

1 292.35 (2g) (br) If a person fails to comply with par. (b) or (bg), the local
2 governmental unit may bring an action in circuit court to compel compliance. In an
3 action under this paragraph, the court may require a person who failed to comply
4 with par. (b) or (bg) to pay costs and, notwithstanding s. 814.04 (1), reasonable
5 attorney fees.

6 *~~0360/2.7~~* SECTION 3267. 292.35 (2r) (a) of the statutes is amended to read:

7 292.35 (2r) (a) The local governmental unit shall, in consultation with the
8 department, prepare a draft report that identifies and evaluates options for remedial
9 action plan at the site or facility and identifies the local governmental unit's
10 preferred remedial option. The local governmental unit shall submit the remedial
11 action option report and a list of responsible parties to the department.

12 *~~0360/2.8~~* SECTION 3268. 292.35 (2r) (b) of the statutes is amended to read:

13 292.35 (2r) (b) ~~Upon completion receipt of the draft remedial action plan option~~
14 report, the local governmental unit shall send written notice to all responsible
15 parties identified by the local governmental unit, provide public notice and conduct
16 department shall schedule a public hearing to receive comments on the draft
17 remedial action plan option report and the list of responsible parties. The
18 department shall provide public notice of the hearing by publishing a class 2 notice,
19 under ch. 985. The department shall provide notice to listed responsible parties by
20 certified mail. The notice to responsible parties shall offer the person receiving the
21 notice an opportunity to provide information regarding the status of that person or
22 any other person as a responsible party, notice and a description of the public
23 hearing, and a description of the procedures in this section. At the public hearing,
24 the local governmental unit department shall solicit testimony on whether the draft
25 preferred remedial option in the remedial action plan options report is the least

1 ~~most~~ most cost effective method of meeting the standards for remedial action
2 promulgated by the department by rule. ~~The local governmental unit~~ department
3 shall accept written comments for at least 30 days after the close of the public
4 hearing.

5 *~~0360/2.9~~* **SECTION 3269.** 292.35 (2r) (c) of the statutes is amended to read:

6 292.35 (2r) (c) Upon No later than 90 days after the conclusion of the period
7 for written comment, the local governmental unit department shall prepare a
8 preliminary remedial action plan issue a decision specifying an approved remedial
9 option, taking into account the local governmental unit's preferred remedial option,
10 the written comments, and the comments received at the public hearing and shall
11 submit the preliminary remedial action plan to the department for approval. The
12 department may approve the preliminary remedial action plan as submitted or
13 require modifications. If the department fails to issue a decision within the time
14 required, the local governmental unit's preferred remedial option is approved and
15 constitutes the department's decision. The decision is subject to review under s.
16 227.42 and to judicial review under ss. 227.52 to 227.58. A court shall conduct the
17 review of a decision under this paragraph as expeditiously as possible. The decision
18 concerning the remedial option is not subject to review in any other administrative
19 or judicial proceeding. No later than 90 days after the conclusion of the period for
20 written comment, the department shall also issue a list of responsible parties,
21 making any revision to the list provided under par. (a) that the department
22 determines is appropriate, taking into account the written comments and the
23 comments received at the public hearing.

24 *~~0360/2.10~~* **SECTION 3270.** 292.35 (3) (title) of the statutes is amended to
25 read:

1 292.35 (3) (title) ~~OFFER COST ALLOCATION, OFFER TO SETTLE; SELECTION OF UMPIRE.~~

2 *~~-0360/2.11~~* SECTION 3271. 292.35 (3) (a) of the statutes is renumbered 292.35
3 (3) (as), and 292.35 (3) (as) (intro.) and 2., as renumbered, are amended to read:

4 292.35 (3) (as) (intro.) ~~Upon receiving the department's approval of the~~
5 ~~preliminary remedial action plan~~ Once a cost allocation decision has been made
6 under par. (am), the local governmental unit shall ~~serve~~ provide an offer to settle
7 ~~regarding the contribution of funds for investigation and remedial action at the site~~
8 ~~or facility on~~ based on the cost allocation decision to each of the responsible parties
9 ~~identified by the local governmental unit, using the procedure for service of a~~
10 ~~summons under s. 801.11 listed under sub. (2r) (c) by certified mail~~ and shall notify
11 the department that the offer to settle has been ~~served~~ mailed. The local
12 governmental unit shall include in the offer to settle all of the following information:

13 2. The names, addresses, and contact persons, to the extent known, for all of
14 the responsible parties ~~identified by the local governmental unit.~~

15 *~~-0360/2.12~~* SECTION 3272. 292.35 (3) (ac) of the statutes is created to read:

16 292.35 (3) (ac) The local governmental unit may appoint a person to make a cost
17 allocation among the responsible parties at a site or facility. If the local governmental
18 unit uses an allocator, the allocator shall submit a preliminary cost allocation to the
19 local governmental unit no later than 90 days after the department issues a decision
20 under sub. (2r) (c). If the local governmental unit does not use an allocator, the local
21 governmental unit shall prepare a preliminary cost allocation no later than 90 days
22 after the department issues a decision under sub. (2r) (c).

23 *~~-0360/2.13~~* SECTION 3273. 292.35 (3) (ae) of the statutes is created to read:

24 292.35 (3) (ae) The local governmental unit shall hold a public hearing on the
25 preliminary cost allocation under par. (ac). At least 14 days before the public

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1 hearing, the local governmental unit shall mail a notice of the public hearing to all
2 responsible parties listed under sub. (2r) (c). The local governmental unit shall also
3 publish a class 2 notice, under ch. 985, of the hearing in a local newspaper with
4 circulation in the area where the site or facility is located. The local governmental
5 unit shall accept comments on the cost allocation for 30 days after the close of the
6 public hearing.

7 ***-0360/2.14* SECTION 3274.** 292.35 (3) (am) of the statutes is created to read:

8 292.35 (3) (am) If an allocator is used under par. (ac), the allocator shall make
9 a final cost allocation decision, taking into account the written comments and
10 comments received at the public hearing and subject to sub. (6m), and provide the
11 cost allocation decision to the local governmental unit and the responsible parties no
12 later than 90 days after the close of the public comment period under par. (ae). If no
13 allocator is used, the local governmental unit shall make a final cost allocation
14 decision, taking into account the written comments and comments received at the
15 public hearing and subject to sub. (6m), and provide the cost allocation decision to
16 the responsible parties no later than 90 days after the close of the public comment
17 period under par. (ae).

18 ***-0360/2.15* SECTION 3275.** 292.35 (3) (aw) of the statutes is created to read:

19 292.35 (3) (aw) If a responsible party accepts the offer to settle under par. (as),
20 the responsible party shall notify the local governmental unit of the acceptance. If
21 a responsible party rejects the offer to settle, the responsible party shall notify the
22 local governmental unit, in writing, of the basis for the rejection no later than 30 days
23 after receiving the offer to settle. Upon receipt of notice of rejection, the local
24 governmental unit may request the department to select an umpire.

25 ***-0360/2.16* SECTION 3276.** 292.35 (3) (b) of the statutes is amended to read:

1 292.35 (3) (b) The department shall maintain a list of competent and
2 disinterested umpires who are environmental experts and are qualified to perform
3 the duties under subs. (4) to (6). None of the umpires may be employees of the
4 department. Upon receiving notice a request from a local governmental unit under
5 par. (a) (aw), the secretary or his or her designee shall select an umpire from the list
6 and inform the local governmental unit and responsible parties of the person
7 selected.

8 *~~0360/2.17~~* SECTION 3277. 292.35 (3) (c) of the statutes is amended to read:

9 292.35 (3) (c) Within 10 days after receiving notice of the umpire selected by
10 the department under par. (b), the local governmental unit may notify the
11 department that the umpire selected is unacceptable. Within 10 days after receiving
12 notice of the umpire selected by the department under par. (b), a responsible party
13 may notify the department that the umpire selected is unacceptable or that the
14 responsible party does not intend to participate in the negotiation. Failure to notify
15 the department that the umpire is unacceptable shall be considered acceptance. If
16 ~~all responsible parties identified by the local governmental unit indicate that they~~
17 ~~do not intend to participate in the negotiation, the department shall inform the local~~
18 ~~governmental unit and the local governmental unit shall cease further action under~~
19 ~~this section.~~

20 *~~0360/2.18~~* SECTION 3278. 292.35 (4) (a) of the statutes is amended to read:

21 292.35 (4) (a) The umpire, immediately upon being appointed, shall contact the
22 department, the local governmental unit, and the responsible parties that received
23 the offer to settle and shall schedule the negotiating sessions. The umpire shall
24 schedule the first negotiating session no later than 20 days after being appointed.
25 The umpire may meet with all parties to the negotiation, individual parties or groups

1 of parties. The umpire shall facilitate a discussion between the local governmental
2 unit and the responsible parties to attempt to reach an agreement on ~~the design and~~
3 ~~implementation of the remedial action plan and~~ the contribution of funds by the local
4 governmental unit and responsible parties.

5 ***-0360/2.19* SECTION 3279.** 292.35 (5) of the statutes is amended to read:

6 292.35 (5) AGREEMENT IN NEGOTIATION. The local governmental unit and any of
7 the responsible parties may enter into any agreement in negotiation regarding the
8 ~~design and implementation of the remedial action plan and~~ the contribution of funds
9 by the local governmental unit and responsible parties for the investigation and
10 remedial action. ~~The portion of the agreement containing the design and~~
11 ~~implementation of the remedial action plan shall be submitted to the department for~~
12 ~~approval. The department may approve that portion of the agreement as submitted~~
13 ~~or require modifications.~~

14 ***-0360/2.20* SECTION 3280.** 292.35 (6) (a) of the statutes is amended to read:

15 292.35 (6) (a) If the local governmental unit and any responsible parties are
16 unable to reach an agreement under sub. (5) by the end of the period of negotiation,
17 the umpire shall make a recommendation, subject to sub. (6m), regarding the design
18 ~~and implementation of the remedial action plan and~~ the contribution of funds for
19 investigation and remedial action by the local governmental unit and all responsible
20 parties that were identified by the local governmental unit listed under sub. (2r) (c)
21 and that did not reach an agreement under sub. (5), whether or not the responsible
22 parties participated in negotiations under sub. (4). The umpire shall submit the
23 recommendation to the department ~~for its approval, the local governmental unit, and~~
24 all responsible parties affected by the recommendation within 20 60 days after the
25 end of the period of negotiation under sub. (4) (c). ~~The department may approve the~~

1 ~~recommendation as submitted or require modifications. The umpire shall distribute~~
2 ~~a copy of the approved recommendation to the local governmental unit and all~~
3 ~~responsible parties identified by the local governmental unit.~~

4 ***-0360/2.21*** SECTION 3281. 292.35 (6m) of the statutes is created to read:

5 292.35 (6m) RESPONSIBILITY OF TRANSPORTER. (a) If a transporter complies with
6 sub. (2g) (bg) 1. to 3., a local governmental unit or other person making an allocation
7 under sub. (3) (a), an umpire making a recommendation under sub. (6) (a), or,
8 notwithstanding sub. (9) (c), a finder of fact making an apportionment under sub. (9)
9 (d) may not allocate to the transporter more than 15% of the costs allocated to
10 responsible parties.

11 (b) 1. Except as provided in subd. 2., if a transporter fails to comply with sub.
12 (2g) (bg) 1. to 3. or provides false information under those provisions, a local
13 governmental unit or other person making an allocation under sub. (3) (a), an umpire
14 making a recommendation under sub. (6) (a), or, notwithstanding sub. (9) (c), a finder
15 of fact making an apportionment under sub. (9) (d) shall allocate to the transporter
16 more than 15% of the costs allocated to responsible parties.

17 2. If a transporter provides information under sub. (2g) (bg) 1. to 3. after the
18 day on which the information is required to be provided and an explanation of why
19 the information was not provided sooner, a local governmental unit or other person
20 making an allocation under sub. (3) (a), an umpire making a recommendation under
21 sub. (6) (a), or, notwithstanding sub. (9) (c), a finder of fact making an apportionment
22 under sub. (9) (d) may allocate to the transporter less than 15% of the costs allocated
23 to responsible parties.

24 ***-0360/2.22*** SECTION 3282. 292.35 (7) of the statutes is amended to read:

1 292.35 (7) RESPONSIBLE PARTIES SUBJECT TO AN OFFER TO SETTLE, AGREEMENT, OR
2 RECOMMENDATION. A responsible party that accepts an offer to settle under sub. (3)
3 (aw), that enters into an agreement under sub. (5) with a local governmental unit,
4 or that accepts the umpire's recommendation under sub. (6), if the local
5 governmental unit does not reject the recommendation, is required to comply with
6 the offer to settle, agreement, or recommendation. When the responsible party has
7 complied with the offer to settle, agreement, or recommendation, the responsible
8 party is not liable to the state, including under s. 292.11 (7) (b) or 292.31 (8), or to the
9 local governmental unit for any additional costs of the investigation or remedial
10 action; the responsible party is not liable to any other responsible party for
11 contribution to costs incurred by any other responsible party for the investigation or
12 remedial action; and the responsible party is not subject to an order under s. 292.11
13 (7) (c) for the discharge that is the subject of the offer to settle, agreement, or
14 recommendation.

15 ***-0360/2.23*** SECTION 3283. 292.35 (8) (b) 2. of the statutes is amended to read:
16 292.35 (8) (b) 2. The responsible party accepts an offer to settle under sub. (3)
17 (aw) or the local governmental unit and the responsible party enter into an
18 agreement under sub. (5) or accept the umpire's recommendation under sub. (6); the
19 responsible party does not comply with the requirements of the offer to settle,
20 agreement, or recommendation; and the local governmental unit recovers a
21 judgment against that responsible party based on the offer to settle, agreement, or
22 recommendation.

23 ***-0360/2.24*** SECTION 3284. 292.35 (9) (a) 1. of the statutes is renumbered
24 292.35 (9) (a) and amended to read:

1 292.35 (9) (a) This subsection applies only to a site or facility that satisfies the
2 applicability provisions of sub. (2) and for which the remedial action specified in an
3 agreement under sub. (5) or a recommendation under sub. (6) ~~is completed~~ has
4 begun.

5 *~~0360/2.25~~* SECTION 3285. 292.35 (9) (b) of the statutes is amended to read:

6 292.35 (9) (b) Except as provided in pars. (bm), (br), and (e), sub. (7) and s.
7 292.21, a responsible party is liable for a portion of the costs, as determined under
8 pars. (c) to (e), that have been or will be incurred by a local governmental unit for
9 remedial action in an agreement under sub. (5) or a recommendation under sub. (6)
10 and for any related investigation. A right of action shall accrue to a local
11 governmental unit against the responsible party for costs listed in this paragraph.

12 *~~0360/2.26~~* SECTION 3286. 292.35 (9) (c) of the statutes is amended to read:

13 292.35 (9) (c) The Except as provided in sub. (6m), the liability of each party
14 to the action to recover costs under par. (b) is limited to a percentage of the cost of the
15 remedial action that is determined by dividing the percentage of that party's
16 contribution to the environmental pollution resulting from the disposal or discharge
17 of a hazardous substance at the site or facility by the percentage of contribution of
18 all responsible parties to the environmental pollution resulting from the disposal or
19 discharge of a hazardous substance at the site or facility. Section 895.045 does not
20 apply to this paragraph.

21 *~~0360/2.27~~* SECTION 3287. 292.35 (9) (cs) of the statutes is created to read:

22 292.35 (9) (cs) If this state provides financial assistance for a site or facility, the
23 finder of fact shall apply the financial assistance toward the amount that cannot be
24 collected from a responsible party because the responsible party is unidentifiable,

1 deceased, insolvent, or a dissolved corporation, before applying par. (c) to determine
2 the liability of the responsible parties from which it is possible to collect.

3 ***-0360/2.28* SECTION 3288.** 292.35 (9) (d) 7. of the statutes is created to read:
4 292.35 (9) (d) 7. The extent to which the party cooperated and assisted in the
5 process under subs. (2g) to (5).

6 ***-0320/5.8* SECTION 3289.** 292.65 (1) (intro.) of the statutes is amended to
7 read:

8 292.65 (1) DEFINITIONS. (intro.) In this section ~~and s. 292.66:~~

9 ***-0320/5.9* SECTION 3290.** 292.65 (1) (b) of the statutes is amended to read:
10 292.65 (1) (b) “Case closure letter” means a letter provided by the department
11 that states that, based on information available to the department, no further
12 remedial action is necessary with respect to a dry cleaning ~~solvent~~ product discharge.

13 ***-0320/5.10* SECTION 3291.** 292.65 (1) (d) (intro.) of the statutes is amended
14 to read:

15 292.65 (1) (d) (intro.) “Dry cleaning facility” means a facility for dry cleaning
16 apparel or household fabrics for the general public using a dry cleaning product,
17 other than a facility that is one of the following:

18 ***-0320/5.11* SECTION 3292.** 292.65 (1) (e) of the statutes is amended to read:
19 292.65 (1) (e) “Dry cleaning ~~solvent~~ product” means a ~~chlorine-based or~~
20 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
21 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
22 fabrics, except for a hazardous substance used to launder apparel or household
23 fabrics.

24 ***-0320/5.12* SECTION 3293.** 292.65 (1) (gm) of the statutes is amended to read:

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

8 *–0320/5.13* SECTION 3294. 292.65 (1) (gs) of the statutes is created to read:

9 292.65 (1) (gs) “Interim action” means a remedial action that is taken to contain
10 or stabilize a discharge of a dry cleaning product, in order to minimize any threats
11 to public health, safety, or welfare or to the environment, while other remedial
12 actions are being planned.

13 *–0320/5.14* SECTION 3295. 292.65 (4) (b) of the statutes is amended to read:

14 292.65 (4) (b) *Report*. An owner or operator shall report a dry cleaning solvent
15 product discharge to the department in a timely manner, as provided in s. 292.11.

16 *–0320/5.15* SECTION 3296. 292.65 (4) (c) of the statutes is amended to read:

17 292.65 (4) (e) *Investigation*. After notifying the department under par. (c) 1.,
18 if applicable, and before conducting remedial action activities, an owner or operator
19 shall complete an investigation to determine the extent of environmental impact of
20 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

21 *–0320/5.16* SECTION 3297. 292.65 (4) (h) of the statutes is repealed and

22 recreated to read:

23 292.65 (4) (h) *Interim action*. An owner or operator is not required to complete
24 an investigation or prepare a remedial action plan before conducting an interim
25 action activity if the department determines that an interim action is necessary.

1 ***-0320/5.17*** SECTION 3298. 292.65 (4) (i) of the statutes is amended to read:

2 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
3 department shall, at the request of an owner or operator, review the site
4 investigation results and the remedial action plan and advise the owner or operator
5 on the adequacy of the proposed remedial action activities in meeting the
6 requirements of this section. The department shall complete the review of the site
7 investigation and remedial action plan within 45 days. The department shall also
8 provide an estimate of when funding will be available to pay an award for remedial
9 action conducted in response to the dry cleaning solvent product discharge.

10 ***-0320/5.18*** SECTION 3299. 292.65 (4) (j) (intro.) and 1. of the statutes are
11 amended to read:

12 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
13 remedial action activities that are required under this section in response to the dry
14 cleaning solvent product discharge, including all of the following:

15 1. Recovering any recoverable dry cleaning solvent product from the
16 environment.

17 ***-0320/5.19*** SECTION 3300. 292.65 (5) (b) (intro.) of the statutes is amended
18 to read:

19 292.65 (5) (b) (intro.) An owner or operator who is required to implement
20 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
21 following:

22 ***-0320/5.20*** SECTION 3301. 292.65 (5) (b) 1. of the statutes is amended to read:

23 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
24 generated at the dry cleaning facility and that contain dry cleaning solvent product
25 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

1 ***-0320/5.21*** SECTION 3302. 292.65 (5) (b) 1. of the statutes, as affected by 2001
2 Wisconsin Act (this act), is renumbered 292.65 (5) (c) 1.

3 ***-0320/5.22*** SECTION 3303. 292.65 (5) (b) 2. of the statutes is amended to read:
4 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
5 ~~solvent product~~ or wastewater from dry cleaning machines into any sanitary sewer
6 or septic tank or into the waters of this state.

7 ***-0320/5.23*** SECTION 3304. 292.65 (5) (b) 2. of the statutes, as affected by 2001
8 Wisconsin Act (this act), is renumbered 292.65 (5) (c) 2.

9 ***-0320/5.24*** SECTION 3305. 292.65 (5) (b) 3. of the statutes is amended to read:
10 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
11 cleaning ~~solvent product~~ is used, or the entire area in which those machines or pieces
12 of equipment are located, is surrounded by a containment dike or other containment
13 structure that is able to contain any leak, spill, or other release of dry cleaning
14 ~~solvent product~~ from the machines or other pieces of equipment.

15 ***-0320/5.25*** SECTION 3306. 292.65 (5) (b) 4. of the statutes is amended to read:
16 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
17 containment structure under subd. 3. is sealed or is otherwise impervious to dry
18 cleaning ~~solvent product~~.

19 ***-0320/5.26*** SECTION 3307. 292.65 (5) (b) 5. of the statutes is amended to read:
20 292.65 (5) (b) 5. That ~~all dry cleaning solvent is~~ any perchloroethylene
21 delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled
22 delivery system.

23 ***-0320/5.27*** SECTION 3308. 292.65 (5) (b) 5. of the statutes, as affected by 2001
24 Wisconsin Act (this act), is renumbered 292.65 (5) (c) 3.

1 ***-0320/5.28*** SECTION 3309. 292.65 (5) (c) (intro.) of the statutes is created to
2 read:

3 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
4 an award under this section unless the owner or operator has implemented the
5 following enhanced pollution prevention measures:

6 ***-0320/5.29*** SECTION 3310. 292.65 (7) (a) (intro.) of the statutes is amended
7 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 ***-0320/5.30*** SECTION 3311. 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 ***-0320/5.31*** SECTION 3312. 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 ***-0320/5.32*** SECTION 3313. 292.65 (7) (a) 13. of the statutes is repealed.

19 ***-0320/5.33*** SECTION 3314. 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 ***-0320/5.34*** SECTION 3315. 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 ***-0320/5.35* SECTION 3316.** 292.65 (8) (a) (intro.) of the statutes is amended
4 to read:

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

17 ***-0320/5.36* SECTION 3317.** 292.65 (8) (d) 7. of the statutes is amended to read:

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

20 ***-0320/5.37* SECTION 3318.** 292.65 (8) (d) 8. of the statutes is amended to read:

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

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1 ***-0320/5.38*** **SECTION 3319.** 292.65 (8) (e) 1. of the statutes is renumbered
2 292.65 (8) (e), and 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 ***-0320/5.39*** **SECTION 3320.** 292.65 (8) (e) 3. of the statutes is repealed.

8 ***-0320/5.40*** **SECTION 3321.** 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 ***-0320/5.41*** **SECTION 3322.** 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 ***-0320/5.42*** **SECTION 3323.** 292.66 of the statutes is repealed.

23 ***-1881/4.3*** **SECTION 3324.** 292.75 of the statutes is renumbered 560.132, and
24 560.132 (1) (b), (2) (a) and (6), as renumbered, are amended to read:

1 560.132 (1) (b) “Local governmental unit” means a city, village, town, county,
2 redevelopment authority created under s. ~~66.431~~ 66.1333, community development
3 authority created under s. ~~66.4325~~ 66.1335, or housing authority.

4 (2) (a) The department shall administer a program to award brownfield site
5 assessment grants from the appropriation under s. ~~20.370 (6) (et)~~ 20.143 (1) (qm) to
6 local governmental units for the purposes of conducting any of the eligible activities
7 under sub. (3). In fiscal year 2001–02, the department shall allocate \$1,000,000 for
8 grants under this section.

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

13 *~~1881/4.4~~* SECTION 3325. 292.77 of the statutes is repealed.

14 *~~0320/5.43~~* SECTION 3326. 292.99 (1m) of the statutes is amended to read:

15 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
16 not less than \$10 nor more than \$10,000.

17 *~~2295/2.3~~* SECTION 3327. 299.83 of the statutes is created to read:

18 **299.83 Green tier program.** (1) DEFINITIONS. In this section:

19 (a) “Approval” means a permit, license, or other approval issued by the
20 department under chs. 280 to 295.

21 (am) “Covered facility or activity” means a facility or activity that is included,
22 or intended to be included, in the green tier program.

23 (b) “Environmental management system” means an organized set of
24 procedures to evaluate environmental performance and to achieve measurable or

1 noticeable improvements in that environmental performance through planning and
2 changes in operations.

3 (bm) “Environmental management system audit” means a review, of an
4 environmental management system, that is conducted in accordance with standards
5 and guidelines issued by the International Organization for Standardization and the
6 results of which are documented and communicated to employees of the participant.

7 (c) “Environmental performance,” unless otherwise qualified, means the
8 effects, whether regulated under chs. 160 and 280 to 299 or unregulated, of a facility
9 or activity on air, water, land, natural resources, and human health.

10 (cm) “Environmental performance evaluation” means a systematic,
11 documented, and objective review, conducted by or on behalf of the owner or operator
12 of a facility, of the environmental performance of the facility, including an evaluation
13 of compliance with one or more environmental requirements.

14 (d) “Environmental requirement” means a requirement in chs. 160 or 280 to
15 299, a rule promulgated under one of those chapters, or a permit, license, other
16 approval, or order issued by the department under one of those chapters.

17 (e) “Green tier contract” means a contract entered into by the department and
18 a participant in tier III of the green tier program, and that may, with the approval
19 of the department, be signed by other interested parties, that specifies the
20 participant’s commitment to superior environmental performance and the
21 incentives to be provided to the participant.

22 (f) “Green tier program” means the program under this section.

23 (fm) “Regulated entity” means a public or private entity that is subject to
24 environmental requirements.

25 (g) “Superior environmental performance” means one of the following:

1 1. That an entity limits the discharges or emissions of pollutants from, or in
2 some other way minimizes the negative effects on air, water, land, natural resources,
3 or human health of, a facility that is owned or operated by the entity or an activity
4 that is performed by the entity to an extent that is greater than is required by
5 applicable environmental requirements.

6 2. That an entity minimizes the negative effects on air, water, land, natural
7 resources, or human health of the raw materials used by the entity or the products
8 or services produced or provided by the entity to an extent that is greater than is
9 required by applicable environmental requirements.

10 3. That an entity voluntarily engages in restoring, enhancing, or preserving
11 natural resources.

12 4. That an entity helps other entities to comply with environmental
13 requirements or to accomplish the results described in subd. 1. or 2.

14 (h) "Violation" means a violation of an environmental requirement.

15 **(2) ELIGIBLE PARTICIPANTS.** Any regulated entity may participate in tier I of the
16 green tier program if the regulated entity qualifies for participation under sub. (3)

17 (a). Any public or private entity may apply to the department to participate in tier
18 II or tier III of the green tier program. A group of public or private entities may
19 together apply to the department to participate in tier II or tier III of the green tier
20 program. An applicant for tier II or tier III of the green tier program shall identify
21 the facilities or activities that it intends to include in the program.

22 **(3) ELIGIBILITY AND PROCESS FOR TIER I.** (a) *General eligibility.* A regulated
23 entity qualifies for participation in tier I of the green tier program with respect to a
24 facility owned or operated by the regulated entity if all of the following apply:

1 1. The regulated entity conducts an environmental performance evaluation of
2 the facility or submits findings from the facility's environmental management
3 system.

4 2. If the regulated entity conducts an environmental performance evaluation,
5 the regulated entity notified the department in writing, no fewer than 30 days before
6 beginning an environmental performance evaluation, of the date on which the
7 environmental performance evaluation would begin, the site or facility or the
8 operations or practices at a site or facility to be reviewed, and the general scope of
9 the environmental performance evaluation.

10 3. If the regulated entity conducts an environmental performance evaluation,
11 the environmental performance evaluation complies with par. (d).

12 4. If the regulated entity submits findings from the facility's environmental
13 management system, the environmental management system complies with par. (e).

14 5. The regulated entity submits a report as required under par. (b).

15 6. At the time of submitting a report under par. (b), the department of justice
16 has not, within 2 years, filed a suit to enforce an environmental requirement, and the
17 department of natural resources has not, within 2 years, issued a citation to enforce
18 an environmental requirement, because of a violation involving the facility.

19 (b) *Report.* To participate in tier I of the green tier program with respect to a
20 facility, a regulated entity that owns or operates the facility shall submit a report to
21 the department within 45 days after the date of the final written report of findings
22 of an environmental performance evaluation of the facility or within 45 days after
23 the date of findings from the facility's environmental management system. The
24 report shall include all of the following:

1 1. a. If the regulated entity conducted an environmental performance
2 evaluation, a description of the environmental performance evaluation, including
3 the person who conducted the environmental performance evaluation, when it was
4 completed, what activities and operations were examined, and what was revealed by
5 the environmental performance evaluation.

6 b. If the regulated entity submits findings from an environmental management
7 system, a description of the environmental management system, of the activities and
8 operations covered by the environmental management system, and of who made the
9 findings and when the findings were made.

10 2. If any violations were revealed by the environmental performance
11 evaluation or the environmental management system, a description of those
12 violations and of the length of time that the violations may have continued.

13 3. A description of actions taken or proposed to be taken to correct any
14 violations described in subd. 2.

15 4. A commitment to correct any violations identified in subd. 2. within 90 days
16 of submitting the report or according to a compliance schedule approved by the
17 department.

18 5. If the regulated entity proposes to take more than 90 days to correct
19 violations, a proposed compliance schedule that contains the shortest reasonable
20 periods for correcting the violations, a statement that justifies the proposed
21 compliance schedule, and a description of measures that the regulated entity will
22 take to minimize the effects of the violations during the period of the compliance
23 schedule.

1 6. If the regulated entity proposes to take more than 90 days to correct the
2 violations, the proposed stipulated penalties to be imposed if the regulated entity
3 violates the compliance schedule under subd. 5.

4 7. A description of the measures that the regulated entity has taken or will take
5 to prevent future violations and a timetable for taking the measures that it has not
6 yet taken.

7 (c) *Public notice; comment period.* 1. The department shall provide at least 30
8 days for public comment on a compliance schedule and stipulated penalties proposed
9 in a report under par. (b). The department may not approve or issue a compliance
10 schedule under par. (f) or approve stipulated penalties under par. (g) until after the
11 end of the comment period.

12 2. Before the start of the public comment period under subd. 1., the department
13 shall provide public notice of the proposed compliance schedule and stipulated
14 penalties that does all of the following:

15 a. Identifies the regulated entity that submitted the report under par. (b), the
16 facility at which the violation occurred, and the nature of the violation.

17 b. Describes the proposed compliance schedule and the proposed stipulated
18 penalties.

19 c. Identifies an employee of the department and an employee of the regulated
20 entity who may be contacted for additional information about the proposed
21 compliance schedule and the proposed stipulated penalties.

22 d. States that comments concerning the proposed compliance schedule and the
23 proposed stipulated penalties may be submitted to the department during the
24 comment period and states the last date of the comment period.

1 (d) *Environmental performance evaluation.* If a regulated entity conducts an
2 environmental performance evaluation under par. (a) 1., the regulated entity does
3 not qualify for participation in tier I of the green tier program unless the final written
4 report of findings of the environmental performance evaluation is labeled
5 “environmental performance evaluation report,” is dated, and, if the environmental
6 performance evaluation identifies violations, includes a plan for corrective action.
7 A regulated entity may use a form developed by the regulated entity, by a consultant,
8 or by the department for the final written report of findings of the environmental
9 performance evaluation.

10 (e) *Environmental management system.* If a regulated entity submits findings
11 from the facility’s environmental management system under par. (a) 1., the
12 regulated entity does not qualify for participation in tier I of the green tier program
13 unless the regulated entity’s efforts to prevent, detect, and correct violations are
14 appropriate to the size of the regulated entity and to the nature of its business and
15 are consistent with any criteria used by the federal environmental protection agency
16 to define due diligence in federal audit policies or regulations.

17 (f) *Compliance schedules.* 1. If the department receives a report under par. (b)
18 that contains a proposed compliance schedule under par. (b) 5., the department shall
19 review the proposed compliance schedule. The department may approve the
20 compliance schedule as submitted or propose a different compliance schedule. If the
21 regulated entity does not agree to implement a compliance schedule proposed by the
22 department, the department shall schedule a meeting with the regulated entity to
23 attempt to reach an agreement on a compliance schedule. If the department and the
24 regulated entity do not reach an agreement on a compliance schedule, the

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1 department may issue a compliance schedule. A compliance schedule under this
2 paragraph is subject to review under ch. 227.

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

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

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

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

13 (g) *Stipulated penalties.* 1. If the department receives proposed stipulated
14 penalties under par. (b) 6., the department shall review the proposed stipulated
15 penalties. The department may approve the stipulated penalties as submitted or
16 propose different stipulated penalties. If the regulated entity does not agree to
17 stipulated penalties proposed by the department, the department shall schedule a
18 meeting with the regulated entity to attempt to reach an agreement on stipulated
19 penalties. If no agreement is reached, there are no stipulated penalties for violations
20 of the compliance schedule.

21 2. Stipulated penalties approved under subd. 1. shall specify a period, not
22 longer than 6 months beyond the end of the compliance schedule, during which the
23 stipulated penalties will apply.

24 (4) INCENTIVES FOR TIER I. (a) *Deferred civil enforcement.* 1. a. For at least 90
25 days after the department receives a report that meets the requirements in sub. (3)

1 (b), this state may not begin a civil action to collect forfeitures for violations that are
2 disclosed in the report by a regulated entity that qualifies under sub. (3) (a) for
3 participation in tier I of the green tier program.

4 b. If a regulated entity that qualifies under sub. (3) (a) for participation in tier
5 I of the green tier program corrects violations that are disclosed in a report that meets
6 the requirements of sub. (3) (b) within 90 days after the department receives the
7 report, this state may not bring a civil action to collect forfeitures for the violations.

8 c. This state may not begin a civil action to collect forfeitures for violations
9 covered by a compliance schedule that is approved under sub. (3) (f) during the period
10 of the compliance schedule if the regulated entity is not violating the compliance
11 schedule. If the regulated entity violates the compliance schedule, the department
12 may collect any stipulated penalties during the period in which the stipulated
13 penalties apply. This state may begin a civil action to collect forfeitures for violations
14 that are not corrected by the end of the period in which the stipulated penalties apply.
15 If the regulated entity violates the compliance schedule and there are no stipulated
16 penalties, this state may begin a civil action to collect forfeitures for the violations.

17 d. If the department approves a compliance schedule under sub. (3) (f) and the
18 regulated entity corrects the violations according to the compliance schedule, this
19 state may not bring a civil action to collect forfeitures for the violations.

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

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

24 b. The department discovers the violations before submission of a report under
25 sub. (3) (b).

1 c. The violations resulted in a substantial economic benefit that gives the
2 regulated entity a clear advantage over its business competitors.

3 d. The violations are identified through monitoring or sampling required by
4 permit, statute, rule, regulation, judicial or administrative order, or consent
5 agreement.

6 (b) *Consideration of actions by regulated entity.* If the department receives a
7 report that complies with sub. (3) (b) from a regulated entity that qualifies under sub.
8 (3) (a) for participation in tier I of the green tier program, and the report discloses
9 a potential criminal violation, the department and the department of justice shall
10 take into account the diligent actions of, and reasonable care taken by, the regulated
11 entity to comply with environmental requirements in deciding whether to pursue a
12 criminal enforcement action and what penalty should be sought. In determining
13 whether a regulated entity acted with due diligence and reasonable care, the
14 department and the department of justice shall consider whether the regulated
15 entity has demonstrated any of the following:

16 1. That the regulated entity took corrective action that was timely when the
17 violation was discovered.

18 2. That the regulated entity exercised reasonable care in attempting to prevent
19 the violation and to ensure compliance with environmental requirements.

20 3. That the regulated entity had a documented history of good faith efforts to
21 comply with environmental requirements before implementing its environmental
22 management system or before beginning to conduct environmental performance
23 evaluations.

24 4. That the regulated entity has promptly made appropriate efforts to achieve
25 compliance with environmental requirements since implementing its

1 environmental management system or since beginning to conduct environmental
2 performance evaluations and that action was taken with due diligence.

3 5. That the regulated entity exercised reasonable care in identifying violations
4 in a timely manner.

5 6. That the regulated entity willingly cooperated in any investigation that was
6 conducted by this state or a local governmental unit to determine the extent and
7 cause of the violation.

8 (c) *Recognition.* If a regulated entity conducts an environmental performance
9 evaluation that complies with sub. (3) (d) at least every 2 years, submits a report that
10 complies with sub. (3) (b) for each environmental performance evaluation, corrects
11 any violations described in those reports, and otherwise qualifies under sub. (3) (a)
12 for participation in tier I of the green tier program, all of the following apply:

13 1. The department shall issue to the regulated entity a numbered certificate
14 of recognition.

15 2. The department shall identify the regulated entity, on an Internet site
16 maintained by the department, as a participant in tier I of the green tier program.

17 3. The department shall annually provide notice of the regulated entity's status
18 as a participant in tier I of the green tier program to newspapers in the area in which
19 facilities operated by the regulated entity are located.

20 4. The regulated entity may use a green tier logo selected by the department
21 on written materials produced by the regulated entity.

22 (5) ELIGIBILITY FOR TIER II. (a) *General.* An applicant is eligible for tier II of
23 the green tier program if the applicant satisfies the requirements in pars. (b) to (d).
24 If an applicant consists of a group of entities, each requirement in pars. (b) to (d)
25 applies to each entity in the group.

1 (b) *Enforcement record.* To be eligible to participate in tier II of the green tier
2 program, an applicant shall demonstrate all of the following:

3 1. That, within 60 months before the date of application, no judgment of
4 conviction was entered against the applicant, any managing operator of the
5 applicant, or any person with a 25% or more ownership interest in the applicant for
6 a criminal violation involving a covered facility or activity that resulted in
7 substantial harm to public health or the environment or that presented an imminent
8 threat to public health or the environment.

9 2. That, within 36 months before the date of application, no civil judgment was
10 entered against the applicant, any managing operator of the applicant, or any person
11 with a 25% or more ownership interest in the applicant for a violation involving a
12 covered facility or activity that resulted in substantial harm to public health or the
13 environment.

14 3. That, within 24 months before the date of application, the department of
15 justice has not filed a suit to enforce an environmental requirement, and the
16 department of natural resources has not issued a citation to enforce an
17 environmental requirement, because of a violation involving a covered facility or
18 activity.

19 (c) *Environmental performance.* To be eligible to participate in tier II of the
20 green tier program, an applicant shall submit an application that describes all of the
21 following:

22 1. The applicant's past environmental performance with respect to each
23 covered facility or activity.

24 2. The applicant's current environmental performance with respect to each
25 covered facility or activity.

1 3. The applicant's plans for activities that enhance the environment, such as
2 improving the applicant's environmental performance with respect to each covered
3 facility or activity.

4 (d) *Environmental management system.* To be eligible to participate in tier II
5 of the green tier program, an applicant shall do all of the following:

6 1. Demonstrate that it has implemented, or commit itself to implementing
7 within one year of application, for each covered facility or activity, an environmental
8 management system that is all of the following:

9 a. Based on the standards for environmental management systems issued by
10 the International Organization for Standardization or determined by the
11 department to be functionally equivalent to an environmental management system
12 that is based on those standards.

13 b. Determined by the department to be appropriate to the nature, scale, and
14 environmental impacts of the applicant's operations related to each covered facility
15 or activity.

16 2. Include, in the environmental management system under subd. 1., objectives
17 in at least 2 of the following areas:

18 a. Improving the environmental performance of the applicant, with respect to
19 each covered facility or activity, in aspects of environmental performance that are
20 regulated under chs. 160 and 280 to 299.

21 b. Improving the environmental performance of the applicant, with respect to
22 each covered facility or activity, in aspects of environmental performance that are not
23 regulated under chs. 160 and 280 to 299.

24 c. Voluntarily restoring, enhancing, or preserving natural resources.

1 3. Explain to the department the rationale for the choices of objectives under
2 subd. 2. and describe any consultations with residents of the areas in which each
3 covered facility or activity is located or performed and with other interested persons
4 concerning those objectives.

5 4. Conduct, or commit itself to conducting, annual environmental management
6 system audits, with every 3rd environmental management system audit performed
7 by an outside environmental auditor approved by the department, and commit itself
8 to submitting an annual report on the environmental management system audit to
9 the department.

10 5. Commit itself to submitting to the department an annual report on progress
11 toward meeting the objectives under subd. 2.

12 (6) PROCESS FOR TIER II. (a) Upon receipt of an application for participation in
13 tier II of the green tier program, the department shall provide public notice about the
14 application in the area in which each covered facility or activity is located or
15 performed.

16 (b) After providing public notice under par. (a) about an application, the
17 department may hold a public informational meeting on the application.

18 (c) The department shall approve or deny an application within 60 days after
19 providing notice under par. (a) or, if the department holds a public informational
20 meeting under par. (b), within 60 days after that meeting. The department may limit
21 the number of participants in tier II of the green tier program, or limit the extent of
22 participation by a particular applicant, based on the department's determination
23 that the limitation is in the best interest of the green tier program.

24 (d) A decision by the department under par. (c) to approve or deny an
25 application is not subject to review under ch. 227.

1 (7) INCENTIVES FOR TIER II. (a) The department shall issue a numbered
2 certificate of recognition to each participant in tier II of the green tier program.

3 (b) The department shall identify each participant in tier II of the green tier
4 program on an Internet site maintained by the department.

5 (c) The department shall annually provide notice of the participation of each
6 participant in tier II of the green tier program to newspapers in the area in which
7 each covered facility or activity is located.

8 (d) A participant in tier II of the green tier program may use a green tier logo
9 selected by the department on written materials produced by the participant.

10 (e) The department shall assign an employee of the department to serve as the
11 contact with the department for a participant in tier II of the green tier program for
12 any approvals that the participant is required to obtain and for technical assistance.

13 (f) After a participant in tier II of the green tier program implements an
14 environmental management system that complies with sub. (5) (d) 1., the
15 department shall conduct any inspections of the participant's covered facilities or
16 activities that are required under chs. 280 to 295 at the lowest frequency permitted
17 under those chapters, except that the department may conduct an inspection
18 whenever it has reason to believe that a participant is out of compliance with a
19 requirement in an approval.

20 (8) ELIGIBILITY FOR TIER III. (a) *General.* An applicant is eligible for tier III of
21 the green tier program if the applicant satisfies the requirements in pars. (b) to (d).
22 If an applicant consists of a group of public or private entities, each requirement in
23 pars. (b) to (d) applies to each entity in the group.

24 (b) *Enforcement record.* To be eligible to participate in tier III of the green tier
25 program, an applicant shall demonstrate all of the following:

1 1. That, within 120 months before the date of application, no judgment of
2 conviction was entered against the applicant, any managing operator of the
3 applicant, or any person with a 25% or more ownership interest in the applicant for
4 a criminal violation involving a covered facility or activity that resulted in
5 substantial harm to public health or the environment or that presented an imminent
6 threat to public health or the environment.

7 2. That, within 60 months before the date of application, no civil judgment was
8 entered against the applicant, any managing operator of the applicant, or any person
9 with a 25% or more ownership interest in the applicant for a violation involving a
10 covered facility or activity that resulted in substantial harm to public health or the
11 environment.

12 3. That, within 24 months before the date of application, the department of
13 justice has not filed a suit to enforce an environmental requirement, and the
14 department of natural resources has not issued a citation to enforce an
15 environmental requirement, because of a violation involving a covered facility or
16 activity.

17 (c) *Environmental management system.* To be eligible to participate in tier III
18 of the green tier program, an applicant shall do all of the following:

19 1. Demonstrate that it has implemented for each covered facility or activity, an
20 environmental management system that is all of the following:

21 a. Based on the standards for environmental management systems issued by
22 the International Organization for Standardization or determined by the
23 department to be functionally equivalent to an environmental management system
24 that is based on those standards.

1 b. Determined by the department to be appropriate to the nature, scale, and
2 environmental impacts of the applicant's operations related to each covered facility
3 or activity.

4 2. Commit itself to having an outside environmental auditor approved by the
5 department conduct an annual environmental management system audit and to
6 submitting an annual report on the environmental management system audit to the
7 department.

8 3. Commit itself to annually conducting, or having an outside environmental
9 auditor conduct, an audit of compliance with environmental requirements that are
10 applicable to the covered facilities or activities and to submitting the results of the
11 audit to the department.

12 (d) *Superior environmental performance.* To be eligible to participate in tier III
13 of the green tier program, an applicant shall demonstrate a record of superior
14 environmental performance, and describe the measures that it proposes to take to
15 maintain and improve its superior environmental performance.

16 (9) PROCESS FOR TIER III. (a) *Letter of intent.* To apply for participation in tier
17 III of the green tier program, an entity shall submit a letter of intent to the
18 department. In addition to providing information necessary to show that the
19 applicant satisfies the requirements in sub. (8), the applicant shall do all of the
20 following in the letter of intent:

21 1. Describe the involvement of interested persons in developing the proposal
22 for maintaining or improving the applicant's superior environmental performance,
23 identify the interested persons, and describe the interests that those persons have
24 in the applicant's participation in the green tier program.

25 2. Outline the provisions that it proposes to include in the green tier contract.

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

3 (c) *Notice.* When the department decides to process a letter of intent, the
4 department shall provide public notice about the letter of intent in the area in which
5 each covered facility or activity is located or performed.

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

9 (e) *Request to participate.* Within 30 days after the public notice under par. (c),
10 interested persons may request that the department grant authorization to
11 participate in the negotiations under par. (f). A person who makes a request under
12 this paragraph shall describe the person's interests in the issues raised by the letter
13 of intent. The department shall determine whether a person who makes a request
14 under this paragraph may participate in the negotiations under par. (f) based on
15 whether the person has demonstrated sufficient interest in the issues raised by the
16 letter of intent to warrant that participation.

17 (f) *Negotiations.* If the department determines that an applicant satisfies the
18 requirements in sub. (8), the department may begin negotiations concerning a green
19 tier contract with the applicant and with any persons to whom the department
20 granted permission under par. (e). The department may begin the negotiations no
21 sooner than 30 days after providing public notice under par. (c) about the applicant's
22 letter of intent.

23 (g) *Termination of negotiations.* The department may terminate negotiations
24 with an applicant concerning a green tier contract and the decision to terminate
25 negotiations is not subject to review under ch. 227.

1 (h) *Notice of proposed contract.* If negotiations under par. (f) result in a
2 proposed green tier contract, the department shall provide public notice about the
3 proposed green tier contract in the area in which each covered facility or activity is
4 located or performed.

5 (i) *Meeting on proposed contract.* After providing public notice under par. (h)
6 about a proposed green tier contract, the department may hold a public
7 informational meeting on the proposed green tier contract.

8 (j) *Green tier contract.* Within 30 days after providing notice under par. (h) or,
9 if the department holds a public informational meeting under par. (i), within 30 days
10 after that meeting, the department shall decide whether to enter into a green tier
11 contract with an applicant. In a green tier contract, the department shall require
12 that the participant maintain the environmental management system described in
13 sub. (8) (c) 1. and abide by the commitments in sub. (8) (c) 2. and 3. The department
14 may not provide reduced inspections or monitoring as an incentive in a green tier
15 contract if the audit under sub. (8) (c) 3. is conducted by the participant. The
16 department shall ensure that the incentives provided under a green tier contract are
17 proportional to the environmental benefits that will be provided by the participant
18 under the green tier contract. The department shall include in a green tier contract
19 remedies that apply if a party to the contract fails to comply with the contract. The
20 term of a green tier contract may not exceed 5 years, with opportunity for renewal
21 upon agreement of the parties for additional terms not to exceed 5 years for each
22 renewal.

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

1 **(10) SUSPENSION OR TERMINATION OF PARTICIPATION.** (a) The department may
2 suspend or revoke the participation of a participant in the green tier program at the
3 request of the participant.

4 (b) The department may terminate the participation of a participant in the
5 green tier program if a judgment is entered against the participant, any managing
6 operator of the participant, or any person with a 25% or more ownership interest in
7 the participant for a criminal or civil violation involving a covered facility or activity
8 that resulted in substantial harm to public health or the environment or that
9 presented an imminent threat to public health or the environment.

10 (c) The department may suspend the participation of a participant in the green
11 tier program if the department determines that the participant, any managing
12 operator of the participant, or any person with a 25% or more ownership interest in
13 the participant committed a criminal or civil violation involving a covered facility or
14 activity that resulted in substantial harm to public health or the environment or that
15 presented an imminent threat to public health or the environment and the
16 department refers the matter to the department of justice for prosecution.

17 (d) The department may suspend or revoke the participation of a green tier
18 participant in tier II of the green tier program if the participant does not implement,
19 or fails to maintain, the environmental management system described in sub. (5) (d)
20 1., fails to conduct annual audits described in sub. (5) (d) 4., or fails to submit annual
21 reports described in sub. (5) (d) 5.

22 (e) The department may, after an opportunity for a hearing, terminate a green
23 tier contract if the department determines that the participant is in substantial
24 noncompliance with the green tier contract.

1 (f) A person who is not a party to a green tier contract, but who believes that
2 a participant is in substantial noncompliance with a green tier contract, may ask the
3 department to terminate a green tier contract under par. (e).

4 **(10m) ENVIRONMENTAL AUDITORS.** The department may not approve an
5 environmental auditor for the purposes of sub. (5) (d) 4. or (8) (c) 2. unless the
6 environmental auditor is certified by the Registrar Accreditation Board of the
7 American National Standards Institute or meets criteria concerning education,
8 training, experience, and performance that are specified by the department.

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

12 (c) The department shall keep confidential any part of a record, report, or other
13 information obtained in the administration of this section, other than emission data
14 or discharge data, upon a showing satisfactory to the department by any person that
15 the part of a record, report, or other information would, if made public, divulge a
16 method or process that is entitled to protection as a trade secret, as defined in s.
17 134.90 (1) (c), of that person.

18 (d) If the department refuses to release information on the grounds that it is
19 confidential under par. (c) and a person challenges that refusal, the department shall
20 inform the affected regulated entity of that challenge. Unless the regulated entity
21 authorizes the department to release the information, the regulated entity shall pay
22 the reasonable costs incurred by this state to defend the refusal to release the
23 information.

24 (e) Paragraph (c) does not prevent the disclosure of any information to a
25 representative of the department for the purpose of administering this section or to

1 an officer, employee, or authorized representative of the federal government for the
2 purpose of administering federal law. When the department provides information
3 that is confidential under par. (c) to the federal government, the department shall
4 also provide a copy of the application for confidential status.

5 (12) POWERS AND DUTIES OF THE DEPARTMENT. (a) To facilitate the process under
6 sub. (9), the department shall develop model terms that may be used in green tier
7 contracts.

8 (b) After consultations with interested persons, the department shall annually
9 establish a list identifying aspects of superior environmental performance that the
10 department will use to identify which letters of intent it will process under sub. (9)
11 in the following year and the order in which it will process the letters of intent.

12 (c) The department may promulgate rules for the administration of the green
13 tier program. In the rules, the department may specify incentives, that are
14 consistent with federal laws and other state laws, that the department may provide
15 to participants in tier III of the green tier program.

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

20 (dm) The department shall select a logo for the green tier program.

21 (e) The department shall consult with the green tier council about the operation
22 of the green tier program, priorities for the green tier program, and evaluation of the
23 green tier program.

24 (f) The department and the department of commerce shall jointly provide
25 information about environmental management systems to potential participants in

1 the green tier program and to other interested persons. The department shall
2 consult with the department of commerce about the administration of the green tier
3 program.

4 (g) The department shall collect, process, evaluate, and disseminate data
5 submitted by participants in the green tier program.

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

10 **(13) PENALTY.** (a) Any person who knowingly makes a false statement in
11 material submitted under this section shall be fined not less than \$10 nor more than
12 \$10,000 or imprisoned for not more than 6 months or both.

13 (b) For purposes of this subsection, an act is committed knowingly if it is done
14 voluntarily and is not the result of negligence, mistake, accident, or circumstances
15 that are beyond the control of the person.

16 ***-2174/2.2* SECTION 3328.** 301.025 of the statutes is amended to read:

17 **301.025 Division of juvenile corrections.** The division of juvenile
18 corrections shall exercise the powers and perform the duties of the department that
19 relate to juvenile correctional services and institutions, juvenile offender review,
20 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the
21 serious juvenile offender program under s. 938.538, and youth aids.

22 ***-2142/4.1* SECTION 3329.** 301.03 (3) of the statutes is amended to read:

23 301.03 (3) Administer parole, extended supervision and probation matters,
24 except that the decision to grant or deny parole to inmates shall be made by the parole
25 commission and the decision to revoke probation, extended supervision or parole in

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1 cases in which there is no waiver of the right to a hearing shall be made by the
2 division of hearings and appeals in the department of administration. The secretary
3 may grant special action parole releases under s. 304.02. The secretary may grant
4 conditional medical parole under s. 302.11 (2m) or conditional medical extended
5 supervision under s. 302.113 (2m). The department shall promulgate rules
6 establishing a drug testing program for probationers, parolees and persons placed
7 on extended supervision. The rules shall provide for assessment of fees upon
8 probationers, parolees and persons placed on extended supervision to partially offset
9 the costs of the program.

10 ***-0447/3.2* SECTION 3330.** 301.03 (10) (d) of the statutes is amended to read:

11 301.03 (10) (d) Administer the office of juvenile offender review in the division
12 of juvenile corrections in the department. The office shall be responsible for decisions
13 regarding case planning, and the release of juvenile offenders from secured
14 correctional facilities or secured child caring institutions to aftercare placements
15 ~~and the transfer of juveniles to the Racine youthful offender correctional facility~~
16 ~~named in s. 302.01 as provided in s. 938.357 (4) (d).~~

17 ***-1686/4.97* SECTION 3331.** 301.031 (2r) (a) 3. of the statutes is amended to
18 read:

19 301.031 (2r) (a) 3. Is for the treatment of alcoholics in treatment facilities
20 which have not been approved by the department of health and family services in
21 accordance with s. 51.45 (8) 51.04 (1) or which have not been conditionally approved
22 by the department of health and family services in accordance with s. 51.04 (3).

23 ***-1855/2.1* *-2889/P3.1* SECTION 3332.** 301.035 (2) of the statutes is
24 amended to read:

1 301.035 (2) Assign hearing examiners from the division to preside over
2 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
3 (2) and ch. 304.

4 ***-1855/2.2*** ***-2889/P3.2*** SECTION 3333. 301.035 (4) of the statutes is
5 amended to read:

6 301.035 (4) Supervise employes in the conduct of the activities of the division
7 and be the administrative reviewing authority for decisions of the division under ss.
8 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
9 ch. 304.

10 ***-0475/3.3*** SECTION 3334. 301.046 (1) of the statutes is amended to read:

11 301.046 (1) INSTITUTION STATUS. The department shall establish and operate
12 a community residential confinement program as a correctional institution under
13 the charge of a superintendent. Under the program, the department shall confine
14 prisoners in their places of residence or other places designated by the department.
15 The secretary may allocate and reallocate existing and future facilities as part of the
16 institution. The institution is subject to s. 301.02 and is a state prison as defined in
17 under s. 302.01. Construction or establishment of the institution shall be in
18 compliance with all state laws except s. 32.035 and ch. 91. In addition to the
19 exemptions under s. 13.48 (13), construction or establishment of facilities for the
20 institution are not subject to the ordinances or regulations relating to zoning,
21 including zoning under ch. 91, of the county and municipality in which the
22 construction or establishment takes place and are exempt from inspections required
23 under s. 301.36.

24 ***-0475/3.4*** SECTION 3335. 301.048 (4) (b) of the statutes is amended to read:

1 301.048 (4) (b) The department shall operate the program as a correctional
2 institution. The secretary may allocate and reallocate existing and future facilities
3 as part of the institution. The institution is subject to s. 301.02 and is a state prison
4 ~~as defined in~~ under s. 302.01. Construction or establishment of the institution shall
5 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the
6 exemptions under s. 13.48 (13), construction or establishment of facilities for the
7 institution are not subject to the ordinances or regulations relating to zoning,
8 including zoning under ch. 91, of the county and municipality in which the
9 construction or establishment takes place and are exempt from inspections required
10 under s. 301.36.

11 *~~0475/3.5~~* SECTION 3336. 301.13 of the statutes is amended to read:

12 **301.13 Minimum security correctional institutions.** The department
13 may establish and operate minimum security correctional institutions. The
14 secretary may allocate and reallocate existing and future facilities as part of these
15 institutions. The institutions are subject to s. 301.02 and are state prisons ~~as defined~~
16 ~~in~~ under s. 302.01. Inmates from Wisconsin state prisons may be transferred to these
17 institutions and they shall be subject to all laws pertaining to inmates of other penal
18 institutions of the state. Officers and employees of the institutions shall be subject
19 to the same laws as pertain to other penal institutions. Inmates shall not be received
20 on direct commitment from the courts. In addition to the exemptions under s. 13.48
21 (13), construction or establishment of facilities at institutions which are community
22 correctional residential centers initially established prior to July 2, 1983, shall not
23 be subject to the ordinances or regulations relating to zoning, including zoning under
24 ch. 91, of the county and municipality in which the construction or establishment
25 takes place. The department shall establish a procedure for soliciting responses from

1 interested communities and persons regarding potential sites for the institutions
2 under this section, except the procedure does not apply to the 125-bed community
3 correctional center in the city of Waupun. The department shall consider locations
4 proposed under this procedure and may consider any other locations on its own
5 initiative. The department need not promulgate rules regarding the site
6 consideration procedures under this section.

7 ***-0475/3.6* SECTION 3337.** 301.16 (1s) of the statutes is created to read:

8 301.16 (1s) In addition to the institutions under sub. (1), the department shall
9 establish a medium security correctional institution that is a part of the correctional
10 facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is
11 located in Redgranite.

12 ***-0475/3.7* SECTION 3338.** 301.16 (1t) of the statutes is created to read:

13 301.16 (1t) In addition to the institutions under sub. (1), the department shall
14 establish a medium security correctional institution that is a part of the correctional
15 facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is
16 located in New Lisbon.

17 ***-0449/4.1* SECTION 3339.** 301.26 (4) (b) of the statutes is amended to read:

18 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
19 the basis of the per person per day cost estimate specified in par. (d) 2. ~~to 4.~~ and 3.
20 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
21 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
22 jurisdiction under chs. 48 and 938 for each person receiving services from the
23 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
24 health and family services under s. 46.057 or 51.35 (3). Except as provided in pars.
25 (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within

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1 the jurisdiction shall be liable for costs under this subsection. Assessment of costs
2 under par. (a) shall also be made according to the general placement type or level of
3 care provided, as defined by the department, and prorated according to the ratio of
4 the amount designated under sub. (3) (c) to the total applicable estimated costs of
5 care, services, and supplies provided by the department of corrections under ss.
6 48.366, 938.183, and 938.34 and the department of health and family services under
7 s. 46.057 or 51.35 (3).

8 ~~*-0449/4.2*~~ SECTION 3340. 301.26 (4) (cm) 3. of the statutes is amended to read:

9 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
10 correctional services under this paragraph shall be equal to the per person daily cost
11 assessment to counties under par. (d) 2. ~~to 4. and 3.~~ for juvenile correctional services.

12 ~~*-0449/4.3*~~ SECTION 3341. 301.26 (4) (d) 2. of the statutes is amended to read:

13 301.26 (4) (d) 2. Beginning on July 1, ~~1999~~ 2001, and ending on ~~December 31,~~
14 ~~1999~~ June 30, 2002, the per person daily cost assessment to counties shall be ~~\$153.01~~
15 \$171.16 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),
16 ~~\$153.01~~ \$171.16 for care for juveniles transferred from a juvenile correctional
17 institution under s. 51.35 (3), ~~\$183.72 for care in a child caring institution, including~~
18 ~~a secured child caring institution, \$118.93 for care in a group home for children,~~
19 ~~\$26.17 for care in a foster home, \$75.37 for care in a treatment foster home, \$72.66~~
20 \$82.89 for departmental corrective sanctions services, and ~~\$19.76~~ \$23.25 for
21 departmental aftercare services.

22 ~~*-0449/4.4*~~ SECTION 3342. 301.26 (4) (d) 3. of the statutes is amended to read:

23 301.26 (4) (d) 3. ~~In calendar year 2000~~ Beginning on July 1, 2002, and ending
24 on June 30, 2003, the per person daily cost assessment to counties shall be ~~\$153.55~~
25 \$176.06 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),

1 ~~\$153.55~~ \$176.06 for care for juveniles transferred from a juvenile correctional
2 institution under s. 51.35 (3), ~~\$187.21 for care in a child caring institution, including~~
3 ~~a secured child caring institution, \$121.19 for care in a group home for children,~~
4 ~~\$26.67 for care in a foster home, \$76.80 for care in a treatment foster home, \$74.68~~
5 \$84.87 for departmental corrective sanctions services, and ~~\$19.15~~ \$23.80 for
6 departmental aftercare services.

7 *~~0449/4.5~~* SECTION 3343. 301.26 (4) (d) 4. of the statutes is repealed.

8 *~~0450/1.1~~* SECTION 3344. 301.26 (7) (intro.) of the statutes is amended to
9 read:

10 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
11 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
12 department shall allocate funds for community youth and family aids for the period
13 beginning on July 1, ~~1999~~ 2001, and ending on June 30, ~~2001~~ 2003, as provided in
14 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

15 *~~0450/1.2~~* SECTION 3345. 301.26 (7) (a) (intro.) of the statutes is amended to
16 read:

17 301.26 (7) (a) (intro.) For community youth and family aids under this section,
18 amounts not to exceed \$42,091,800 for the last 6 months of ~~1999~~ 2001, \$85,183,700
19 for ~~2000~~ 2002 and \$43,091,900 for the first 6 months of ~~2001~~ 2003. Of those amounts,
20 the department shall allocate \$1,000,000 for the last 6 months of ~~1999~~ 2001,
21 \$3,000,000 for ~~2000~~ 2002 and \$2,000,000 for the first 6 months of ~~2001~~ 2003 to
22 counties based on each of the following factors weighted equally:

23 *~~0450/1.3~~* SECTION 3346. 301.26 (7) (e) of the statutes is amended to read:

24 301.26 (7) (e) For emergencies related to community youth and family aids
25 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~1999~~

1 2001, \$250,000 for ~~2000~~ 2002 and \$125,000 for the first 6 months of ~~2001~~ 2003. A
2 county is eligible for payments under this paragraph only if it has a population of not
3 more than 45,000.

4 ***-0450/1.4* SECTION 3347.** 301.26 (7) (h) of the statutes is amended to read:

5 301.26 (7) (h) For counties that are participating in the corrective sanctions
6 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~1999~~ 2001,
7 \$2,124,800 in ~~2000~~ 2002 and \$1,062,400 in the first 6 months of ~~2001~~ 2003 for the
8 provision of corrective sanctions services for juveniles from that county. In
9 distributing funds to counties under this paragraph, the department shall determine
10 a county's distribution by dividing the amount allocated under this paragraph by the
11 number of slots authorized for the program under s. 938.533 (2) and multiplying the
12 quotient by the number of slots allocated to that county by agreement between the
13 department and the county. The department may transfer funds among counties as
14 necessary to distribute funds based on the number of slots allocated to each county.

15 ***-0450/1.5* SECTION 3348.** 301.26 (8) of the statutes is amended to read:

16 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
17 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
18 6 months of ~~1999~~ 2001, \$1,333,400 in ~~2000~~ 2002 and \$666,700 in the first 6 months
19 of ~~2001~~ 2003 for alcohol and other drug abuse treatment programs.

20 ***-0166/4.9* SECTION 3349.** 301.265 (title) of the statutes is repealed.

21 ***-0166/4.10* SECTION 3350.** 301.265 (1) of the statutes is renumbered 16.964
22 (8) (a) and amended to read:

23 16.964 (8) (a) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505
24 (6) (a) and (k), the department office shall allocate \$500,000 in each fiscal year to
25 enter into a contract with an organization to provide services in a county having a

1 population of 500,000 or more for the diversion of youths from gang activities into
2 productive activities, including placement in appropriate educational, recreational,
3 and employment programs. Notwithstanding s. 16.75, the department office may
4 enter into a contract under this subsection paragraph without soliciting bids or
5 proposals and without accepting the lowest responsible bid or offer.

6 ***-0166/4.11*** SECTION 3351. 301.265 (2) of the statutes is renumbered 16.964
7 (8) (b) and amended to read:

8 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km),
9 the department office may not distribute more than \$300,000 in each fiscal year to
10 the organization that it has contracted with under sub. ~~(1) par. (a)~~ for alcohol and
11 other drug abuse education and treatment services for participants in that
12 organization's youth diversion program.

13 ***-0166/4.12*** SECTION 3352. 301.265 (3) of the statutes is renumbered 16.964
14 (8) (c) and amended to read:

15 16.964 (8) (c) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505
16 (6) (a) and (k), the department office shall allocate \$150,000 in each fiscal year to
17 enter into a contract with an organization to provide services in Racine County,
18 \$150,000 in each fiscal year to enter into a contract with an organization to provide
19 services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with
20 an organization that is located in ward 1 in the city of Racine to provide services in
21 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
22 organization to provide services in Brown County, for the diversion of youths from
23 gang activities into productive activities, including placement in appropriate
24 educational, recreational, and employment programs, and for alcohol or other drug
25 abuse education and treatment services for participants in that organization's youth

1 diversion program. The organization that is located in ward 1 in the city of Racine
2 shall have a recreational facility, shall offer programs to divert youths from gang
3 activities, may not be affiliated with any national or state association, and may not
4 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
5 16.75, the department office may enter into a contract under this subsection
6 paragraph without soliciting bids or proposals and without accepting the lowest
7 responsible bid or offer.

8 ***-0475/3.8* SECTION 3353.** 301.28 (1) of the statutes is amended to read:

9 301.28 (1) In this section, "correctional officer" means any person classified as
10 a correctional officer employed by the state whose principal duty is the supervision
11 of inmates at a prison, ~~as defined listed in s. 302.01.~~

12 ***-0475/3.9* SECTION 3354.** 302.01 of the statutes is amended to read:

13 **302.01 State prisons named and defined listed.** The ~~penitentiary~~
14 correctional institution at Waupun is named "Waupun Correctional Institution".
15 The correctional treatment center at Waupun is named "Dodge Correctional
16 Institution". The ~~penitentiary~~ correctional institution at Green Bay is named "Green
17 Bay Correctional Institution". The medium/maximum ~~penitentiary~~ correctional
18 institution at Portage is named "Columbia Correctional Institution". The medium
19 security institution at Oshkosh is named "Oshkosh Correctional Institution". The
20 medium security ~~penitentiary~~ correctional institution near Fox Lake is named "Fox
21 Lake Correctional Institution". The ~~penitentiary~~ correctional institution at
22 Taycheedah is named "Taycheedah Correctional Institution". The medium security
23 ~~penitentiary~~ correctional institution at Plymouth is named "Kettle Moraine
24 Correctional Institution". The ~~penitentiary~~ correctional institution at the village of
25 Sturtevant in Racine county is named "Racine Correctional Institution". The

1 medium security correctional institution near Black River Falls is named “Jackson
2 Correctional Institution.” The medium security ~~penitentiary~~ correctional institution
3 at Racine is named “Racine Youthful Offender Correctional Facility”. The resource
4 facility at Oshkosh is named “Wisconsin Resource Center”. The institutions named
5 in this section, the medium security correctional institutions at Redgranite and New
6 Lisbon, the correctional institutions authorized under s. 301.16 (1n) and (1v), the
7 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the
8 correctional institution authorized under s. 301.046 (1), the correctional institution
9 authorized under s. 301.048 (4) (b), minimum security correctional institutions
10 authorized under s. 301.13, the probation and parole holding facilities authorized
11 under s. 301.16 (1q), any correctional institution that has been constructed by a
12 private person and leased or purchased by the state for use by the department, and
13 state-local shared correctional facilities, when established under s. 301.14, are state
14 prisons.

15 ***-1855/2.3* SECTION 3355.** 302.045 (3) of the statutes is amended to read:

16 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
17 determines that an inmate serving a sentence other than one imposed under s.
18 973.01 has successfully completed the challenge incarceration program, the parole
19 commission shall parole the inmate for that sentence under s. 304.06, regardless of
20 the time the inmate has served, ~~unless the person is serving a sentence imposed~~
21 ~~under s. 973.01.~~ When the parole commission grants parole under this subsection,
22 it must require the parolee to participate in an intensive supervision program for
23 drug abusers as a condition of parole.

24 ***-1855/2.4* SECTION 3356.** 302.11 (1z) of the statutes is amended to read:

1 302.11 (1z) An inmate who is sentenced to a term of confinement in prison
2 under s. 973.01 for a felony that is committed on or after December 31, 1999, or a
3 misdemeanor committed on or after the effective date of this subsection ... [revisor
4 inserts date], is not entitled under this section to mandatory release on parole under
5 this section that sentence.

6 *-2142/4.2* SECTION 3357. 302.11 (2m) of the statutes is created to read:

7 302.11 (2m) (a) The secretary may release an inmate who is sentenced to the
8 Wisconsin state prisons for a crime committed before December 31, 1999, other than
9 a person sentenced to life imprisonment, on a conditional medical parole if all of the
10 following conditions are met:

11 1. The warden of the correctional institution in which the inmate is confined
12 makes a request to the secretary that the inmate be released on conditional medical
13 parole.

14 2. The warden provides the secretary with the inmate's age, offense for which
15 committed, medical condition, health care needs, security classification, potential
16 risk for violence, and appropriate level of community supervision and possible
17 alternative community placements.

18 3. The inmate is seriously ill or terminally ill and the secretary determines that
19 the release of the inmate would not pose a risk of harm to any person.

20 4. The secretary determines that the inmate's health care costs are likely to be
21 paid by the federal medicare program, a veteran's program, medical assistance, or
22 another federal or state medical program, or by the inmate.

23 5. The department complies with par. (d).

24 (b) An offender's conditional medical parole may be revoked if the offender
25 violates any condition or rule of the conditional medical parole.

1 (c) The department shall promulgate rules for the conditional medical parole
2 program, including eligibility criteria, procedures for the secretary to use in deciding
3 whether to grant a prisoner a conditional medical parole, procedures to follow when
4 revoking a conditional medical parole, and conditions of the conditional medical
5 parole.

6 (d) The department shall follow the procedures for notification under s.
7 304.063.

8 *~~1855/2.5~~* SECTION 3358. 302.11 (3) of the statutes is amended to read:

9 302.11 (3) All consecutive sentences imposed for crimes committed before
10 December 31, 1999, shall be computed as one continuous sentence.

11 *~~2142/4.3~~* SECTION 3359. 302.11 (6) of the statutes is amended to read:

12 302.11 (6) Any inmate released on parole under sub. (1) ~~or~~, (1g) (b), or (2m) or
13 s. 304.02 or 304.06 (1) is subject to all conditions and rules of parole until the
14 expiration of the sentence or until he or she is discharged by the department. Except
15 as provided in ch. 304, releases from prison shall be on the Tuesday or Wednesday
16 preceding the release date. The department may discharge a parolee on or after his
17 or her mandatory release date or after 2 years of supervision. Any inmate sentenced
18 to the intensive sanctions program who is released on parole under sub. (1) or (2m)
19 or s. 304.02 or 304.06 (1) remains in the program unless discharged by the
20 department under s. 301.048 (6) (a).

21 *~~1855/2.6~~* SECTION 3360. 302.11 (7) (a) of the statutes is renumbered 302.11

22 (7) (am) and amended to read:

23 302.11 (7) (am) ~~The division of hearings and appeals in the department of~~
24 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
25 ~~the parolee waives a hearing,~~ reviewing authority may return a parolee released

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1 under sub. (1) ~~or~~, (1g) (b), or (2m) or s. 304.02 or 304.06 (1) to prison for a period up
2 to the remainder of the sentence for a violation of the conditions of parole. The
3 remainder of the sentence is the entire sentence, less time served in custody prior to
4 parole. The revocation order shall provide the parolee with credit in accordance with
5 ss. 304.072 and 973.155.

***NOTE: This is reconciled s. 302.11 (7) (am). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1855 and LRB-2142.

6 ***-1855/2.7* SECTION 3361.** 302.11 (7) (ag) of the statutes is created to read:
7 302.11 (7) (ag) In this subsection "reviewing authority" means the division of
8 hearings and appeals in the department of administration, upon proper notice and
9 hearing, or the department of corrections, if the parolee waives a hearing.

10 ***-1855/2.8* SECTION 3362.** 302.11 (7) (b) of the statutes is amended to read:
11 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
12 parole shall be incarcerated for the entire period of time determined by the
13 ~~department of corrections in the case of a waiver or the division of hearings and~~
14 ~~appeals in the department of administration in the case of a hearing under par. (a),~~
15 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
16 to mandatory release under sub. (1) or presumptive mandatory release under sub.
17 (1g). The period of time determined under par. ~~(a)~~ (am) may be extended in
18 accordance with subs. (1q) and (2).

19 ***-2142/4.4* SECTION 3363.** 302.11 (7) (c) of the statutes is amended to read:
20 302.11 (7) (c) The parole commission may subsequently parole, under s. 304.06
21 (1), and the department may subsequently parole, under sub. (2m) or s. 304.02, a
22 parolee who is returned to prison for violation of a condition of parole.

23 ***-1855/2.9* SECTION 3364.** 302.11 (7) (d) of the statutes is amended to read:

1 302.11 (7) (d) A parolee who is subsequently released either after service of the
2 period of time determined by the ~~department of corrections in the case of a waiver~~
3 ~~or the division of hearings and appeals in the department of administration in the~~
4 ~~case of a hearing under par. (a) reviewing authority~~ or by a grant of parole under par.
5 (c) is subject to all conditions and rules of parole until expiration of sentence or
6 discharge by the department.

7 *~~1855/2.10~~* SECTION 3365. 302.11 (7) (e) of the statutes is created to read:

8 302.11 (7) (e) A reviewing authority may consolidate proceedings before it
9 under par. (am) with other proceedings before that reviewing authority under par.
10 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the
11 parole or extended supervision of the same person.

12 *~~0447/3.3~~* SECTION 3366. 302.11 (10) of the statutes is amended to read:

13 302.11 (10) An inmate subject to an order under s. 48.366 ~~or 938.34 (4h)~~ is not
14 entitled to mandatory release and may be released or discharged only as provided
15 under s. 48.366 ~~or 938.538~~.

16 *~~2142/4.5~~* SECTION 3367. 302.113 (2m) of the statutes is created to read:

17 302.113 (2m) (a) The secretary may reduce the term of confinement of the
18 bifurcated sentence of an inmate who is serving a bifurcated sentence under s. 973.01
19 and may release the inmate on conditional medical extended supervision if all of the
20 following conditions are met:

21 1. The warden of the correctional institution in which the inmate is confined
22 makes a request to the secretary that the inmate be released on conditional medical
23 extended supervision.

24 2. The warden provides the secretary with the inmate's age, offense for which
25 committed, medical condition, health care needs, security classification, potential

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1 risk for violence, and appropriate level of community supervision and possible
2 alternative community placements.

3 3. The inmate is seriously ill or terminally ill and the secretary determines that
4 the release of the inmate would not pose a risk of harm to any person.

5 4. The secretary determines that the inmate's health care costs are likely to be
6 paid by the federal medicare program, a veteran's program, medical assistance, or
7 another federal or state medical program, or by the inmate.

8 5. The department complies with par. (e).

9 (b) An inmate released on conditional medical extended supervision shall have
10 his or her period of extended supervision increased by the amount that his or her
11 term of confinement is reduced.

12 (c) An offender's conditional medical extended supervision may be revoked if
13 the offender violates a condition or rule of the conditional medical extended
14 supervision.

15 (d) The department shall promulgate rules for the conditional medical
16 extended supervision program, including eligibility criteria, procedures for the
17 secretary to use in deciding whether to grant a prisoner conditional medical extended
18 supervision, procedures to follow when revoking a conditional medical extended
19 supervision, and conditions of the conditional medical extended supervision.

20 (e) The department shall follow the procedures for notification under s.
21 304.063.

22 *-1855/2.11* **SECTION 3368.** 302.113 (4) of the statutes is amended to read:

23 302.113 (4) All consecutive sentences imposed for crimes committed on or after
24 December 31, 1999, shall be computed as one continuous sentence. The person shall

1 serve any term of extended supervision after serving all terms of confinement in
2 prison.

3 *–1855/2.12* SECTION 3369. 302.113 (8m) of the statutes is created to read:

4 302.113 (8m) Every person released to extended supervision under this section
5 remains in the legal custody of the department. If the department alleges that any
6 condition or rule of extended supervision has been violated by the person, the
7 department may take physical custody of the person for the investigation of the
8 alleged violation.

9 *–1855/2.13* SECTION 3370. 302.113 (9) (a) of the statutes is renumbered
10 302.113 (9) (am) and amended to read:

11 302.113 (9) (am) If a person released to extended supervision under this section
12 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
13 ~~the department of administration, upon proper notice and hearing, or the~~
14 ~~department of corrections, if the person on extended supervision waives a hearing,~~
15 reviewing authority may revoke the person's extended supervision of the person and
16 return the person to prison. If, upon revocation, the person is returned to prison,
17 he or she shall be returned to prison for any specified period of time that does not
18 exceed the time remaining on the bifurcated sentence. The time remaining on the
19 bifurcated sentence is the total length of the bifurcated sentence, less time served by
20 the person in custody confinement under the sentence before release to extended
21 supervision under sub. (2) and less all time served in confinement for previous
22 revocations of extended supervision under the sentence. The revocation order shall
23 provide the person ~~on~~ whose extended supervision is revoked with credit in
24 accordance with ss. 304.072 and 973.155.

25 *–1855/2.14* SECTION 3371. 302.113 (9) (ag) of the statutes is created to read:

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1 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
2 hearings and appeals in the department of administration, upon proper notice and
3 hearing, or the department of corrections, if the person on extended supervision
4 waives a hearing.

5 *–1855/2.15* **SECTION 3372.** 302.113 (9) (b) of the statutes is amended to read:

6 302.113 (9) (b) A person who is returned to prison after revocation of extended
7 supervision shall be incarcerated for the entire period of time specified by the
8 ~~department of corrections in the case of a waiver or by the division of hearings and~~
9 ~~appeals in the department of administration in the case of a hearing under par. (a)~~
10 reviewing authority. The period of time specified under par. (a) (am) may be extended
11 in accordance with sub. (3). If a person is returned to prison under par. (am) for a
12 period of time that is less than the time remaining on the bifurcated sentence, the
13 person shall be released to extended supervision after he or she has served the period
14 of time specified under par. (am) and any extensions imposed under sub. (3).

15 *–1855/2.16* **SECTION 3373.** 302.113 (9) (c) of the statutes is amended to read:

16 302.113 (9) (c) A person who is subsequently released to extended supervision
17 after service of the period of time specified by the ~~department of corrections in the~~
18 ~~case of a waiver or by the division of hearings and appeals in the department of~~
19 ~~administration in the case of a hearing under par. (a)~~ reviewing authority is subject
20 to all conditions and rules under sub. (7) until the expiration of the ~~term of~~ remaining
21 extended supervision portion of the bifurcated sentence. The remaining extended
22 supervision portion of the bifurcated sentence is the total length of the bifurcated
23 sentence, less the time served by the person in confinement under the bifurcated
24 sentence before release to extended supervision under sub. (2) and less all time

1 served in confinement for any revocation of extended supervision under the
2 bifurcated sentence.

3 ***-1855/2.17* SECTION 3374.** 302.113 (9) (d) of the statutes is created to read:

4 302.113 (9) (d) When determining under pars. (am) and (c) the amount of time
5 a person has served in confinement before release to extended supervision or the
6 amount of time a person has served in confinement for a revocation of extended
7 supervision, the reviewing authority shall include any extensions imposed under
8 sub. (3).

9 ***-1855/2.18* SECTION 3375.** 302.113 (9) (e) of the statutes is created to read:

10 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
11 hearings and appeals in the department of administration, the hearing examiner
12 may order the taking and allow the use of a videotaped deposition under s. 967.04
13 (7) to (10).

14 ***-1855/2.19* SECTION 3376.** 302.113 (9) (f) of the statutes is created to read:

15 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
16 under par. (am) with other proceedings before that reviewing authority under par.
17 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
18 parole or extended supervision of the same person.

19 ***-1855/2.20* *-2889/P3.5* SECTION 3377.** 302.113 (9) (g) of the statutes is
20 created to read:

21 302.113 (9) (g) If there is a hearing under par. (am) before the division of
22 hearings and appeals in the department of administration, the person on extended
23 supervision may seek review of a decision to revoke extended supervision and the
24 department of corrections may seek review of a decision to not revoke extended

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1 supervision. Review of a decision under this paragraph may be sought only by an
2 action for certiorari.

3 ***-1855/2.21* SECTION 3378.** 302.114 (4) of the statutes is amended to read:

4 302.114 (4) All consecutive sentences imposed for crimes committed on or after
5 December 31, 1999, shall be computed as one continuous sentence. An inmate
6 subject to this section shall serve any term of extended supervision after serving all
7 terms of confinement in prison.

8 ***-1855/2.22* SECTION 3379.** 302.114 (8m) of the statutes is created to read:

9 302.114 (8m) Every person released to extended supervision under this section
10 remains in the legal custody of the department. If the department alleges that any
11 condition or rule of extended supervision has been violated by the person, the
12 department may take physical custody of the person for the investigation of the
13 alleged violation.

14 ***-1855/2.23* SECTION 3380.** 302.114 (9) (a) of the statutes is renumbered
15 302.114 (9) (am) and amended to read:

16 302.114 (9) (am) If a person released to extended supervision under this section
17 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
18 ~~the department of administration, upon proper notice and hearing, or the~~
19 ~~department of corrections, if the person on extended supervision waives a hearing,~~
20 reviewing authority may revoke the person's extended supervision of the person and
21 ~~return the person to prison. If, upon revocation, the person is returned to prison,~~
22 ~~he or she~~ shall be returned to prison for a specified period of time, as provided under
23 par. (b).

24 ***-1855/2.24* SECTION 3381.** 302.114 (9) (ag) of the statutes is created to read:

1 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
2 in s. 302.113 (9) (ag).

3 ***-1855/2.25*** SECTION 3382. 302.114 (9) (b) of the statutes is amended to read:

4 302.114 (9) (b) If a person is returned to prison under par. (a) (am) after
5 revocation of extended supervision, the ~~department of corrections in the case of a~~
6 ~~waiver or the division of hearings and appeals in the department of administration~~
7 ~~in the case of a hearing under par. (a)~~ reviewing authority shall specify a period of
8 time for which the person shall be incarcerated before being eligible for release to
9 extended supervision. The period of time specified under this paragraph may not be
10 less than 5 years and may be extended in accordance with sub. (3).

11 ***1855/2.26*** SECTION 3383. 302.114 (9) (bm) of the statutes is amended to
12 read:

13 302.114 (9) (bm) A person who is returned to prison under par. (a) (am) after
14 revocation of extended supervision may, upon petition to the sentencing court, be
15 released to extended supervision after he or she has served the entire period of time
16 specified in par. (b), including any periods of extension imposed under sub. (3). A
17 person may not file a petition under this paragraph earlier than 90 days before the
18 date on which he or she is eligible to be released to extended supervision. If a person
19 files a petition for release to extended supervision under this paragraph at any time
20 earlier than 90 days before the date on which he or she is eligible to be released to
21 extended supervision, the court shall deny the petition without a hearing. The
22 procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
23 paragraph.

24 ***-1855/2.27*** SECTION 3384. 302.114 (9) (d) of the statutes is created to read:

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1 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
2 hearings and appeals in the department of administration, the hearing examiner
3 may order the taking and allow the use of a videotaped deposition under s. 967.04
4 (7) to (10).

5 ***-1855/2.28*** **SECTION 3385.** 302.114 (9) (e) of the statutes is created to read:

6 302.114 (9) (e) A reviewing authority may consolidate proceedings before it
7 under par. (am) with other proceedings before that reviewing authority under par.
8 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
9 parole or extended supervision of the same person.

10 ***-1855/2.29*** ***-2889/P3.9*** **SECTION 3386.** 302.114 (9) (f) of the statutes is
11 created to read:

12 302.114 (9) (f) If there is a hearing under par. (am) before the division of
13 hearings and appeals in the department of administration, the person on extended
14 supervision may seek review of a decision to revoke extended supervision and the
15 department of corrections may seek review of a decision to not revoke extended
16 supervision. Review of a decision under this paragraph may be sought only by an
17 action for certiorari.

18 ***-0447/3.4*** **SECTION 3387.** 302.18 (7) of the statutes is amended to read:

19 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all
20 ~~prisoners~~ a person under 15 years of age who has been sentenced to the Wisconsin
21 state prisons in a secured juvenile correctional facilities or facility or a secured child
22 caring institutions institution, but the department may transfer ~~them~~ that person
23 to an adult correctional institutions institution after ~~they attain~~ the person attains
24 15 years of age.

25 ***-0447/3.5*** **SECTION 3388.** 302.255 of the statutes is amended to read:

1 **302.255 Interstate corrections compact; additional applicability.**

2 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
3 under s. 48.366 who are confined to a state prison under s. 302.01 ~~and persons subject~~
4 ~~to an order under s. 938.34 (4h) who are 17 years of age or older.~~

5 *~~-0470/1.1~~* **SECTION 3389.** 302.386 (3) (a) of the statutes is amended to read:

6 302.386 (3) (a) Except as provided in par. (b), the department may require a
7 resident housed in a prison identified in s. 302.01 or in a secured correctional facility,
8 as defined in s. 938.02 (15m), ~~who earns wages during residency and who receives~~
9 ~~medical or dental services to pay a deductible, coinsurance, copayment, or similar~~
10 ~~charge upon the medical or dental service that he or she receives. The department~~
11 ~~shall collect the allowable deductible, coinsurance, copayment, or similar charge.~~

12 *~~-0447/3.6~~* **SECTION 3390.** 302.386 (5) (d) of the statutes is amended to read:

13 302.386 (5) (d) Any participant in the serious juvenile offender program under
14 s. 938.538 ~~unless he or she~~ the participant is placed in a Type 1 secured correctional
15 facility, as defined in s. 938.02 (19), ~~or in a Type 1 prison other than the institution~~
16 ~~authorized under s. 301.046 (1).~~

17 *~~-1855/2.30~~* **SECTION 3391.** 304.11 (3) of the statutes is amended to read:

18 304.11 (3) If upon inquiry it further appears to the governor that the convicted
19 person has violated or failed to comply with any of those conditions, the governor may
20 issue his or her warrant remanding the person to the institution from which
21 discharged, and the person shall be confined and treated as though no pardon had
22 been granted, except that the person loses any applicable good time which he or she
23 had earned. If the person is returned to prison, the person is subject to the same
24 limitations as a revoked parolee under s. 302.11 (7). The department shall determine
25 the period of incarceration under s. 302.11 (7) ~~(a)~~ (am). If the governor determines

1 the person has not violated or failed to comply with the conditions, the person shall
2 be discharged subject to the conditional pardon.

3 ***-0019/3.1* SECTION 3392.** 341.135 (1) of the statutes is amended to read:

4 341.135 (1) DESIGN. Every ~~6th~~ 7th year, the department shall establish new
5 designs of registration plates to be issued under ss. 341.14 (1a), (1m), (1q), (2), (2m),
6 (6m) ~~or, and~~ (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2)
7 and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and
8 for vehicles registered on the basis of gross weight shall comply with the applicable
9 design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for
10 registration plates specified in this subsection shall be as similar in appearance as
11 practicable during each ~~6-year~~ 7-year design interval. Each registration plate
12 issued under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h),
13 or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each ~~6-year~~ 7-year
14 design interval shall be of the design established under this subsection. The
15 department may not redesign registration plates for the special ~~group~~ groups under
16 s. 341.14 (6r) (f) ~~53., 54., or 55.~~ until ~~January 1, 2005~~ July 1, 2007. Except for
17 registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle
18 for registration plates issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m), and
19 (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a)
20 1. and (am) began July 1, 2000.

21 ***-0019/3.2* SECTION 3393.** 341.135 (2) (a) 1. of the statutes is amended to read:

22 341.135 (2) (a) 1. Beginning with registrations initially effective on
23 July 1, 2000, upon receipt of a completed application to initially register a vehicle
24 under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) 53.,
25 54., or 55., or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a)

1 1. or (am), the department shall issue and deliver prepaid to the applicant 2 new
2 registration plates of the design established under sub. (1).

3 ***-0019/3.3* SECTION 3394.** 341.135 (2) (a) 2. of the statutes is amended to read:

4 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations
5 initially effective on July 1, ~~2005~~ 2007, upon receipt of a completed application to
6 initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), or
7 s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), or
8 to renew the registration of a vehicle under those sections for which a registration
9 plate has not been issued during the previous ~~6~~ 7 years, the department shall issue
10 and deliver prepaid to the applicant 2 new registration plates of the design
11 established for that ~~6-year~~ 7-year period under sub. (1).

12 ***-0019/3.4* SECTION 3395.** 341.135 (2) (am) of the statutes is amended to read:

13 341.135 (2) (am) Notwithstanding ~~ss.~~ s. 341.13 (3) and (3m), beginning with
14 registrations initially effective on July 1, 2000, upon receipt of a completed
15 application to renew the registration of a vehicle registered under s. 341.14 (1a),
16 (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) ~~53., 54., or 55.~~, or s. 341.25
17 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design
18 established under sub. (1) has not been issued, the department may issue and deliver
19 prepaid to the applicant 2 new registration plates of the design established under
20 sub. (1). This paragraph does not apply to registration plates issued under s. 341.14
21 (6r) (f) ~~52.~~, 1997 stats. This paragraph does not apply after June 30, ~~2005~~ 2007.

22 ***-0019/3.5* SECTION 3396.** 341.135 (2) (e) of the statutes is amended to read:

23 341.135 (2) (e) The department shall issue new registration plates of the design
24 established under sub. (1) for every vehicle registered under s. 341.14 (1a), (1m), (1q),

1 (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2)
2 or (3) (a) 1. or (am) after ~~January 1, 2005~~ July 1, 2007.

3 ***-0017/2.1* SECTION 3397.** 341.14 (2) of the statutes is amended to read:

4 341.14 (2) Upon compliance with the laws relating to registration of
5 automobiles and motor homes; motor trucks, dual purpose motor homes, and dual
6 purpose farm trucks which have a gross weight of not more than 8,000 pounds; and
7 farm trucks which have a gross weight of not more than 12,000 pounds, including
8 payment of the prescribed registration fees therefor plus an additional fee of ~~\$10~~ \$15
9 when registration plates are issued accompanied by an application showing
10 satisfactory proof that the applicant is the holder of an unexpired amateur radio
11 station license issued by the federal communications commission, the department
12 shall issue registration plates on which, in lieu of the usual registration number,
13 shall be inscribed in large legible form the call letters of such applicant as assigned
14 by the federal communications commission. The fee for reissuance of a plate under
15 this subsection shall be ~~\$10~~ \$15.

16 ***-0017/2.2* SECTION 3398.** 341.14 (2m) of the statutes is amended to read:

17 341.14 (2m) Upon compliance with laws relating to registration of motor
18 vehicles, including payment of the prescribed fee, and an additional fee of ~~\$5~~ \$15
19 when the original or new registration plates are issued and accompanied by an
20 application showing satisfactory proof that the applicant has a collector's
21 identification number as provided in s. 341.266 (2) (d), the department shall issue
22 registration plates on which, in lieu of the usual registration number, shall be
23 inscribed the collector's identification number issued under s. 341.266 (2) (d). The
24 words "VEHICLE COLLECTOR" shall be inscribed across the lower or upper portion
25 of the plate at the discretion of the department. Additional registrations under this

1 subsection by the same collector shall bear the same collector's identification number
2 followed by a suffix letter for vehicle identification. Registration plates issued under
3 this subsection shall expire annually.

4 ***-0017/2.3* SECTION 3399.** 341.14 (6) (d) of the statutes is amended to read:

5 341.14 (6) (d) For each additional vehicle, a person who maintains more than
6 one registration under this subsection at one time shall be charged a fee of \$10 \$15
7 for issuance or reissuance of the plates in addition to the annual registration fee for
8 the vehicle. Except as provided in par. (c), a motor truck or dual purpose farm truck
9 registered under this subsection shall be registered under this paragraph.

10 ***-0017/2.4* SECTION 3400.** 341.14 (6) (e) of the statutes is repealed.

11 ***-0017/2.5* SECTION 3401.** 341.14 (6m) (a) of the statutes is amended to read:

12 341.14 (6m) (a) Upon application to register an automobile or motor truck
13 which has a gross weight of not more than 8,000 pounds by any person who is a
14 resident of this state and a member or retired member of the national guard, the
15 department shall issue to the person special plates whose colors and design shall be
16 determined by the department and which have the words "Wisconsin guard member"
17 placed on the plates in the manner designated by the department. The department
18 shall consult with or obtain the approval of the adjutant general with respect to any
19 word or symbol used to identify the national guard. An additional fee of \$10 \$15 shall
20 be charged for the issuance or reissuance of the plates. Registration plates issued
21 under this subsection shall expire annually.

22 ***-0017/2.6* SECTION 3402.** 341.14 (6r) (b) 2. of the statutes is amended to read:

23 341.14 (6r) (b) 2. An additional fee of \$10 \$15 shall be charged for the issuance
24 or reissuance of the plates for special groups specified under par. (f) ~~1. to 34., 48., 49.~~
25 ~~and 51.~~

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1 *~~0017/2.7~~* SECTION 3403. 341.14 (6r) (b) 3. of the statutes is amended to read:

2 341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or
3 reissuance of a plate issued ~~on an annual basis for a special group specified under~~
4 ~~par. (f) 35. to 47., 53., 54. or 55. or designated by the department under par. (fm). An~~
5 ~~additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued~~
6 ~~on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. or 55.~~
7 ~~or designated by the department under par. (fm) if the plate is issued during the first~~
8 ~~year of the biennial registration period or \$15 for the issuance or reissuance if the~~
9 ~~plate is issued during the 2nd year of the biennial registration period. The~~
10 department shall deposit in the general fund and credit to the appropriation account
11 under s. 20.395 (5) (c) all fees collected under this subdivision ~~for the issuance or~~
12 ~~reissuance of a plate for a special group designated by the department under par.~~
13 ~~(fm).~~

14 *~~0017/2.8~~* SECTION 3404. 341.14 (6r) (b) 4. of the statutes is amended to read:

15 341.14 (6r) (b) 4. An additional fee of \$20 that is in addition to the fee under
16 subd. 2. ~~or 3.~~ shall be charged for the issuance or renewal of a plate issued on an
17 annual basis for a special group specified under par. (f) 35. to 47. An additional fee
18 of \$40 that is in addition to the fee under subd. 2. ~~or 3.~~ shall be charged for the
19 issuance or renewal of a plate issued on a biennial basis for a special group specified
20 under par. (f) 35. to 47. if the plate is issued or renewed during the first year of the
21 biennial registration period or \$20 for the issuance or renewal if the plate is issued
22 or renewed during the 2nd year of the biennial registration period. The fee under
23 this subdivision is deductible as a charitable contribution for purposes of the taxes
24 under ch. 71.

25 *~~0017/2.9~~* SECTION 3405. 341.14 (6r) (b) 6. of the statutes is amended to read:

1 341.14 (6r) (b) 6. An additional fee of \$20 that is in addition to the fee under
2 subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an annual
3 basis for the special group specified under par. (f) 53. An additional fee of \$40 that
4 is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or renewal
5 of a plate issued on a biennial basis for the special group specified under par. (f) 53.
6 if the plate is issued or renewed during the first year of the biennial registration
7 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
8 2nd year of the biennial registration period. All moneys received under this
9 subdivision in excess of the initial costs of data processing for the special group plate
10 under par. (f) 53. or \$35,000, whichever is less, shall be deposited in the children's
11 trust fund. To the extent permitted under ch. 71, the fee under this subdivision is
12 deductible as a charitable contribution for purposes of the taxes under ch. 71.

13 ***-0017/2.10*** SECTION 3406. 341.14 (6r) (b) 7. of the statutes is amended to
14 read:

15 341.14 (6r) (b) 7. An additional fee of \$25 that is in addition to the fee under
16 subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an annual
17 basis for the special group specified under par. (f) 54. An additional fee of \$50 that
18 is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or renewal
19 of a plate issued on the biennial basis for the special group specified under par. (f) 54.
20 if the plate is issued or renewed during the first year of the biennial registration
21 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
22 2nd year of the biennial registration period. All moneys received under this
23 subdivision in excess of the initial costs of production of the special group plate under
24 par. (f) 54. or \$196,700, whichever is less, shall be deposited in the conservation fund
25 and credited to the appropriation under s. 20.370 (5) (au). To the extent permitted

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1 under ch. 71, the fee under this subdivision is deductible as a charitable contribution
2 for purposes of the taxes under ch. 71.

3 ***-0017/2.11* SECTION 3407.** 341.14 (6r) (b) 8. (intro.) of the statutes is amended
4 to read:

5 341.14 (6r) (b) 8. (intro.) An additional fee of \$25 that is in addition to the fee
6 under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on an
7 annual basis for the special group specified under par. (f) 55. An additional fee of \$50
8 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or
9 renewal of a plate issued on the biennial basis for the special group specified under
10 par. (f) 55. if the plate is issued or renewed during the first year of the biennial
11 registration period or \$25 for the issuance or renewal if the plate is issued or renewed
12 during the 2nd year of the biennial registration period. For each professional football
13 team for which plates are produced under par. (f) 55., all moneys received under this
14 subdivision in excess of the initial costs of data processing for the special group plate
15 related to that team under par. (f) 55. or \$35,000, whichever is less, shall be deposited
16 in the general fund and credited as follows:

17 ***-0017/2.12* SECTION 3408.** 341.14 (8) of the statutes is amended to read:

18 341.14 (8) If a special plate for a group associated with a branch of the armed
19 services or otherwise military in nature has been issued to a person under this
20 section, upon application by the surviving spouse of the person, the department may
21 permit the surviving spouse to retain the plate. If the plate has been returned to the
22 department or surrendered to another state, the department may reissue the plate
23 to the surviving spouse. The department shall charge an additional fee of \$10 \$15
24 to reissue the plate. This subsection does not apply to a special plate issued under
25 s. 341.14 (1) or (1r).

1 ***-0355/6.1*** SECTION 3409. 342.14 (1r) of the statutes is repealed and recreated
2 to read:

3 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
4 impact fee of \$6, by the person filing the application. All moneys collected under this
5 subsection shall be credited to the environmental fund for environmental
6 management. This subsection does not apply after September 30, 2003.

7 ***-1686/4.98*** SECTION 3410. 343.06 (1) (d) of the statutes is amended to read:

8 343.06 (1) (d) To any person whose dependence on alcohol has attained such
9 a degree that it interferes with his or her physical or mental health or social or
10 economic functioning, or who is addicted to the use of controlled substances or
11 controlled substance analogs, except that the secretary may issue a license if the
12 person submits to an examination, evaluation or treatment in a treatment facility
13 meeting the standards prescribed in s. ~~51.45 (8) (a)~~ 51.04 (1), as directed by the
14 secretary, in accordance with s. 343.16 (5).

15 ***-0272/2.1*** SECTION 3411. 343.24 (2) (a) of the statutes is amended to read:

16 343.24 (2) (a) For each file search, ~~\$3~~ \$5.

17 ***-0272/2.2*** SECTION 3412. 343.24 (2) (b) of the statutes is amended to read:

18 343.24 (2) (b) For each computerized search, ~~\$3~~ \$5.

19 ***-0272/2.3*** SECTION 3413. 343.24 (2) (c) of the statutes is amended to read:

20 343.24 (2) (c) For each search requested by telephone, ~~\$4~~ \$6, or an established
21 monthly service rate determined by the department.

22 ***-0272/2.4*** SECTION 3414. 343.24 (2m) of the statutes is amended to read:

23 343.24 (2m) If the department, in maintaining a computerized operating
24 record system, makes copies of its operating record file database, or a portion thereof,
25 on computer tape or other electronic media, copies of the tape or media may be

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1 furnished to any person on request. The department may also furnish to any person
2 upon request records on computer tape or other electronic media that contain
3 information from files of uniform traffic citations or motor vehicle accidents and that
4 were produced for or developed by the department for purposes related to
5 maintenance of the operating record file database. The department shall charge a
6 fee of ~~\$3~~ \$5 for each file of vehicle operators' records contained in the tape or media.
7 The department shall charge a fee of not more than ~~\$3~~ \$5 for each file of uniform
8 traffic citations or motor vehicle accidents contained in the tape or media. Nothing
9 in this subsection requires the department to produce records of particular files or
10 data in a particular format except as those records or data are made by the
11 department for its purposes.

12 *~~0272/2.5~~* SECTION 3415. 343.245 (3m) (b) of the statutes is amended to read:
13 343.245 (3m) (b) The department shall establish and collect reasonable fees
14 from employers in the program sufficient to defray the costs of instituting and
15 maintaining the program, including the registration and withdrawal of employees.
16 The fee for each notification by the department to an employer under par. (a) shall
17 be ~~\$3~~ \$5.

18 *~~2018/2.1~~* SECTION 3416. 343.30 (1q) (b) 3. of the statutes is amended to read:
19 343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions
20 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
21 convictions, suspensions and revocations counted under s. 343.307 (1) within a
22 10-year period, equals 2, the court shall revoke the person's operating privilege for
23 not less than one year nor more than 18 months. ~~After the first 60 days of the~~
24 ~~revocation period~~ After one year of a revocation period of more than one year has
25 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she

1 has completed the assessment and is complying with the driver safety plan ordered
2 under par. (c).

3 ***-2018/2.2* SECTION 3417.** 343.30 (1q) (b) 4. of the statutes is amended to read:

4 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
6 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or
7 more, the court shall revoke the person's operating privilege for not less than 2 years
8 nor more than 3 years. After ~~the first 90 days~~ one year of the revocation period has
9 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
10 has completed the assessment and is complying with the driver safety plan ordered
11 under par. (c).

12 ***-2056/1.1* SECTION 3418.** 343.301 (1) (a) of the statutes, as created by 1999
13 Wisconsin Act 109, is amended to read:

14 343.301 (1) (a) If a person improperly refuses to take a test under s. 343.305
15 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one
16 or more prior convictions, suspensions or revocations, counting convictions under ss.
17 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and
18 revocations counted under s. 343.307 (1), the court ~~may~~ shall order that the person's
19 operating privilege for the operation of "Class D" vehicles be restricted to operating
20 "Class D" vehicles that are equipped with an ignition interlock device. This
21 paragraph does not apply if the court orders the immobilization of each motor vehicle
22 owned by the person under sub. (2), or, if the person has 2 or more prior convictions,
23 suspensions, or revocations for purposes of this paragraph, the court orders seizure
24 and forfeiture under s. 346.65 (6).

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1 ***-2056/1.2*** **SECTION 3419.** 343.301 (1) (b) of the statutes, as created by 1999
2 Wisconsin Act 109, is amended to read:

3 343.301 (1) (b) The court ~~may restrict~~ shall order the operating privilege
4 restriction under par. (a) for a period of not less than one year nor more than the
5 maximum operating privilege revocation period permitted for the refusal or
6 violation, beginning one year after the operating privilege revocation period began.

7 ***-2056/1.3*** **SECTION 3420.** 343.301 (2) (a) of the statutes, as created by 1999
8 Wisconsin Act 109, is amended to read:

9 343.301 (2) (a) If a person improperly refuses to take a test under s. 343.305
10 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one
11 or more prior convictions, suspensions or revocations, counting convictions under ss.
12 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and
13 revocations counted under s. 343.307 (1), the court ~~may~~ shall order that ~~the motor~~
14 ~~vehicle used during the refusal or violation and~~ each motor vehicle owned by the
15 person be immobilized. This paragraph does not apply if the court orders that the
16 person's operating privilege for the operation of "Class D" vehicles be restricted to
17 operating "Class D" vehicles that are equipped with an ignition interlock device
18 under sub. (1), or, if the person has 2 or more prior convictions, suspensions, or
19 revocations for purposes of this paragraph, the court orders seizure and forfeiture
20 under s. 346.65 (6).

21 ***-2056/1.4*** **SECTION 3421.** 343.301 (2) (b) of the statutes, as created by 1999
22 Wisconsin Act 109, is amended to read:

23 343.301 (2) (b) The court ~~may~~ shall order the immobilization under par. (a) for
24 a period of not less than one year nor more than the maximum operating privilege

1 revocation period permitted for the refusal or violation, beginning on the first day of
2 the operating privilege revocation period.

3 ***-2018/2.3* SECTION 3422.** 343.305 (10) (b) 3. of the statutes is amended to
4 read:

5 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
6 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
7 convictions, suspensions and revocations counted under s. 343.307 (2) within a
8 10-year period, equals 2, the court shall revoke the person's operating privilege for
9 2 years. After ~~the first 90 days~~ one year of the revocation period has elapsed, the
10 person is eligible for an occupational license under s. 343.10 if he or she has
11 completed the assessment and is complying with the driver safety plan.

12 ***-2018/2.4* SECTION 3423.** 343.305 (10) (b) 4. of the statutes is amended to
13 read:

14 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
15 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
16 convictions, suspensions and revocations counted under s. 343.307 (2), equals 3 or
17 more, the court shall revoke the person's operating privilege for 3 years. After ~~the~~
18 ~~first 120 days~~ one year of the revocation period has elapsed, the person is eligible for
19 an occupational license under s. 343.10 if he or she has completed the assessment and
20 is complying with the driver safety plan.

21 ***-2056/1.5* SECTION 3424.** 343.305 (10m) of the statutes, as affected by 1999
22 Wisconsin Act 109 is amended to read:

23 343.305 (10m) REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF A
24 MOTOR VEHICLE. If the person whose operating privilege is revoked under sub. (10)
25 has one or more prior convictions, suspensions or revocations, as counted under s.

1 343.307 (1), the procedure under s. 343.301 shall be followed if the court orders the
2 immobilization of the motor vehicle used in the commission of the offense and owned
3 by the person or if the court requires that the person's operating privilege for the
4 operation of "Class D" vehicles be restricted to operating "Class D" vehicles equipped
5 with an ignition interlock device. If the number of convictions under ss. 940.09 (1)
6 and 940.25 in the lifetime of the person whose operating privilege is revoked under
7 sub. (10), plus the total number of other convictions, suspensions and revocations
8 counted under s. 343.307 (1), equals 2 or more, the procedure under s. 346.65 (6) shall
9 be followed if the court orders the seizure and forfeiture of the motor vehicle used in
10 the improper refusal and owned by the person.

11 ***-2018/2.5* SECTION 3425.** 343.31 (3) (bm) 3. of the statutes is amended to
12 read:

13 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
14 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
15 suspensions, revocations and other convictions counted under s. 343.307 (1) within
16 a 10-year period, equals 2, the department shall revoke the person's operating
17 privilege for not less than one year nor more than 18 months. If an Indian tribal court
18 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
19 for not less than one year nor more than 18 months for the conviction specified in par.
20 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~
21 ~~first 60 days of the revocation period~~ After one year of a revocation period of more
22 than one year has elapsed, the person is eligible for an occupational license under s.
23 343.10.

24 ***-2018/2.6* SECTION 3426.** 343.31 (3) (bm) 4. of the statutes is amended to
25 read:

1 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
3 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
4 more, the department shall revoke the person's operating privilege for not less than
5 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
6 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years
7 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
8 shall impose the same period of revocation. After ~~the first 90 days~~ one year of the
9 revocation period has elapsed, the person is eligible for an occupational license under
10 s. 343.10.

11 ***-2018/2.7*** SECTION 3427. 343.31 (3m) (a) of the statutes is amended to read:

12 343.31 (3m) (a) Any person who has his or her operating privilege revoked
13 under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the
14 first 120 days of the revocation period, except that if a person has one or more prior
15 convictions, suspensions, or revocations for any offense that is counted under s.
16 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one
17 year of the revocation period has elapsed.

18 ***-2018/2.8*** SECTION 3428. 343.31 (3m) (b) of the statutes is amended to read:

19 343.31 (3m) (b) Any person who has his or her operating privilege revoked
20 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first
21 60 days of the revocation period, except that if a person has one or more prior
22 convictions, suspensions, or revocations for any offense that is counted under s.
23 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one
24 year of the revocation period has elapsed.

25 ***-1394/2.53*** SECTION 3429. 345.26 (1) (b) 1. of the statutes is amended to read:

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

11 *~~1394/2.54~~* **SECTION 3430.** 345.26 (2) (b) of the statutes is amended to read:

12 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include
13 court costs, including any applicable fees prescribed in ch. 814, any applicable
14 penalty assessment, any applicable law enforcement training fund assessment, any
15 applicable jail assessment, any applicable railroad crossing improvement
16 assessment, and any applicable crime laboratories and drug law enforcement
17 assessment.

18 *~~1394/2.55~~* **SECTION 3431.** 345.36 (2) (b) of the statutes is amended to read:

19 345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment
20 accordingly. If the defendant has posted bond for appearance at that date, the court
21 may also order the bond forfeited. The court shall promptly mail a copy of the
22 judgment to the defendant. The judgment shall allow not less than 20 days from the
23 date thereof for payment of any forfeiture, penalty assessment, law enforcement
24 training fund assessment, jail assessment, railroad crossing improvement
25 assessment, crime laboratories and drug law enforcement assessment, and costs

1 imposed. If the defendant moves to open the judgment within 20 days after the date
2 set for trial, and shows to the satisfaction of the court that the failure to appear was
3 due to mistake, inadvertence, surprise, or excusable neglect, the court shall open the
4 judgment, reinstate the not guilty plea, and set a new trial date. The court may
5 impose costs under s. 814.07. The court shall immediately notify the department to
6 delete the record of conviction based upon the original judgment.

7 ***-1394/2.56* SECTION 3432.** 345.37 (1) (b) of the statutes is amended to read:

8 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment
9 accordingly. If the defendant has posted bond for appearance at that date, the court
10 may also order the bond forfeited. The court shall promptly mail a copy or notice of
11 the judgment to the defendant. The judgment shall allow not less than 20 days from
12 the date thereof for payment of any forfeiture, penalty assessment, law enforcement
13 training fund assessment, railroad crossing improvement assessment, crime
14 laboratories and drug law enforcement assessment, and costs imposed. If the
15 defendant moves to open the judgment within 6 months after the court appearance
16 date fixed in the citation, and shows to the satisfaction of the court that the failure
17 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
18 shall open the judgment, accept a not guilty plea, and set a trial date. The court may
19 impose costs under s. 814.07. The court shall immediately notify the department to
20 delete the record of conviction based upon the original judgment. If the offense
21 involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5)
22 (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

23 ***-1394/2.57* SECTION 3433.** 345.37 (2) of the statutes is amended to read:

24 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
25 serve as the initial pleading and the defendant shall be deemed to have tendered a

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1 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
2 by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1),
3 a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement
4 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories
5 and drug law enforcement assessment, if required by s. 165.755, plus costs, including
6 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
7 The court may either accept the plea of no contest and enter judgment accordingly,
8 or reject the plea and issue a summons under ch. 968. If the defendant fails to appear
9 in response to the summons, the court shall issue a warrant under ch. 968. If the
10 court accepts the plea of no contest, the defendant may move within 6 months after
11 the date set for the appearance to withdraw the plea of no contest, open the judgment,
12 and enter a plea of not guilty upon a showing to the satisfaction of the court that the
13 failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.
14 If on reopening the defendant is found not guilty, the court shall immediately notify
15 the department to delete the record of conviction based on the original proceeding
16 and shall order the defendant's deposit returned.

17 ***-1394/2.58* SECTION 3434.** 345.37 (5) of the statutes is amended to read:

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