3 government who has not been issued a permit under this section may conduct,
4 maintain, manage or operate a campground and camping resort, recreational camp
5 and educational camp or public swimming pool, as defined by departmental rule.

6 **SECTION 3147x.** 254.47 (1g) of the statutes is created to read:

7 254.47 (1g) A campground permit is not required for camping at county or
8 district fairs at which 4-H Club members exhibit, for the 4 days preceding the county
9 or district fair, the duration of the county or district fair, and the 4 days following the
10 county or district fair.

11 **SECTION 3148.** 254.47 (1m) of the statutes is created to read:

12 254.47 (1m) The department or a local health department granted agent status
13 under s. 254.69 (2) may not, without a preinspection, grant a permit to a person
14 intending to operate a new public swimming pool, campground, or recreational or
15 educational camp or to a person intending to be the new operator of an existing public
16 swimming pool, campground, or recreational or educational camp.

17 **SECTION 3149.** 254.47 (2) of the statutes is amended to read:

18 254.47 (2) A separate permit is required for each campground, camping resort,
19 recreational ~~and~~ or educational camp and public swimming pool. No permit issued
20 under this section is transferable from one premises to another or from one person,
21 state or local government to another, except that the permit may be transferred from
22 an individual to an immediate family member, as defined in s. 254.64 (4) (a), if the
23 individual is transferring operation of the campground, camping resort, recreational
24 ~~and~~ or educational camp or public swimming pool to the immediate family member.

25 **SECTION 3150.** 254.47 (4) of the statutes is amended to read:

1 254.47 (4) Permits issued under this section expire on June 30, except that
2 permits initially issued during the period beginning on April 1 and ending on June
3 30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and
4 (e), the department shall promulgate rules that establish, for permits issued under
5 this section, amounts of permit fees, preinspection fees, reinspection fees, fees for
6 operating without a license, and late fees for untimely permit renewal.

7 **SECTION 3151.** 254.64 (1) (b) of the statutes is amended to read:

8 254.64 (1) (b) No person may maintain, manage or operate a bed and breakfast
9 establishment for more than 10 nights in a year without having first obtained a
10 ~~biennial~~ an annual permit from the department.

11 **SECTION 3152.** 254.64 (4) (b) of the statutes is amended to read:

12 254.64 (4) (b) Except as provided in ~~pars. (c) and par.~~ (d), no permit is
13 transferable from one premises to another or from one person to another.

14 **SECTION 3153.** 254.64 (4) (c) of the statutes is repealed.

15 **SECTION 3154.** 254.68 of the statutes is amended to read:

16 **254.68 Fees.** Except as provided in s. 254.69 (2) (d) and (e), the department
17 shall promulgate rules that establish, for permits issued under s. 254.64, permit fees,
18 preinspection fees and, reinspection fees, fees for operating without a permit, late
19 fees for untimely permit renewal, fees for comparable compliance or variance
20 requests, and fees for pre-permit review of restaurant plans.

21 **SECTION 3155.** 254.69 (2) (am) of the statutes is amended to read:

22 254.69 (2) (am) In the administration of this subchapter or s. 254.47, the
23 department may enter into a written agreement with a local health department with
24 a jurisdictional area that has a population greater than 5,000, which designates the
25 local health department as the department's agent in issuing permits to and making

1 investigations or inspections of hotels, restaurants, temporary restaurants, tourist
2 rooming houses, bed and breakfast establishments, campgrounds and camping
3 resorts, recreational and educational camps and public swimming pools. In a
4 jurisdictional area of a local health department without agent status, the
5 department of health and family services may issue permits, collect ~~permit~~ fees
6 established by rule under s. 254.68 and make investigations or inspections of hotels,
7 restaurants, temporary restaurants, tourist rooming houses, bed and breakfast
8 establishments, campgrounds and camping resorts, recreational and educational
9 camps and public swimming pools. If the department designates a local health
10 department as its agent, the department or local health department may require no
11 permit for the same operations other than the permit issued by the local health
12 department under this subsection. The department shall coordinate the designation
13 of agents under this subsection with the department of agriculture, trade and
14 consumer protection to ensure that, to the extent feasible, the same local health
15 department is granted agent status under this subsection and under s. 97.41. Except
16 as otherwise provided by the department, a local health department granted agent
17 status shall regulate all types of establishments for which this subchapter permits
18 the department of health and family services to delegate regulatory authority.

19 **SECTION 3155z.** 255.06 of the statutes is repealed and recreated to read:

20 **255.06 Well-woman program.** (1) DEFINITIONS. In this section:

21 (a) "Hospital" has the meaning given in s. 50.33 (2).

22 (b) "Mammography" means the making of a record of a breast by passing X rays
23 through a body to act on specially sensitized film.

24 (c) "Medicare" has the meaning given in s. 49.498 (1) (f).

1 (d) “Nurse practitioner” means a registered nurse licensed under ch. 441 or in
2 a party state, as defined in s. 441.50 (2) (j), whose practice of professional nursing
3 under s. 441.11 (4) includes performance of delegated medical services under the
4 supervision of a physician, dentist, or podiatrist.

5 (e) “Poverty line” means the nonfarm federal poverty line for the continental
6 United States, as defined by the federal department of labor under 42 USC 9902 (2).

7 (2) WELL-WOMAN PROGRAM. From the appropriation under s. 20.435 (5) (cb), the
8 department shall administer a well-woman program to provide reimbursement for
9 health care screenings, referrals, follow-ups, and patient education provided to
10 low-income, underinsured, and uninsured women. Reimbursement to service
11 providers under this section shall be at the rate of reimbursement for identical
12 services provided under medicare, except that, if projected costs under this section
13 exceed the amounts appropriated under s. 20.435 (5) (cb), the department shall
14 modify services or reimbursement accordingly. Within this limitation, the
15 department shall implement the well-woman program to do all of the following:

16 (a) *Breast cancer screening services.* Provide not more than \$422,600 in each
17 fiscal year as reimbursement for the provision of breast cancer screening services to
18 women who are aged 40 years or older, by a hospital or organization that has a
19 mammography unit available for use and that is selected by the department under
20 procedures established by the department. Recipients of services under this
21 paragraph are subject to a copayment, payable to the service provider, for which the
22 department shall reduce reimbursement to the service provider, as follows:

23 1. For a woman for whom 3rd-party coverage for services is obtainable,
24 payment by the source of the 3rd-party coverage at full reasonable charge.

1 2. For a woman for whom 3rd-party coverage for services is not obtainable and
2 whose income is above 150% of the poverty line, a copayment for the provided service
3 that is based on a sliding scale, as developed by the department, according to the
4 woman's income.

5 3. For a woman for whom 3rd-party coverage is not obtainable and whose
6 income is at or below 150% of the poverty line, no copayment.

7 (b) *Media announcements and educational materials.* Allocate and expend at
8 least \$20,000 in each fiscal year to develop and provide media announcements and
9 educational materials to promote breast cancer screening services that are available
10 under pars. (a) and (c) and to promote health care screening services for women that
11 are available under par. (e).

12 (c) *Breast cancer screenings using mobile mammography van.* Reimburse the
13 city of Milwaukee public health department for up to \$115,200 in each fiscal year for
14 the performance of breast cancer screening activities with the use of a mobile
15 mammography van.

16 (d) *Specialized training to for rural colposcopic examinations and activities.*
17 Provide not more than \$25,000 in each fiscal year as reimbursement for the provision
18 of specialized training of nurse practitioners to perform, in rural areas, colposcopic
19 examinations and follow-up activities for the treatment of cervical cancer.

20 (e) *Health care screening, referral, follow-up, and patient education.*
21 Reimburse service providers for the provision of health care screening, referral,
22 follow-up, and patient education to low-income, underinsured, and uninsured
23 women.

24 (f) *Women's health campaign.* Conduct a women's health campaign to do all of
25 the following:

1 1. Increase women's awareness of issues that affect their health.

2 2. Reduce the prevalence of chronic and debilitating health conditions that
3 affect women.

4 (g) *Osteoporosis prevention and education.* Conduct an osteoporosis prevention
5 and education program to raise public awareness concerning the causes and nature
6 of osteoporosis, the risk factors for developing osteoporosis, the value of prevention
7 and early detection of osteoporosis, and options for diagnosing and treating
8 osteoporosis.

9 (3) SERVICE COORDINATION. The department shall coordinate the services
10 provided under this section with the services provided under the minority health
11 program under s. 146.185, to ensure that disparities in the health of women who are
12 minority group members are adequately addressed.

13 **SECTION 3156m.** 255.07 of the statutes is repealed.

14 **SECTION 3157b.** 255.075 of the statutes is repealed.

15 **SECTION 3159.** 255.10 (intro.) of the statutes is amended to read:

16 **255.10 Thomas T. Melvin youth tobacco prevention and education**
17 **program.** (intro.) From the appropriation under s. 20.435 (5) (dg) moneys
18 distributed under s. 255.15 (3) (a) 2., the department shall administer the Thomas
19 T. Melvin youth tobacco prevention and education program, with the primary
20 purpose of reducing the use of cigarettes and tobacco products by minors. The
21 department shall award grants for the following purposes:

22 **SECTION 3160.** 255.15 (3) (a) 2. of the statutes is amended to read:

23 255.15 (3) (a) 2. The Thomas T. Melvin youth tobacco prevention and education
24 program under s. 255.10, ~~\$1,000,000~~ \$2,000,000 in fiscal year ~~1999-2000~~ and not

1 ~~less than \$1,000,000 in fiscal year 2000–01~~ 2001–02 and in each fiscal year
2 thereafter.

3 **SECTION 3160c.** 255.15 (4) of the statutes is amended to read:

4 255.15 (4) REPORTS. Not later than ~~July 1, 2001~~ April 15, 2002, and annually
5 thereafter, the board shall submit to the governor and to the chief clerk of each house
6 of the legislature for distribution under s. 13.172 (2) a report that evaluates the
7 success of the grant program under sub. (3). The report shall specify the number of
8 grants awarded during the immediately preceding fiscal year and the purpose for
9 which each grant was made. The report shall also specify donations and grants
10 accepted by the board under sub. (5).

11 **SECTION 3160q.** 280.25 of the statutes is created to read:

12 **280.25 Air filtration for residential wells.** The owner of a residential well,
13 other than a driven well, that has a casing shall filter air that enters the well to
14 prevent airborne bacteria from contaminating the well water if any of the following
15 applies:

16 (1) The construction of the well begins after the effective date of this subsection
17 [revisor inserts date].

18 (2) The water from the well tests positive for bacteria.

19 **SECTION 3160t.** 281.17 (1) of the statutes is renumbered 281.17 (1) (a) and
20 amended to read:

21 281.17 (1) (a) ~~No wells shall~~ A well may not be constructed, installed, or
22 operated to withdraw water from underground sources for any purpose groundwater
23 where the capacity and rate of withdrawal of all wells on one property is in excess
24 of 100,000 gallons a day without first obtaining the approval of the department. If
25 s. 281.35 applies to the proposed ~~construction well~~, the application shall comply with

1 s. 281.35 (5) (a). ~~If the department finds that the proposed withdrawal will adversely~~
2 ~~affect or reduce the availability of water to any public utility in furnishing water to~~
3 ~~or for the public or does not meet the grounds for approval specified under s. 281.35~~
4 ~~(5) (d), if applicable, it shall either~~

5 (b) The department shall withhold its approval or grant a limited approval
6 under which it imposes such conditions as to location, depth, pumping capacity, rate
7 of flow, and ultimate use so that will ensure all of the following:

8 1. That the water supply of any public utility engaged in furnishing water to
9 or for the public will not be impaired and the withdrawal will conform to the
10 requirements of.

11 2. That the well meets the grounds for approval under s. 281.35, if applicable.

12 (d) The department shall require each person issued an approval under this
13 subsection to report that person's volume and rate of withdrawal, as defined under
14 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
15 s. 281.35 (1) (L), if any, in the form and at the times specified by the department. ~~The~~
16 ~~department may issue general or special orders it considers necessary to ensure~~
17 ~~prompt and effective administration of this subsection.~~

18 **SECTION 3160v.** 281.17 (1) (c) of the statutes is created to read:

19 281.17 (1) (c) 1. Except as provided in subd. 3., the department shall impose
20 as a condition in each approval under this subsection that the person issued the
21 approval may not use, or permit another person to use, any water withdrawn from
22 the well to produce bottled drinking water, as defined in s. 97.34 (1) (a), unless the
23 department approves use of the well for that purpose.

24 2. The department shall withhold its approval, grant a limited approval, or
25 modify an approval in order to minimize adverse effects to the quality or quantity of

1 waters of the state caused by any well used to produce bottled drinking water, as
2 defined in s. 97.34 (1) (a). The department shall prepare an environmental impact
3 statement under s. 1.11 (2) for a decision by the department under this paragraph
4 to approve the use of a well to produce bottled drinking water.

5 3. This paragraph does not apply to a withdrawal of water by a public utility
6 engaged in furnishing water to or for the public.

7 **SECTION 3161.** 281.17 (2) of the statutes is amended to read:

8 281.17 (2) The department shall supervise chemical treatment of waters for the
9 suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing
10 ~~plants and organisms that are not regulated by the program established under s.~~
11 23.24 (2). It may purchase equipment and may make a charge for the use of the same
12 and for materials furnished, together with a per diem charge for any services
13 performed in such work. The charge shall be sufficient to reimburse the department
14 for the use of the equipment, the actual cost of materials furnished, and the actual
15 cost of the services rendered.

16 **SECTION 3161u.** 281.57 (10e) of the statutes is created to read:

17 281.57 (10e) LOAN FOR WATER TOWER IN THE VILLAGE OF ATHENS.
18 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001-03 fiscal biennium,
19 the department shall provide a loan of \$320,000 to the village of Athens for
20 construction of a water tower and related costs, if the village applies for a loan. The
21 department may not charge any interest on the loan.

22 *Extra Line*

23 **SECTION 3161uc.** 281.57 (10f) of the statutes is created to read:

24 281.57 (10f) LOAN FOR WATER TOWER IN THE VILLAGE OF WESTON.
25 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001-03 fiscal biennium,

1 the department shall provide a loan of \$400,000 to the village of Weston for
2 construction of a water tower and related costs, if the village applies for a loan. The
3 department may not charge any interest on the loan.

4 **SECTION 3163.** 281.58 (9) (e) of the statutes is amended to read:

5 281.58 (9) (e) If the department of natural resources and the department of
6 administration determine that the governor's recommendation, as set forth in the
7 executive budget bill, for the amount under s. 281.59 (3e) (b), the amount available
8 under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) for a biennium
9 is 85% or less of the amount of present value subsidy, general obligation bonding
10 authority or revenue bonding authority, respectively, requested for that biennium in
11 the biennial finance plan submitted under s. 281.59 (3) (bm) 1. insufficient to provide
12 funding for all projects for which applications will be approved during that biennium,
13 the department shall inform municipalities that, if the governor's recommendations
14 are approved, clean water fund program assistance during a fiscal year of that
15 biennium will only be available to municipalities that submit financial assistance
16 applications by the June 30 preceding that fiscal year.

17 **SECTION 3164.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

18 281.58 (9m) (f) (intro.) If the department of natural resources and the
19 department of administration determine that the amount approved under s. 281.59
20 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount available under
21 s. 281.59 (4) (f) for a biennium is 85% or less of the amount of present value subsidy,
22 general obligation bonding authority or revenue bonding authority, respectively,
23 requested for that biennium in the biennial finance plan submitted under s. 281.59
24 (3) (bm) 1. insufficient to provide funding for all projects for which applications will
25 be approved during that biennium, all of the following apply:

1 **SECTION 3164j.** 281.58 (13) (be) 5. of the statutes is repealed.

2 **SECTION 3164L.** 281.58 (13) (em) 3. of the statutes is created to read:

3 281.58 (13) (em) 3. In a fiscal year, if federal financial hardship assistance has
4 been allocated to all eligible projects on the funding list and federal financial
5 hardship assistance remains to be allocated, the department may allocate federal
6 financial hardship assistance to a project of an eligible municipality that submits its
7 financial assistance application after June 30.

8 **SECTION 3165.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

9 281.59 (3e) (b) 1. Equal to ~~\$85,200,000~~ \$90,000,000 during the ~~1999-01~~
10 2001-03 biennium.

11 3. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

12 **SECTION 3166.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

13 281.59 (3m) (b) 1. Equal to ~~\$9,400,000~~ \$9,110,000 during the ~~1999-01~~ 2001-03
14 biennium.

15 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

16 **SECTION 3167.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

17 281.59 (3s) (b) 1. Equal to ~~\$12,600,000~~ \$10,900,000 during the ~~1999-01~~
18 2001-03 biennium.

19 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

20 **SECTION 3168.** 281.59 (4) (f) of the statutes is amended to read:

21 281.59 (4) (f) Revenue obligations may be contracted by the building
22 commission when it reasonably appears to the building commission that all
23 obligations incurred under this subsection can be fully paid on a timely basis from
24 moneys received or anticipated to be received. Revenue obligations issued under this
25 subsection for the clean water fund program shall not exceed ~~\$1,297,755,000~~

1 \$1,398,355,000 in principal amount, excluding obligations issued to refund
2 outstanding revenue obligation notes.

3 **SECTION 3168n.** 281.60 (2) of the statutes is amended to read:

4 281.60 (2) GENERAL. The department and the department of administration
5 may administer a program to provide financial assistance to eligible applicants for
6 projects to remedy environmental contamination of sites or facilities at which
7 environmental contamination has affected groundwater or surface water or
8 threatens to affect groundwater or surface water. Eligible costs for a project include
9 costs of site assessment and site investigation, to the extent allowed under federal
10 law, if the eligible applicant demonstrates in its application that remediation will be
11 necessary and include costs of demolition that is a necessary part of the remediation.

12 The department and the department of administration may provide financial
13 assistance under this section to an eligible applicant only if the eligible applicant
14 owns the contaminated site or facility or, if the applicant is a political subdivision,
15 if a redevelopment authority or a housing authority owns the contaminated site or
16 facility. The department and the department of administration may not provide
17 financial assistance under this section to remedy environmental contamination at
18 a site or facility that is not a landfill if the eligible applicant caused the
19 environmental contamination.

20 **SECTION 3168p.** 281.60 (3) of the statutes is repealed.

21 **SECTION 3168r.** 281.60 (5) of the statutes is amended to read:

22 281.60 (5) APPLICATION. ~~After submitting a notice of intent to apply under sub.~~
23 ~~(3) (a) or obtaining a waiver under sub. (3) (b), an~~ An eligible applicant shall submit
24 an application for land recycling loan program financial assistance to the
25 department. The eligible applicant shall submit the application before the date

1 established by the department ~~by rule~~. The department shall establish at least 2
2 application deadlines each year. The application shall be in the form and include the
3 information required by the department and the department of administration. An
4 eligible applicant may not submit more than one application per project per year.

5 **SECTION 3168t.** 281.60 (8) (a) 1. of the statutes is amended to read:

6 281.60 (8) (a) 1. The department of administration may not allocate more than
7 40% of the ~~available~~ funds allocated in each fiscal year to projects to remedy
8 contamination at landfills.

9 **SECTION 3168v.** 281.60 (8p) of the statutes is created to read:

10 281.60 (8p) SECURITY. Notwithstanding s. 281.59 (9) (b) 1., the department and
11 the department of administration may not require an applicant to use general
12 obligation bonds as security for financial assistance under this section but shall
13 accept other collateral that meets typical underwriting criteria.

14 **SECTION 3169.** 281.61 (3) (b) of the statutes is repealed.

15 **SECTION 3170.** 281.61 (3) (c) of the statutes is amended to read:

16 281.61 (3) (c) The department may waive par. (a) ~~or (b)~~ upon the written request
17 of a local governmental unit.

18 **SECTION 3171.** 281.65 (4) (f) of the statutes is amended to read:

19 281.65 (4) (f) Administer the distribution of grants and aids to governmental
20 units for local administration and implementation of the program under this section.
21 A grant awarded under this section may be used for cost-sharing for management
22 practices and capital improvements, easements, or other activities determined by
23 the department to satisfy the requirements of this section. A grant under this section
24 to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for
25 plan preparation, technical assistance, educational and training assistance, and

1 ordinance development and administration. A grant may not be used for
2 promotional items, except for promotional items that are used for informational
3 purposes, such as brochures or videos.

4 **SECTION 3172.** 281.65 (4c) (am) 1. a. of the statutes is amended to read:

5 281.65 (4c) (am) 1. a. The need for compliance with performance standards
6 established by the department under s. 281.16 (2) and (3).

7 **SECTION 3173.** 281.65 (4c) (am) 2. of the statutes is amended to read:

8 281.65 (4c) (am) 2. ~~The project cannot be conducted with department, in~~
9 consultation with the department of agriculture, trade and consumer protection,
10 determines that funding provided under s. 92.14 is insufficient to fund the project.

11 **SECTION 3173j.** 281.65 (4e) of the statutes is created to read:

12 281.65 (4e) If the department issues a notice of discharge under ch. 283 to an
13 animal feeding operation, the department shall provide a cost-sharing grant for the
14 costs of measures needed to correct the unacceptable practices identified in the notice
15 of discharge. Notwithstanding sub. (8) (f), the department may provide a
16 cost-sharing grant under this subsection that exceeds 70% of the cost of the
17 corrective measures in cases of economic hardship, as defined by the department by
18 rule. If the department provides funds for a cost-sharing grant under this subsection
19 from the appropriation account under s. 20.866 (2) (te), the department shall pay the
20 grant to another governmental unit. If the department provides funds for a
21 cost-sharing grant under this subsection from the appropriation account under s.
22 20.370 (6) (aa), (ag), or (aq), the department may pay the funds to the landowner or
23 operator or to another governmental unit.

24 **SECTION 3176b.** 281.65 (5q) of the statutes is created to read:

1 281.65 (5q) (a) Notwithstanding sub. (5s), neither the department nor the land
2 and water conservation board may extend funding under this section for a priority
3 watershed or priority lake project beyond the funding termination date that was in
4 effect for the priority watershed or priority lake project on January 1, 2001, except
5 as provided in par. (b).

6 (b) The department may authorize funding to be provided to a landowner under
7 a priority watershed or priority lake project for up to one year after the funding
8 termination date under par. (a) for that project if the department determines that a
9 delay in implementation of best management practices by the landowner was caused
10 by conditions beyond the control of the landowner.

11 **SECTION 3176m.** 281.65 (11) of the statutes is amended to read:

12 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay
13 River is a priority watershed for the period ending on June 30, 2001 ^{check} 2005. [△]
14 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and
15 (e), the department, in consultation with the local units of government involved with
16 the priority watershed project, shall establish guidelines for the types of nonpoint
17 source water pollution abatement practices to be eligible for cost-sharing grants in
18 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
19 the watershed may be based on the amount of pollution reduction achieved rather
20 than on the cost of the practices installed, using guidelines developed by the
21 department, in consultation with the local units of government involved with the
22 priority watershed project. In providing funding under s. 92.14 (3), the department
23 of agriculture, trade and consumer protection shall determine the amount of
24 matching funds required for staff for the priority watershed project as though the
25 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The

1 department and the local governmental staff involved with the priority watershed
2 project shall evaluate the cost effectiveness of the project and the reduction in
3 nonpoint source water pollution associated with the project.

4 **SECTION 3180.** 281.68 (1) (b) (intro.) of the statutes is renumbered 281.68 (1)
5 (b) and amended to read:

6 281.68 (1) (b) “Qualified lake association” means ~~a group incorporated under~~
7 ~~ch. 181 that meets all of the following conditions:~~ an association that meets the
8 qualifications under sub. (3m) (a).

9 **SECTION 3181.** 281.68 (1) (b) 1. of the statutes is renumbered 281.68 (3m) (a)
10 2. and amended to read:

11 281.68 (3m) (a) 2. ~~Specifies~~ Specify in its articles of incorporation or bylaws
12 that a substantial purpose of its being incorporated is to support the protection or
13 improvement of one or more inland lakes for the benefit of the general public.

14 **SECTION 3182.** 281.68 (1) (b) 2. of the statutes is renumbered 281.68 (3m) (a)
15 3. and amended to read:

16 281.68 (3m) (a) 3. ~~Demonstrates~~ Demonstrate that the substantial purpose of
17 its past actions was to support the protection or improvement of one or more inland
18 lakes for the benefit of the general public.

19 **SECTION 3183.** 281.68 (1) (b) 3. of the statutes is renumbered 281.68 (3m) (a)
20 4. and amended to read:

21 281.68 (3m) (a) 4. ~~Allows~~ Allow to be a member any individual who for at least
22 one month each year resides on or within one mile of an inland lake for which the
23 association was incorporated.

24 **SECTION 3184.** 281.68 (1) (b) 4. of the statutes is renumbered 281.68 (3m) (a)
25 5. and amended to read:

1 281.68 (3m) (a) 5. ~~Allows~~ Allow to be a member any individual who owns real
2 estate on or within one mile of an inland lake for which the association was
3 incorporated.

4 **SECTION 3185.** 281.68 (1) (b) 5. of the statutes is renumbered 281.68 (3m) (a)
5 6. and amended to read:

6 281.68 (3m) (a) 6. ~~Does not~~ Not have articles of incorporation or bylaws which
7 limit or deny the right of any member or any class of members to vote as permitted
8 under s. 181.0721 (1).

9 **SECTION 3186.** 281.68 (1) (b) 6. of the statutes is renumbered 281.68 (3m) (a)
10 7. and amended to read:

11 281.68 (3m) (a) 7. ~~Has been~~ Demonstrate that it has been in existence for at
12 least one year.

13 **SECTION 3187.** 281.68 (1) (b) 7. of the statutes is renumbered 281.68 (3m) (a)
14 8. and amended to read:

15 281.68 (3m) (a) 8. ~~Has~~ Demonstrate that it has at least 25 members.

16 **SECTION 3188.** 281.68 (1) (b) 8. of the statutes is renumbered 281.68 (3m) (a)
17 9. and amended to read:

18 281.68 (3m) (a) 9. ~~Requires~~ Require payment of an annual membership fee of
19 ~~not less than \$10 nor more than \$25 as set by the department by rule under par. (b).~~

20 **SECTION 3189.** 281.68 (1) (c) of the statutes is created to read:

21 281.68 (1) (c) “Qualified school district” is a school district that meets the
22 qualifications under sub. (3m) (c).

23 **SECTION 3192.** 281.68 (3) (a) of the statutes is amended to read:

24 281.68 (3) (a) Eligible recipients to consist of nonprofit conservation
25 organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified

1 lake associations, town sanitary districts, qualified school districts, public inland
2 lake protection and rehabilitation districts, and other local governmental units, as
3 defined in s. 66.0131 (1) (a), that are established for the purpose of lake management.

4 **SECTION 3193.** 281.68 (3) (b) 6. of the statutes is created to read:

5 281.68 (3) (b) 6. Providing programs and materials that promote the
6 monitoring of private sewage systems, the reduction in the use of environmentally
7 harmful chemicals, water safety, and the protection of natural lake ecosystems.

8 **SECTION 3194.** 281.68 (3m) (title) and (a) (intro.) of the statutes are created to
9 read:

10 281.68 (3m) (title) QUALIFIED ENTITIES. (a) (intro.) To be a qualified lake
11 association, an association shall do all of the following:

12 **SECTION 3195.** 281.68 (3m) (a) 1. of the statutes is created to read:

13 281.68 (3m) (a) 1. Demonstrate that it is incorporated under ch. 181.

14 **SECTION 3196.** 281.68 (3m) (b) of the statutes is created to read:

15 281.68 (3m) (b) For purposes of par. (a) 9., the department shall set by rule the
16 maximum amount and the minimum amount that may be charged as an annual
17 membership fee.

18 **SECTION 3197.** 281.68 (3m) (c) of the statutes is created to read:

19 281.68 (3m) (c) To be a qualified school district, the board of the school district
20 shall adopt a resolution to conduct a lake management planning project that will do
21 all of the following:

22 1. Provide information or education on the use of lakes or natural lake
23 ecosystems, on the quality of water in lakes, or on the quality of natural lake
24 ecosystems.

1 2. Allow another eligible recipient of grants under this section to cooperate with
2 the school district in the project.

3 **SECTION 3199.** 281.69 (1b) of the statutes is renumbered 281.69 (1b) (intro.)
4 and amended to read:

5 **281.69 (1b) DEFINITION DEFINITIONS.** (intro.) In this section, ~~“lake”~~:
6 ~~(ag) “Lake”~~ includes a flowage.

7 **SECTION 3200m.** 281.69 (1b) (bn) of the statutes is created to read:

8 **281.69 (1b) (bn)** “Nonprofit conservation organization” has the meaning given
9 in s. 23.0955 (1).

10 **SECTION 3201.** 281.69 (1b) (c) of the statutes is created to read:

11 **281.69 (1b) (c)** “Qualified lake association” is an association that meets the
12 qualifications under s. 281.68 (3m) (a).

13 **SECTION 3202.** 281.69 (1b) (d) of the statutes is created to read:

14 **281.69 (1b) (d)** “Wetland” has the meaning given in s. 23.32 (1).

15 **SECTION 3203.** 281.69 (3) (a) of the statutes is amended to read:

16 **281.69 (3) (a)** A designation of eligible recipients, which shall include nonprofit
17 conservation organizations, ~~as defined in s. 23.0955 (1)~~, counties, cities, towns,
18 villages, qualified lake associations, ~~as defined in s. 281.68 (1) (b)~~, town sanitary
19 districts, public inland lake protection and rehabilitation districts, and other local
20 governmental units, as defined in s. 66.0131 (1) (a), that are established for the
21 purpose of lake management.

22 **SECTION 3205.** 281.69 (3) (b) 2. of the statutes is amended to read:

23 **281.69 (3) (b) 2.** The restoration of a wetland, ~~as defined in s. 23.32 (1)~~, if the
24 restoration will protect or improve a lake’s water quality or its natural ecosystem.

25 **SECTION 3206.** 281.69 (3) (b) 2m. of the statutes is created to read:

1 281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along
2 its shoreline if the restoration will protect or improve the lake's water quality or its
3 natural ecosystem.

4 **SECTION 3207v.** 281.74 of the statutes is created to read:

5 **281.74 Land spreading reduction pilot program.** If the Elcho Sanitary
6 District charges not more than \$30 per thousand gallons to accept septic tank waste
7 for treatment and not more than \$6 per thousand gallons to accept holding tank
8 waste for treatment, the department shall provide the funds available under s.
9 20.370 (6) (dc) to the Elcho Sanitary District.

10 **SECTION 3207p.** 281.73 of the statutes is created to read:

11 **281.73 Wastewater and drinking water grant.** The department of natural
12 resources shall provide a grant from the appropriation under s. 20.370 (6) (bk) to the
13 Town of Swiss, Burnett County, and the St. Croix Band of Chippewa for design,
14 engineering, and construction of wastewater and drinking water treatment
15 facilities.

16 **SECTION 3206m.** 281.69 (3) (b) 5. of the statutes is created to read:

17 281.69 (3) (b) 5. A wetland enhancement or restoration project under sub. (3m).

18 **SECTION 3206r.** 281.69 (3m) of the statutes is created to read:

19 281.69 (3m) GRANTS FOR WETLANDS. (a) The department shall provide grants
20 of \$10,000 each from the appropriation under s. 20.370 (6) (ar) for lake management
21 projects to eligible recipients, other than nonprofit conservation organizations, that
22 have completed a comprehensive land use plan that includes a wetland
23 enhancement or restoration project. The grant shall be used for the implementation
24 of the wetland enhancement or restoration project. The 75% limitation under sub.
25 (2) (a) does not apply to these grants.

1 (b) The department shall provide up to 25 grants per fiscal year during fiscal
2 years 2001–02 and 2002–03. The department shall award the grants to eligible
3 recipients who qualify for the grants in the order in which the grant applications are
4 received by the department.

5 **SECTION 3208.** 281.75 (4) (b) 3. of the statutes is amended to read:

6 281.75 (4) (b) 3. An authority created under ch. 231, 233 ~~or~~ 234, or 237.

7 **SECTION 3211.** 283.33 (1) (b) of the statutes is amended to read:

8 283.33 (1) (b) A discharge of storm water from a municipal separate storm
9 sewer system serving an incorporated area with a population of 100,000 or more, as
10 determined by the 1990 federal census.

11 **SECTION 3212.** 283.33 (1) (c) of the statutes is created to read:

12 283.33 (1) (c) A discharge of storm water from a municipal separate storm
13 sewer system serving an area located in an urbanized area, as determined by the U.S.
14 bureau of the census based on the latest decennial federal census.

15 **SECTION 3213.** 283.33 (1) (cg) of the statutes is created to read:

16 283.33 (1) (cg) A discharge of storm water from a municipal separate storm
17 sewer system serving an area with a population of 10,000 or more and a population
18 density of 1,000 or more per square mile, if the system is designated by the
19 department to be regulated under this section based on an evaluation of whether the
20 storm water discharge results in, or has the potential to result in, water quality
21 standards being exceeded, including impairment of designated uses, or in other
22 significant water quality impacts, including habitat and biological impacts.

23 **SECTION 3214.** 283.33 (1) (cr) of the statutes is created to read:

24 283.33 (1) (cr) A discharge of storm water from a municipal separate storm
25 sewer system that is designated by the department to be regulated under this section

1 because the system contributes substantially to the pollutant loadings of a physically
2 interconnected municipal separate storm sewer system that is regulated under this
3 section.

4 **SECTION 3215.** 283.33 (1) (d) of the statutes is amended to read:

5 283.33 (1) (d) A discharge of storm water from a facility or activity, other than
6 a facility or activity under ~~par. pars. (a) or (b)~~ to (cr), if the department determines
7 that the discharge either contributes to a violation of a water quality standard or is
8 a significant contributor of pollutants to the waters of the state.

9 **SECTION 3216.** 283.33 (4) (a) (intro.) of the statutes is amended to read:

10 283.33 (4) (a) (intro.) In addition to obtaining a permit under this section, the
11 owner or operator of an industrial activity described in sub. (1) (a) that discharges
12 storm water through a municipal separate storm sewer system described in sub. (1)
13 (b) to (cr) shall submit the following information to the owner or operator of the
14 municipal separate storm sewer system:

15 **SECTION 3217.** 283.33 (8) of the statutes is amended to read:

16 283.33 (8) **RULE MAKING.** The department shall promulgate rules ~~containing~~
17 ~~criteria for identifying storm water discharges for which permits are required under~~
18 ~~sub. (1) for the administration of this section.~~ The department may not require a
19 permit under this section for diffused surface drainage or agricultural storm water
20 discharges.

21 **SECTION 3218.** 283.84 (1) (c) of the statutes is amended to read:

22 283.84 (1) (c) Reaches an agreement with the department or a local
23 governmental unit, as defined in s. ~~16.97~~ 22.01 (7), under which the person pays
24 money to the department or local governmental unit and the department or local
25 governmental unit uses the money to reduce water pollution in the project area.

1 **SECTION 3219.** 283.89 (2m) of the statutes is amended to read:

2 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
3 a person is subject to a forfeiture under s. 283.91 (2), the department ~~shall~~ may issue
4 a citation and, if the department does issue a citation, the procedures in ss. 23.50 to
5 23.99 apply.

6 **SECTION 3219L.** 285.30 (5) (c) of the statutes is amended to read:

7 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
8 that a motor vehicle owned by the United States is not exempt unless it comes under
9 par. (a), (b), (d), (e), (f), (g) ~~or~~, (h), or (j).

10 **SECTION 3219v.** 285.30 (5) (j) of the statutes is created to read:

11 285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).

12 **SECTION 3220.** 285.59 (1) (b) of the statutes is amended to read:

13 285.59 (1) (b) “State agency” means any office, department, agency, institution
14 of higher education, association, society or other body in state government created
15 or authorized to be created by the constitution or any law which is entitled to expend
16 moneys appropriated by law, including the legislature and the courts, the Wisconsin
17 Housing and Economic Development Authority, the Bradley Center Sports and
18 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
19 Authority, the Fox River Navigational System Authority, and the Wisconsin Health
20 and Educational Facilities Authority.

21 **SECTION 3221.** 285.60 (2m) of the statutes is created to read:

22 285.60 (2m) **GENERAL CONSTRUCTION PERMITS.** The department may, by rule,
23 specify types of stationary sources that may obtain general construction permits. A
24 general construction permit may cover numerous similar stationary sources. A
25 general construction permit shall require any stationary source that is covered by

1 the general construction permit to comply with ss. 285.61 to 285.69. The department
2 shall issue a general construction permit using the procedures and criteria in ss.
3 285.61, 285.63, 285.65, 285.66, and 285.69.

4 **SECTION 3222.** 285.69 (2) (a) 8. of the statutes is amended to read:

5 285.69 (2) (a) 8. That the fee billed for each stationary source in each year after
6 2001 is based on the actual emissions of all regulated pollutants, and any other air
7 contaminant specified by the department in the rules, in the preceding 5 years, using
8 ~~a 5-year rolling average year.~~

9 **SECTION 3222e.** 287.03 (1) (e) and (f) of the statutes are created to read:

10 287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a) and (10) (a).

11 (f) Promulgate rules, for the purposes of s. 287.235 (1) (b), that specify the
12 minimum elements of coordinated program delivery, including all of the following:

13 1. The joint provision of, a single program operated by the responsible unit for,
14 or a single contract for, the collection from single-family residences of materials that
15 are separated for recycling under an effective recycling program.

16 2. The joint provision of, a single program operated by the responsible unit for,
17 or a single contract for, the processing and marketing of recyclable materials
18 collected under an effective recycling program.

19 3. The joint or coordinated planning of solid waste management services within
20 the responsible unit.

21 **SECTION 3222f.** 287.07 (7) (a) of the statutes is amended to read:

22 287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to
23 solid waste, except medical waste, as defined in par. (c) 1. ~~cg., that is generated in a~~
24 ~~region that has an effective recycling program, as determined under s. 287.11 if the~~
25 solid waste contains no more than an incidental amount of materials specified in

1 subs. (3) and (4), as provided by the department by rule. This paragraph does not
2 apply to solid waste that is separated for recycling as part of an effective recycling
3 program under s. 287.11.

4 **SECTION 3222g.** 287.07 (9) of the statutes is created to read:

5 287.07 (9) ACCEPTANCE BY SOLID WASTE FACILITY. (a) Except as provided under
6 pars. (b) and (c), no person operating a solid waste facility may accept solid waste
7 from a building containing 5 or more dwelling units or a commercial, retail,
8 industrial, or governmental facility that does not provide for the collection of
9 materials that are subject to subs. (3) and (4) and that are separated from other solid
10 waste by users or occupants of the building or facility.

11 (b) The department may grant exceptions to par. (a) on a case-by-case basis
12 as necessary to protect public health.

13 (c) 1. Paragraph (a) does not apply to a person operating a solid waste facility
14 if the person has implemented a program to minimize the acceptance of recyclable
15 materials at the solid waste facility, and the program complies with the rules
16 promulgated under subd. 2.

17 2. The department shall promulgate rules that specify minimum standards for
18 a program that minimizes the acceptance of recyclable materials at a solid waste
19 facility for the purposes of subd. 1.

20 **SECTION 3222h.** 287.07 (10) of the statutes is created to read:

21 287.07 (10) TRANSPORTATION TO FACILITY. (a) Except as provided in par. (b), no
22 person operating a solid waste facility that provides a collection and transportation
23 service may transport solid waste for delivery to a solid waste disposal facility or a
24 solid waste treatment facility that converts solid waste into fuel or that burns solid

1 waste if the solid waste contains more than incidental amounts of materials specified
2 in subs. (3) and (4), as provided by the department by rule.

3 (b) Paragraph (a) does not apply with respect to solid waste to which the
4 prohibitions in subs. (3) and (4) do not apply because of sub. (7) (b), (bg), (c) 2., (d),
5 (f), (g), or (h).

6 **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

7 287.11 (4) PILOT PROGRAM FOR ALTERNATE METHOD OF COMPLIANCE. (a) The
8 department shall administer a pilot program that provides an alternate method of
9 complying with sub. (2) (b). The department shall promulgate rules for the pilot
10 program under this subsection that do all of the following:

11 1. Set goals for amounts of materials to be recycled as a percentage of solid
12 waste generated in the geographic area served by a responsible unit.

13 2. Include a list of recyclable materials, including the materials identified
14 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection
15 to require to be separated for recycling under its recycling program.

16 3. Specify a procedure for a responsible unit to identify the materials that it will
17 require to be separated for recycling under its recycling program.

18 4. Specify a procedure to be used by the department to determine whether a
19 responsible unit has achieved the goals under par. (a).

20 (b) The department shall select 3 responsible units with a population of less
21 than 5,000, 3 responsible units with a population of at least 5,000 but less than
22 25,000, and 3 responsible units with a population of at least 25,000 to participate in
23 the pilot program under this subsection.

24 (c) A responsible unit participating in the pilot program under this subsection
25 shall be considered to comply with sub. (2) (b).

1 (d) The department shall submit reports on the pilot program under this
2 subsection to the appropriate standing committees of the legislature, under s. 13.172
3 (3), and to the joint committee on finance no later than January 1, 2003, and no later
4 than January 1, 2005. The department shall include all of the following in its reports:

5 1. A description of the participation in the pilot program and of the results to
6 the date of the report.

7 2. A description of any changes in the recycling percentage rate achieved by the
8 participants.

9 3. A description of any cost or program efficiencies obtained by participants.

10 4. Any recommendations for statutory changes to modify the pilot program or
11 to expand it statewide.

12 5. Any recommendations about whether s. 287.07 (3) and (4) should be modified
13 and, if so, in what manner.

14 (e) The pilot program under this subsection ends on December 31, 2005.

15 **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (a) and
16 amended to read:

17 287.23 (2) (a) The department shall develop, implement, and administer a
18 program to provide financial assistance to responsible units. The department shall
19 develop criteria for reporting on and evaluating the program.

20 (b) Each year the department, in cooperation with the University of
21 Wisconsin–Extension, shall audit review the recycling programs of at least 5% of the
22 recipients of grants in the previous year to ensure that programs and activities
23 funded by grants under this section meet the requirements of this section. do all of
24 the following:

25 **SECTION 3222q.** 287.23 (2) (b) 1. to 3. of the statutes are created to read:

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- 1 287.23 (2) (b) 1. Ensure compliance with s. 287.07 (1m), (2), (3), and (4).
- 2 2. Ensure compliance with s. 287.11 and rules promulgated under that section.
- 3 3. Identify activities, methods, or procedures that would enable the responsible
- 4 units to make their recycling programs more efficient or effective.

5 SECTION 3222r. 287.23 (2) (c) of the statutes is created to read:

6 287.23 (2) (c) By June 30 annually, the department shall report to the joint
7 committee on finance the number of recycling programs reviewed under par. (b)
8 during the previous year.

9 SECTION 3225. 287.23 (5) (c) 2. of the statutes is amended to read:

10 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other
11 responsible units, the amount of the grant for 1993 through 2000 1999 equals either
12 66% of the difference between eligible expenses and avoided disposal costs or \$8
13 times the population of the responsible unit, whichever is less.

14 SECTION 3225c. 287.23 (5b) (title) and (intro.) of the statutes are amended to
15 read:

STET ~~FOR 2000 AND 2001~~ STET

16

17 287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and
18 2001, the department shall award a grant under this subsection to each eligible
19 responsible unit that submits a complete grant application under sub. (4) for
20 expenses allowable under sub. (3) (b). The department shall determine the amount
of the grants under this subsection as follows:

21
22

SECTION 3225f. 287.23 (5d) of the statutes is created to read:

STET ~~FOR YEARS AFTER 2001~~

23 287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2001. (a) Beginning with grants for
24 the year 2002, the department shall award a grant under this subsection to each
25 eligible responsible unit that submits a complete grant application under sub. (4) for
expenses allowable under sub. (3) (b).

1 (b) Except as provided in pars. (c), (d), (e), (f), and (g) and sub. (5p), the
2 department shall award an eligible responsible unit a grant under this subsection
3 equal to \$5.30 times the population of the responsible unit.

4 (c) A grant under this subsection may not exceed the allowable expenses under
5 sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for
6 which the grant is made.

7 (d) For a county that is the responsible unit for at least 75% of the population
8 of the county, the department shall award a grant under this subsection equal to the
9 greater of \$100,000 or the amount determined under par. (a), but not more than the
10 allowable expenses under sub. (3) (b).

11 (e) For grants for the year 2002, the department shall award a grant to a
12 responsible unit that received an award in 2001 that is equal to at least 80% of the
13 amount received in 2001.

14 (f) Beginning with grants for the year 2005, the department shall reduce a
15 grant calculated under par. (b) by \$1.50 times the population of the responsible unit
16 if the responsible unit is not eligible for a grant under s. 287.235.

17 (g) If the available funds are insufficient to pay the grant amounts determined
18 under this subsection, the department shall achieve the necessary reduction in the
19 total amount of the grants by reducing the amount of each grant determined under
20 this subsection, except a grant determined under par. (d) or (e), by an equal
21 percentage.

22 **SECTION 3226.** 287.23 (5m) of the statutes is amended to read:

23 **287.23 (5m) ALTERNATE PROCESS.** The department shall establish, by rule, a
24 process for distributing grants if the amount that would be awarded under sub. (5)
25 or (5e) exceeds the amount of funds available under ~~s. 20.370 (6) (bq).~~

1 **SECTION 3226c.** 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and
2 amended to read:

3 287.23 (6) (a) ~~The Except as provided in par. (b), the~~ department shall disburse
4 a grant to the applicant after approval, but no later than June 1 of the year for which
5 the grant is made.

6 **SECTION 3226d.** 287.23 (6) (b) of the statutes is created to read:

7 287.23 (6) (b) For grants for the year 2002, the department shall disburse a
8 total of \$19,500,000 no later than June 1, 2002, and a total of \$5,000,000 after June
9 30, 2002, but no later than December 1, 2002.

10 **SECTION 3226k.** 287.235 of the statutes is created to read:

11 **287.235 Recycling efficiency incentive grants. (1) ELIGIBILITY.** Beginning
12 in fiscal year 2002–03 the department shall make a recycling efficiency incentive
13 grant to a responsible unit that satisfies all of the following criteria:

14 (a) The responsible unit is one of the following:

15 1. A county.

16 2. A responsible unit, other than a county, with a population of 50,000 or more.

17 3. A responsible unit that is formed by the merger of 3 or more responsible units
18 or that is the responsible unit for 3 or more municipalities.

19 (b) The responsible unit engages in coordinated program delivery, as specified
20 under s. 287.03 (1) (f).

21 **(2) GRANT AMOUNT.** (a) Except as provided in pars. (b) and (c) and sub. (3) (a),
22 the department shall provide a grant amount to an eligible responsible unit equal to
23 \$1 times the population of the responsible unit.

24 (b) If the available funds are insufficient to pay the grant amount determined
25 under par. (a), the department shall achieve the necessary reduction in the total

1 amount of the grants by reducing the grant amount determined under par. (a) for
2 each eligible responsible unit by an equal percentage.

3 (c) A grant under this section plus a grant under s. 287.23 may not exceed the
4 allowable expenses under s. 287.23 (3) (b) that the responsible unit incurred in the
5 year 2 years before the year for which the grants are made.

6 (3) APPLICATION AND PAYMENT. (a) Applications for grants under this subsection
7 are due on October 1 of the year preceding the year for which the grant is sought.
8 If a responsible unit submits its application after that date, the department shall
9 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

10 (b) The department shall disburse 50% of a grant to the applicant no later than
11 June 1 of the year for which the grant is made and the balance no later than
12 December 1 of the year for which the grant is made. For grants for 2002, the
13 department shall disburse a total of \$3,800,000.

14 SECTION 3227e. 287.95 (3) (b) of the statutes is amended to read:

15 287.95 (3) (b) After December 31, 1996, any person who violates s. 287.07 (3)
16 and, (4), (9), or (10) may be required to forfeit \$50 for a first violation, may be required
17 to forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000
18 for a 3rd or subsequent violation.

19 SECTION 3227q. 289.41 (6) (a) of the statutes is amended to read:

20 289.41 (6) (a) *Compliance*. Except as provided under par. (j), (k), or (L) or sub.
21 (7), calculations and determinations based on data and information provided in the
22 opinion of the certified public accountant are required to establish that the company
23 satisfies each of the criteria under pars. (b) to (i) in order to comply with minimum
24 financial standards.

25 SECTION 3227r. 289.41 (6) (k) of the statutes is created to read:

1 289.41 (6) (k) *Exception from one criterion.* Paragraph (e) does not apply to a
2 company that owns a solid waste facility at which more than one-half, by volume,
3 of the solid waste disposed of is high-volume industrial waste if the company
4 satisfies the criteria under pars. (b) to (d) and (f) to (i).

5 **SECTION 3227s.** 289.41 (6) (L) of the statutes is created to read:

6 289.41 (6) (L) *Alternative criteria for certain companies.* Paragraphs (e) and
7 (f) do not apply to a company that owns a solid waste facility at which more than
8 one-half, by volume, of the solid waste disposed of is high-volume industrial waste
9 if the company satisfies the criteria under pars. (b) to (d) and (g) to (i) and one of the
10 following criteria:

11 1. The company received a rating for its senior unsubordinated debt of “AAA,”
12 “AA,” “A,” or “BBB” from Standard and Poor’s Corporation, or of “Aaa,” “Aa,” “A,” or
13 “Baa” from Moody’s Investor Service, Incorporated, in the most recent issuance of
14 ratings by either firm.

15 2. The quotient of the sum of net income plus depreciation, plus depletion, plus
16 amortization, minus \$10,000,000, divided by total liabilities at the end of the
17 company’s most recently completed fiscal year exceeds 0.1.

18 **SECTION 3228db.** 289.645 (3) (intro.) and (a) of the statutes are consolidated,
19 renumbered 289.645 (3) and amended to read:

20 289.645 (3) **AMOUNT OF RECYCLING FEE.** The fee imposed under this section is
21 as follows: ~~(a) For \$3 per ton for all solid waste other than high-volume industrial~~
22 ~~waste, 30 cents per ton.~~

23 **SECTION 3228h.** 289.83 of the statutes, as affected by 2001 Wisconsin Act
24 (this act), is repealed.

25 **SECTION 3228j.** 289.83 (5) of the statutes is amended to read:

1 289.83 (5) PAYMENT OF GRANT. The department shall make 10 annual grant
2 payments ~~annually over a 10-year period to recipients who applied in fiscal years~~
3 1992–93 and 1993–94. Each grant payment shall equal 10% of the total grant to a
4 political subdivision.

5 **SECTION 3229.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

6 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
7 funds appropriated under s. 20.866 (2) (ta) or (tz).

8 **SECTION 3230.** 292.13 (1m) (intro.) of the statutes is amended to read:

9 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
10 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence
11 of a hazardous substance in the soil, including sediments, on property possessed or
12 controlled by the person if all of the following apply:

13 **SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

14 292.15 (2) (a) 4. ~~The~~ If the voluntary party owns or controls the property, the
15 voluntary party maintains and monitors the property as required under rules
16 promulgated by the department and any contract entered into under those rules.

17 **SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

18 292.15 (2) (ae) 4. ~~The~~ If the voluntary party owns or controls the property, the
19 voluntary party maintains and monitors the property as required under rules
20 promulgated by the department and any contract entered into under those rules.

21 **SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

22 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
23 sub. (6) or (7), for a property on which there exists a hazardous substance for which
24 a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a voluntary
25 party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1),

1 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31
2 (8), and rules promulgated under those provisions, with respect to discharges of
3 hazardous substances on or originating from the property, if the release of those
4 hazardous substances occurred prior to the date on which the department approves
5 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.
6 to 6. apply and all of the following occur at any time before or after the date of
7 acquisition:

8 1. The environment is restored to the extent practicable with respect to the
9 discharges and the harmful effects from the discharges are minimized in accordance
10 with rules promulgated by the department and any contract entered into under those
11 rules, except that this requirement does not apply with respect to the hazardous
12 substance for which the voluntary party is exempt from liability under s. 292.13 (1)
13 or (1m).

14 2. The voluntary party obtains a certificate of completion from the department
15 stating that the environment has been satisfactorily restored to the extent
16 practicable with respect to the discharges and that the harmful effects from the
17 discharges have been minimized, except with respect to the hazardous substance for
18 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

19 3. The voluntary party obtains a written determination from the department
20 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
21 party is exempt from liability under s 292.13 (1) or (1m).

22 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
23 (d) to (g) or (1m) (d) to (g).

24 **SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

1 292.15 (2) (b) 4. If the voluntary party does not own or control the property, the
2 person who owns or controls the property fails to maintain and monitor the property
3 as required under rules promulgated by the department or any contract entered into
4 under those rules.

5 **SECTION 3259.** 292.31 (7) (am) of the statutes is created to read:

6 292.31 (7) (am) 1. The department may accept the transfer of an interest in
7 property that was acquired by the federal environmental protection agency as part
8 of a remedial action under the federal Comprehensive Environmental Response,
9 Compensation, and Liability Act, 42 USC 9601 to 9675.

10 2. The department may acquire an interest in property from any person as part
11 of a remedial action conducted in cooperation with the federal environmental
12 protection agency if the acquisition is necessary to implement the remedy. Under
13 this subdivision, the department may acquire an interest in property that is
14 necessary to ensure that restrictions on the use of land or groundwater are
15 enforceable. The department may expend moneys from the appropriations under ss.
16 20.370 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an interest
17 in property acquired by the department under this subdivision.

18 3. The department may enforce the terms of any interest in property that it
19 acquires under this paragraph.

20 **SECTION 3260b.** 292.35 (1) (am) of the statutes is created to read:

21 292.35 (1) (am) “Financial assistance” means money, other than a loan,
22 provided by a governmental unit that is not a responsible party to pay a portion of
23 the cost of investigation and remedial action for a site or facility.

24 **SECTION 3262b.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and
25 amended to read:

1 292.35 (2) APPLICABILITY. (intro.) This section only applies to a site or facility
2 if the one of the following criteria is satisfied:

3 (a) The site or facility is owned by a local governmental unit. This section does
4 not apply to a landfill until January 1, 1996.

5 **SECTION 3263b.** 292.35 (2) (b) of the statutes is created to read:

6 292.35 (2) (b) A local governmental unit that owns a portion of the site or
7 facility commits itself, by resolution of its governing body, to paying more than 50%
8 of the amount equal to the difference between the cost of investigation and remedial
9 action for the site or facility and any financial assistance received for the site or
10 facility.

11 **SECTION 3288.** 292.65 (1) (intro.) of the statutes is amended to read:

12 292.65 (1) DEFINITIONS. (intro.) In this section ~~and s. 292.66~~:

13 **SECTION 3289.** 292.65 (1) (b) of the statutes is amended to read:

14 292.65 (1) (b) “Case closure letter” means a letter provided by the department
15 that states that, based on information available to the department, no further
16 remedial action is necessary with respect to a dry cleaning solvent product discharge.

17 **SECTION 3290.** 292.65 (1) (d) (intro.) of the statutes is amended to read:

18 292.65 (1) (d) (intro.) “Dry cleaning facility” means a facility for ~~dry~~ cleaning
19 apparel or household fabrics for the general public using a dry cleaning product,
20 other than a facility that is one of the following:

21 **SECTION 3291.** 292.65 (1) (e) of the statutes is amended to read:

22 292.65 (1) (e) “Dry cleaning solvent product” means a ~~chlorine-based or~~
23 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
24 in dry cleaning facilities hazardous substance used to clean apparel or household

1 fabrics, except for a hazardous substance used to launder apparel or household
2 fabrics.

3 **SECTION 3292.** 292.65 (1) (gm) of the statutes is amended to read:

4 292.65 (1) (gm) “Immediate action” means a remedial action that is taken
5 within a short time after a discharge of dry cleaning solvent product occurs, or after
6 the discovery of a discharge of dry cleaning solvent product, to halt the discharge,
7 contain or remove discharged dry cleaning solvent product, or remove contaminated
8 soil or water in order to restore the environment to the extent practicable and to
9 minimize the harmful effects of the discharge to air, lands, and waters of the state
10 and to eliminate any imminent threat to public health, safety, or welfare.

11 **SECTION 3293.** 292.65 (1) (gs) of the statutes is created to read:

12 292.65 (1) (gs) “Interim action” means a remedial action that is taken to contain
13 or stabilize a discharge of a dry cleaning product, in order to minimize any threats
14 to public health, safety, or welfare or to the environment, while other remedial
15 actions are being planned.

16 **SECTION 3294.** 292.65 (4) (b) of the statutes is amended to read:

17 292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent
18 product discharge to the department in a timely manner, as provided in s. 292.11.

19 **SECTION 3295.** 292.65 (4) (e) of the statutes is amended to read:

20 292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,
21 if applicable, and before conducting remedial action activities, an owner or operator
22 shall complete an investigation to determine the extent of environmental impact of
23 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

24 **SECTION 3296.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

1 292.65 (4) (h) *Interim action.* An owner or operator is not required to complete
2 an investigation or prepare a remedial action plan before conducting an interim
3 action activity if the department determines that an interim action is necessary.

4 **SECTION 3297.** 292.65 (4) (i) of the statutes is amended to read:

5 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
6 department shall, at the request of an owner or operator, review the site
7 investigation results and the remedial action plan and advise the owner or operator
8 on the adequacy of the proposed remedial action activities in meeting the
9 requirements of this section. The department shall complete the review of the site
10 investigation and remedial action plan within 45 days. The department shall also
11 provide an estimate of when funding will be available to pay an award for remedial
12 action conducted in response to the dry cleaning ~~solvent~~ product discharge.

13 **SECTION 3298.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:

14 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
15 remedial action activities that are required under this section in response to the dry
16 cleaning ~~solvent~~ product discharge, including all of the following:

17 1. Recovering any recoverable dry cleaning ~~solvent~~ product from the
18 environment.

19 **SECTION 3299.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

20 292.65 (5) (b) (intro.) An owner or operator who is required to implement
21 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
22 following:

23 **SECTION 3300.** 292.65 (5) (b) 1. of the statutes is amended to read:

1 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
2 generated at the dry cleaning facility and that contain dry cleaning solvent product
3 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

4 **SECTION 3301.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin
5 Act ... (this act), is renumbered 292.65 (5) (c) 1.

6 **SECTION 3302.** 292.65 (5) (b) 2. of the statutes is amended to read:

7 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
8 solvent product or wastewater from dry cleaning machines into any sanitary sewer
9 or septic tank or into the waters of this state.

10 **SECTION 3303.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin
11 Act ... (this act), is renumbered 292.65 (5) (c) 2.

12 **SECTION 3304.** 292.65 (5) (b) 3. of the statutes is amended to read:

13 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
14 cleaning solvent product is used, or the entire area in which those machines or pieces
15 of equipment are located, is surrounded by a containment dike or other containment
16 structure that is able to contain any leak, spill, or other release of dry cleaning
17 solvent product from the machines or other pieces of equipment.

18 **SECTION 3305.** 292.65 (5) (b) 4. of the statutes is amended to read:

19 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
20 containment structure under subd. 3. is sealed or is otherwise impervious to dry
21 cleaning solvent product.

22 **SECTION 3306.** 292.65 (5) (b) 5. of the statutes is amended to read:

23 292.65 (5) (b) 5. That ~~all dry cleaning solvent is~~ any perchloroethylene
24 delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled
25 delivery system.

1 **SECTION 3307.** 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin
2 Act (this act), is renumbered 292.65 (5) (c) 3.

3 **SECTION 3308.** 292.65 (5) (c) (intro.) of the statutes is created to read:

4 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
5 an award under this section unless the owner or operator has implemented the
6 following enhanced pollution prevention measures:

7 **SECTION 3309.** 292.65 (7) (a) (intro.) of the statutes is amended to read:

8 292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible
9 costs for an award under this section include reasonable and necessary costs paid
10 incurred by the owner or operator of a dry cleaning facility because of a discharge of
11 dry cleaning product at the dry cleaning facility for the following items only:

12 **SECTION 3310.** 292.65 (7) (a) 2. of the statutes is amended to read:

13 292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry
14 cleaning solvent product discharge from a dry cleaning facility.

15 **SECTION 3311.** 292.65 (7) (a) 8. of the statutes is amended to read:

16 292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product
17 recovery performed as part of remedial action activities.

18 **SECTION 3312.** 292.65 (7) (a) 13. of the statutes is repealed.

19 **SECTION 3313.** 292.65 (7) (c) 3. of the statutes is amended to read:

20 292.65 (7) (c) 3. Other costs that the department determines to be associated
21 with, but not integral to, the investigation and remediation of a dry cleaning solvent
22 product discharge from a dry cleaning facility.

23 **SECTION 3314.** 292.65 (7) (d) of the statutes is amended to read:

24 292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are
25 discharged at a dry cleaning facility as a result of dry cleaning operations and as a

1 result of other activities, eligible costs under this section are limited to activities
2 necessitated by the discharge of dry cleaning solvent product.

3 **SECTION 3315.** 292.65 (8) (a) (intro.) of the statutes is amended to read:

4 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
5 application on a form provided by the department. An owner or operator may not
6 submit an application before September 1, 1998. An owner or operator may not
7 submit an application after August 30, ~~2003~~ 2005, if the application relates to a dry
8 cleaning facility that ceased to operate before September 1, 1998. An owner or
9 operator may not submit an application after August 20, 2008, if the application
10 relates to any other dry cleaning facility. The department shall authorize owners and
11 operators to apply for awards at stages in the process under sub. (4) that the
12 department specifies by rule. An application shall include all of the following
13 documentation of activities, plans, and expenditures associated with the eligible
14 costs incurred because of a dry cleaning solvent product discharge from a dry
15 cleaning facility:

16 **SECTION 3316.** 292.65 (8) (d) 7. of the statutes is amended to read:

17 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,
18 and 77.9962 and ~~77.9963~~.

19 **SECTION 3317.** 292.65 (8) (d) 8. of the statutes is amended to read:

20 292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused on or
21 after October 14, 1997, by a person who provided services or products to the owner
22 or operator or to a prior owner or operator of the dry cleaning facility, including a
23 person who provided perchloroethylene to the owner or operator or prior owner or
24 operator of a dry cleaning facility using a system other than a closed, direct-coupled
25 delivery system.

1 **SECTION 3318.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and
2 292.65 (8) (e) (intro.), as renumbered, is amended to read:

3 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner
4 or operator of a dry cleaning facility ~~that is operating at the time that the owner or~~
5 ~~operator applies under par. (a) only~~ for eligible costs incurred at each dry cleaning
6 facility that exceed the following deductible:

7 **SECTION 3319.** 292.65 (8) (e) 3. of the statutes is repealed.

8 **SECTION 3320.** 292.65 (11) of the statutes is amended to read:

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

17 **SECTION 3321.** 292.65 (13) of the statutes is amended to read:

18 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
19 advise the department concerning the ~~programs~~ program under this section and s.
20 292.66. The dry cleaner environmental response council shall evaluate the program
21 under this section at least every 5 years, using criteria developed by the council.

22 **SECTION 3322.** 292.66 of the statutes is repealed.

23 **SECTION 3323b.** 292.75 (1) (a) of the statutes is amended to read:

24 292.75 (1) (a) “Eligible site or facility” means ~~an abandoned, idle or underused~~
25 one or more contiguous industrial or commercial facility or site facilities or sites with

1 common or multiple ownership that are abandoned, idle, or underused, the
2 expansion or redevelopment of which is adversely affected by actual or perceived
3 environmental contamination.

4 **SECTION 3323e.** 292.75 (3) (d) of the statutes is amended to read:

5 292.75 (3) (d) Asbestos abatement activities, as defined in s. 254.11 (2),
6 conducted as part of activities described in par. (b) on an eligible site or facility.

7 **SECTION 3324b.** 292.77 (2) of the statutes is amended to read:

8 292.77 (2) The department shall develop and, beginning no later than
9 January 1, 2001, administer a pilot program ~~in the city of Beloit, the city of Green~~
10 ~~Bay, the city of La Crosse, the city of Milwaukee and the city of Oshkosh~~ that
11 promotes the use of financial incentives to clean up and redevelop brownfields.
12 Funds provided under the program may be used to investigate environmental
13 contamination and to conduct cleanups of brownfields in ~~these cities~~ *the city of*
14 Platteville, the city of Fond du Lac and other municipalities that are selected by the
15 department from those municipalities that apply for funding under this section.

16 **SECTION 3324c.** 292.77 (3) of the statutes is amended to read:

17 292.77 (3) In developing and administering the pilot program under sub. (2),
18 the department shall consult and coordinate with the department of administration,
19 and the department of commerce ~~and the cities specified in sub. (2).~~

20 **SECTION 3324db.** 292.77 (4) of the statutes is repealed and recreated to read:

21 292.77 (4) During the 2001-03 fiscal biennium, the department shall make
22 \$150,000 available to the City of Platteville and \$250,000 available to the City of
23 Fond du Lac under sub. (2).

24 **SECTION 3324h.** 292.79 of the statutes is created to read:

25 **292.79 Brownfields green space grants.** (1) In this section:

1 (a) "Brownfields" has the meaning given in s. 560.13 (1) (a).

2 (b) "Local governmental units" has the meaning given in s. 292.75 (1) (b).

3 (2) The department shall administer a program under which the department
4 awards grants to local governmental units for projects to remedy environmental
5 contamination of brownfields. A project is eligible for a grant under this section if
6 it has a long-term public benefit, including the preservation of green space, the
7 development of recreational areas, or the use of a property by the local government.

8 **SECTION 3325.** 292.99 (1m) of the statutes is amended to read:

9 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
10 not less than \$10 nor more than \$10,000.

11 **SECTION 3327q.** 301.03 (2p) of the statutes is created to read:

12 301.03 (2p) Offer the same level of alcohol or other drug abuse treatment to
13 female inmates as to male inmates. (K)

14 **SECTION 3325k.** 295.33 (4) of the statutes is amended to read:

15 295.33 (4) No person may conduct drilling operations for the exploration for or
16 production of oil or gas ~~from~~ if the drilling extends beneath the beds of the Great
17 Lakes or bays or harbors that are adjacent to the Great Lakes, ~~unless all drilling~~
18 ~~operations originate from locations above and on the landward side of the ordinary~~
19 ~~high water mark and are conducted according to the terms of a written lease~~
20 ~~obtained from the department under, notwithstanding s. 30.20 (2) (b).~~ (L)

21 **SECTION 3325q.** 301.029 (2) (a) of the statutes is amended to read:

22 301.029 (2) (a) The department may not enter into any contract or other
23 agreement if, in the performance of the contract or agreement, a prisoner would
24 perform data entry or telemarketing services and have access to an individual's
25 financial transaction card numbers, checking or savings account numbers; or social