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1 maximum amount that was last approved for the program under subd. 1., the  
 2 executive director of the authority shall provide to the secretary of administration  
 3 and to the joint committee on finance notice of the proposed new maximum  
 4 guarantee amounts for each of the programs guaranteed by the Wisconsin  
 5 development reserve fund, subject to sub. (3). If the cochairpersons of the joint  
 6 committee on finance do not notify the executive director within 14 working days  
 7 after the date of the notice under this subdivision that the committee has scheduled  
 8 a meeting for the purpose of reviewing the proposed new maximum amounts, the  
 9 proposed new maximum amounts shall apply. If, within 14 working days after the  
 10 date of the notice under this subdivision, the cochairpersons of the committee notify  
 11 the executive director that the committee has scheduled a meeting for the purpose  
 12 of reviewing the proposed new maximum amounts, the new maximum amounts that  
 13 the authority may guarantee shall be the maximum amounts approved by the  
 14 committee.

15 \*-0774/1.2\* SECTION 3126. 234.93 (4m) of the statutes is amended to read:

16 234.93 (4m) LIMITATION ON LOAN GUARANTEES. The authority shall regularly  
 17 monitor the cash balance in the Wisconsin development reserve fund. The authority  
 18 shall ensure that the cash balance in the fund is sufficient for the purposes specified  
 19 in sub. (4) (a) 1. and 2., and 3.

20 \*-1335/7.62\* SECTION 3128. Chapter 237 of the statutes is created to read:

**CHAPTER 237**

**FOX RIVER NAVIGATIONAL**

**SYSTEM AUTHORITY**

24 **237.01 Definitions.** In this chapter:

25 (1) "Authority" means the Fox River Navigational System Authority.

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1           (2) “Board of directors” means the board of directors of the authority.

2           (3) “Fiscal year” means the period beginning on July 1 and ending on the  
3 following June 30.

4           (4) “Lock” includes any spillway associated with the lock.

5           **237.02 Creation and organization of authority.** (1) There is created a  
6 public body corporate and politic to be known as the “Fox River Navigational System  
7 Authority.” The board of directors of the authority shall consist of the following  
8 members:

9           (a) Six members nominated by the governor, and with the advice and consent  
10 of the senate appointed, for 3-year terms.

11           (b) The secretary of natural resources, or his or her designee.

12           (c) The secretary of transportation, or his or her designee.

13           (d) The director of the state historical society, or his or her designee.

14           **(1m)** (a) Two of the 6 members appointed under sub. (1) (a) shall be residents  
15 of Brown County, 2 shall be residents of Outagamie County, and 2 shall be residents  
16 of Winnebago County.

17           (b) At least one of the 2 members appointed from each of the counties specified  
18 in par. (a) shall be a resident of a city, village, or town in which is located a lock that  
19 is part of the navigational system.

20           (2) A vacancy on the board of directors shall be filled in the same manner as  
21 the original appointment to the board of directors for the remainder of the unexpired  
22 term, if any.

23           (3) A member of the board of directors may not be compensated for his or her  
24 services but shall be reimbursed for actual and necessary expenses, including travel  
25 expenses, incurred in the performance of his or her duties.

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1           (4) No cause of action of any nature may arise against and no civil liability may  
2 be imposed upon a member of the board of directors for any act or omission in the  
3 performance of his or her powers and duties under this chapter, unless the person  
4 asserting liability proves that the act or omission constitutes willful misconduct.

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

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

24           **237.03 Duties of authority. (1) GENERAL DUTIES.** In addition to all other  
25 duties imposed under this chapter, the authority shall do all of the following:

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

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

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

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

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

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

13 **237.04 Powers of authority.** The authority shall have all the powers  
14 necessary or convenient to carry out the purposes and provisions of this chapter. In  
15 addition to all other powers granted by this chapter, the authority may:

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

17 (2) Sue and be sued.

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

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

21 (5) Appoint any technical or professional advisory committee that the  
22 authority finds necessary to assist the authority in exercising its duties and powers.

23 The authority shall define the duties of the committee, and provide reimbursement  
24 for the expenses of the committee.

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

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

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

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

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

12          **237.05 Restrictions on authority.** (1) The authority may not issue bonds.

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

15          **237.06 Lease.** Upon transfer of the ownership of the navigational system by  
16 the federal government to the state, the department of administration on behalf of  
17 the state and the authority shall enter into a lease agreement under which the state  
18 shall lease the navigational system to the authority for nominal consideration. The  
19 secretary of administration shall determine the amount of the rental payments.

20          **237.07 Management plan; financial statements.** (1) (a) The authority  
21 shall submit to the department of administration a plan that does all the following:

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

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

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

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

9           (3) (a) For each fiscal year, the authority shall submit to the department of  
10 administration an audited financial statement of the funding received by the  
11 authority from the department of natural resources under s. 237.08 (2) and by the  
12 authority from contributions and other funding accepted by the authority under s.  
13 237.08 (3).

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

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

20           **237.08 Sources of funding. (1) FEDERAL FUNDING.** The authority shall accept  
21 federal funding for the rehabilitation, repair, replacement, operation, and  
22 maintenance of the navigational system and shall agree with any conditions  
23 attached to the funding.

24           (2) **STATE FUNDING.** From the appropriation under s. 20.370 (5) (cq) and before  
25 applying the percentages under s. 30.92 (4) (b) 6., the department of natural

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1 resources shall set aside for the rehabilitation and repair of the navigational system  
2 \$400,000 in each fiscal year to be matched by the moneys raised under s. 237.09 (2)  
3 (b). The funding shall be set aside beginning with the first fiscal year beginning after  
4 the submittal of the initial management plan submitted under s. 237.07 (1) and shall  
5 continue to be set aside in each of the next 6 consecutive fiscal years. From the  
6 funding that is set aside, the department shall release to the authority for each fiscal  
7 year an amount equal to the total amount raised by each corporation under s. 237.09  
8 (2) (b) for which matching funding has not been previously released.

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

13 **237.09 Requirements for nonprofit corporations.** (1) Each corporation  
14 contracted with under s. 237.03 (1) (e) shall be a nonprofit corporation as described  
15 in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income  
16 tax under section 501 (a) of the Internal Revenue Code and shall be based in one or  
17 more of the counties in which the navigational system is located.

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

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

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

23 (c) Accept for investment moneys received by the authority for rehabilitation  
24 and repair under s. 237.08 and invest the moneys at a rate of return that the

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1 authority finds adequate to enable the authority to exercise its duties and powers in  
2 rehabilitating and repairing the navigational system.

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

5 **237.10 Rapide Croche lock.** (1) Upon entering into the lease under s.  
6 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche  
7 lock according to specifications of the department of natural resources in order to  
8 prevent sea lampreys and other aquatic nuisance from moving upstream.

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

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

24 (2) If an employee of the authority declares an intention to run for partisan  
25 political office the employee shall be placed on a leave of absence for the duration of



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1 the election campaign and if elected shall no longer be employed by the authority on  
2 assuming the duties and responsibilities of such office.

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

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

8 **237.12 Liability limited.** (1) Neither the state nor any political subdivision  
9 of the state nor any officer, employee, or agent of the state or a political subdivision  
10 who is acting within the scope of employment or agency is liable for any debt,  
11 obligation, act, or omission of the authority.

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

14 **237.13 Exemption.** (1) In this section, “lock structure” includes a spillway  
15 of a lock and excludes the canal body of a lock.

16 (2) Any activity or work that is performed on a lock structure that is part of the  
17 navigational system is exempt from any permit or other approval required under ch.  
18 30 or 31.

19 **237.14 Abandonment.** If the authority determines the operation of the  
20 navigational system is no longer feasible, the authority shall submit a plan to the  
21 department of administration and to the department of natural resources describing  
22 the steps the authority will take in abandoning the navigational system. The  
23 navigational system may not be abandoned unless both the department of  
24 administration and the department of natural resources determine that the plan for

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1 abandonment will preserve the public rights in the Fox River, will ensure safety, and  
2 will protect life, health, and property.

3 **237.15 Transitional provisions. (1) FUNDING.** The department of  
4 administration shall transfer the unencumbered balances in the appropriation  
5 accounts under s. 20.370 (9) (jL) and (ju) to the authority on the day after the date  
6 on which the state and the authority enter into the lease agreement specified in s.  
7 237.06.

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

- 11 1. Any assets and liabilities of the commission.
- 12 2. Any tangible personal property, including records, of the commission.
- 13 3. Any contracts entered into by the commission, and any policies and  
14 procedures of the commission that will be in effect on the day after the date on which  
15 the state and the authority enter into the lease agreement specified in s. 237.06.

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

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

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

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

8 \*b0690/2.8\* **SECTION 3128m.** Chapter 247 of the statutes is created to read:

9 **CHAPTER 247**

10 **WISCONSIN ARTISTIC**

11 **ENDOWMENT FOUNDATION**

12 **247.02 Definition.** In this chapter, “foundation” means the Wisconsin Artistic  
13 Endowment Foundation.

14 **247.03 Creation and organization.** (1) There is created a public body  
15 corporate and politic, to be known as the “Wisconsin Artistic Endowment  
16 Foundation.” The foundation shall be a nonprofit corporation organized under ch.  
17 181 so that contributions to it are deductible from adjusted gross income under  
18 section 170 of the Internal Revenue Code.

19 (2) The board of directors of the foundation shall consist of the following  
20 persons:

21 (a) Eight nominees of the governor, who are residents of this state, represent  
22 the diverse artistic interests of the people of this state, and represent each of the  
23 geographic regions of the state, appointed for 7-year terms with the advice and  
24 consent of the senate. At least one of the nominees shall be knowledgeable in

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1 marketing and fund raising. Each member appointed under this paragraph may  
2 hold office until a successor is appointed.

3 (b) The chairperson of the arts board or the chairperson's designee.

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

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

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

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

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

19 **247.05 General powers and duties.** (1) Except as otherwise provided in this  
20 chapter, the foundation has all of the powers necessary and convenient to carry out  
21 its duties under sub. (2) and s. 247.06, including the power to do all of the following:

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

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

24 (c) Sue and be sued.

25 (d) Maintain an office.

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

2 (f) Execute contracts and other instruments.

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

5 (h) Establish arts programs with the advice of the arts board and statewide arts  
6 organizations.

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

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

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

13 1. The various geographic regions of the state.

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

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

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

19 (c) Adopt bylaws for accepting restricted donations.

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

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

24 (f) Deposit in the state treasury all cash, gifts, grants, bequests, or other  
25 contributions made to the foundation, and all noncash gifts, grants, bequests, or

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1 other contributions made to the foundation that have been converted to cash under  
2 sub. (1) (i).

3 (g) Biennially review the foundation's priorities for expenditures under s.  
4 247.06 (1) (b) and report those priorities to the presiding officer of each house of the  
5 legislature.

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

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

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

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

23 **247.07 Dissolution.** The foundation may not dissolve and wind up its affairs  
24 unless the legislature enacts a law ordering dissolution.

25 \*-0420/4.2\* **SECTION 3129.** 252.12 (title) of the statutes is amended to read:

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## SECTION 3129

1           **252.12** (title) ~~Services relating to acquired immunodeficiency~~  
2 ~~syndrome~~ HIV and related infections, including hepatitis C virus  
3 infections; services and prevention.

4           \*~~0420/4.3~~\* **SECTION 3130.** 252.12 (2) (a) (intro.) of the statutes is amended to  
5 read:

6           252.12 (2) (a) ~~Acquired immunodeficiency syndrome~~ HIV and related  
7 infections, including hepatitis C virus infections; services. (intro.) From the  
8 appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute  
9 funds for the provision of services to individuals with or at risk of contracting  
10 ~~acquired immunodeficiency syndrome~~ HIV infection, as follows:

11           \*~~0420/4.4~~\* **SECTION 3131.** 252.12 (2) (a) 1. of the statutes is amended to read:

12           252.12 (2) (a) 1. ‘Partner referral and notification.’ The department shall  
13 contact an individual known to have received an HIV infection and encourage him  
14 or her to refer for counseling ~~and, HIV testing, and, if appropriate, testing for~~  
15 hepatitis C virus infection any person with whom the individual has had sexual  
16 relations or has shared intravenous equipment.

17           \*~~0420/4.5~~\* **SECTION 3132.** 252.12 (2) (a) 2. of the statutes is amended to read:

18           252.12 (2) (a) 2. ‘Grants to local projects.’ The department shall make grants  
19 to applying organizations for the provision of ~~acquired immunodeficiency syndrome~~  
20 HIV and related infection prevention information, the establishment of counseling  
21 support groups and the provision of direct care to persons with ~~acquired~~  
22 ~~immunodeficiency syndrome~~ HIV infection, including those persons with hepatitis  
23 C.virus infection.

24           \*~~0420/4.6~~\* **SECTION 3133.** 252.12 (2) (a) 3. (intro.) of the statutes is amended  
25 to read:

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

12           \*~~0420/4.7~~\* **SECTION 3134.** 252.12 (2) (a) 3. a. of the statutes is amended to  
13          read:

14           252.12 (2) (a) 3. a. ~~Acquired immunodeficiency syndrome and~~ HIV infection  
15          and related infections.

16           \*~~0420/4.8~~\* **SECTION 3135.** 252.12 (2) (a) 3. b. of the statutes is amended to  
17          read:

18           252.12 (2) (a) 3. b. Means of identifying whether or not individuals may be at  
19          risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

20           \*~~0420/4.9~~\* **SECTION 3136.** 252.12 (2) (a) 3. c. of the statutes is amended to  
21          read:

22           252.12 (2) (a) 3. c. Measures individuals may take to protect themselves from  
23          contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

24           \*~~0420/4.10~~\* **SECTION 3137.** 252.12 (2) (a) 4. of the statutes is amended to read:



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1           252.12 (2) (a) 4. ‘Information network.’ The department shall establish a  
2 network to provide information to local health officers and other public officials who  
3 are responsible for ~~acquired immunodeficiency syndrome~~ HIV infection and related  
4 infection prevention and training.

5           \*~~0420/4.11~~\* **SECTION 3138.** 252.12 (2) (a) 5. of the statutes is amended to read:

6           252.12 (2) (a) 5. ‘HIV seroprevalence studies.’ The department shall perform  
7 tests for the presence of HIV, ~~antigen or nonantigenic products of HIV or an antibody~~  
8 ~~to HIV~~ and, if appropriate, related infections and shall conduct behavioral surveys  
9 among population groups determined by the department to be highly at risk of  
10 becoming infected with or transmitting HIV and related infections. Information  
11 obtained shall be used to develop targeted HIV infection and related infection  
12 prevention efforts for these groups and to evaluate the state’s prevention strategies.

13           \*~~0420/4.12~~\* **SECTION 3139.** 252.12 (2) (a) 6. of the statutes is amended to read:

14           252.12 (2) (a) 6. ‘Grants for targeted populations and intervention services.’  
15 The department shall make grants to those applying organizations ~~determined by~~  
16 ~~that~~ the department ~~to be~~ determines are best able to contact individuals who are  
17 determined to be highly at risk of contracting ~~acquired immunodeficiency syndrome~~  
18 HIV for the provision of ~~acquired immunodeficiency syndrome~~ HIV and related  
19 infection information and intervention services.

20           \*~~0420/4.13~~\* **SECTION 3140.** 252.12 (2) (a) 7. of the statutes is amended to read:

21           252.12 (2) (a) 7. ‘Contracts for counseling and laboratory testing services.’ The  
22 department shall distribute funding in each fiscal year to contract with  
23 organizations to provide, at alternate testing sites, anonymous or confidential  
24 counseling services for HIV and laboratory testing services for the presence of HIV  
25 and, if appropriate, related viruses.

**SENATE BILL 55**

1           \*~~0420/4.14~~\* **SECTION 3141.** 252.12 (2) (c) 2. of the statutes is amended to read:

2           252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the  
3 department shall award \$75,000 in each fiscal year as grants for services to prevent  
4 HIV infection and related infections, including hepatitis C virus infection. Criteria  
5 for award of the grants shall include the criteria specified under subd. 1. The  
6 department shall award 60% of the funding to applying organizations that receive  
7 funding under par. (a) 8. and 40% of the funding to applying community-based  
8 organizations that are operated by minority group members, as defined in s. 560.036  
9 (1) (f).

10           \*~~0420/4.15~~\* **SECTION 3142.** 252.12 (2) (c) 3. of the statutes is amended to read:

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

15           \*~~b0617/2.2~~\* **SECTION 3142m.** 253.065 of the statutes is created to read:

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

21           \*~~0295/2.2~~\* **SECTION 3143.** 253.13 (2) of the statutes is amended to read:

22           253.13 (2) **TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;**  
23 **FEES.** The department shall contract with the state laboratory of hygiene to perform  
24 the tests specified under this section and to furnish materials for use in the tests.  
25 The department shall provide necessary diagnostic services, special dietary

**SENATE BILL 55****SECTION 3143**

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

12 \*b0624/1.4\* **SECTION 3143m.** 254.11 (13) of the statutes is amended to read:

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

21 \*-0191/1.1\* **SECTION 3144.** 254.31 (10) of the statutes is amended to read:

22 254.31 (10) "Source material" means ~~any material except special nuclear~~  
23 ~~material, which contains by weight 0.05 per cent or more of uranium, thorium, or any~~  
24 combination thereof in any physical or chemical form, or ores that contain by weight

## SENATE BILL 55

1 0.05% or more of uranium, thorium, or any combination thereof. "Source material"  
2 does not include special nuclear material.

3 \***-0191/1.2\*** SECTION 3145. 254.34 (1) (a) of the statutes is amended to read:

4 254.34 (1) (a) Promulgate and enforce rules, including registration and  
5 licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent  
6 unnecessary radiation exposure. The rules may incorporate by reference the  
7 recommended standards of nationally recognized bodies in the field of radiation  
8 protection and other fields of atomic energy, under the procedure established by s.  
9 227.21 (2). The rules for by-product material, source material and special nuclear  
10 material ~~may be no less stringent than~~ shall be in accordance with the requirements  
11 of 42 USC 2021 (o) and shall otherwise be compatible with the requirements under  
12 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114.

13 \***-0191/1.3\*** SECTION 3146. 254.34 (2) (c) of the statutes is created to read:

14 254.34 (2) (c) Develop requirements for qualification, certification, training,  
15 and experience of an individual who does any of the following:

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

20 \***-0191/1.4\*** SECTION 3147. 254.34 (2) (d) of the statutes is created to read:

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

**SENATE BILL 55****SECTION 3148**

1           \***-0421/2.1\*** **SECTION 3148.** 254.47 (1m) of the statutes is created to read:

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

7           \***-0421/2.2\*** **SECTION 3149.** 254.47 (2) of the statutes is amended to read:

8           254.47 (2) A separate permit is required for each campground, camping resort,  
9           recreational and or educational camp and public swimming pool. No permit issued  
10          under this section is transferable from one premises to another or from one person,  
11          state or local government to another, except that the permit may be transferred from  
12          an individual to an immediate family member, as defined in s. 254.64 (4) (a), if the  
13          individual is transferring operation of the campground, camping resort, recreational  
14          and or educational camp or public swimming pool to the immediate family member.

15          \***-0421/2.3\*** **SECTION 3150.** 254.47 (4) of the statutes is amended to read:

16          254.47 (4) Permits issued under this section expire on June 30, except that  
17          permits initially issued during the period beginning on April 1 and ending on June  
18          30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and  
19          (e), the department shall promulgate rules that establish, for permits issued under  
20          this section, amounts of permit fees, preinspection fees, reinspection fees, fees for  
21          operating without a license, and late fees for untimely permit renewal.

22          \***-0421/2.4\*** **SECTION 3151.** 254.64 (1) (b) of the statutes is amended to read:

23          254.64 (1) (b) No person may maintain, manage or operate a bed and breakfast  
24          establishment for more than 10 nights in a year without having first obtained a  
25          ~~biennial~~ an annual permit from the department.

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1           \*~~0421/2.5~~\* **SECTION 3152.** 254.64 (4) (b) of the statutes is amended to read:  
2           254.64 (4) (b) Except as provided in ~~pars. (e) and par.~~ (d), no permit is  
3 transferable from one premises to another or from one person to another.

4           \*~~0421/2.6~~\* **SECTION 3153.** 254.64 (4) (c) of the statutes is repealed.

5           \*~~0421/2.7~~\* **SECTION 3154.** 254.68 of the statutes is amended to read:

6           **254.68 Fees.** Except as provided in s. 254.69 (2) (d) and (e), the department  
7 shall promulgate rules that establish, for permits issued under s. 254.64, permit fees,  
8 preinspection fees and, reinspection fees, fees for operating without a permit, late  
9 fees for untimely permit renewal, fees for comparable compliance or variance  
10 requests, and fees for pre-permit review of restaurant plans.

11           \*~~0421/2.8~~\* **SECTION 3155.** 254.69 (2) (am) of the statutes is amended to read:  
12           254.69 (2) (am) In the administration of this subchapter or s. 254.47, the  
13 department may enter into a written agreement with a local health department with  
14 a jurisdictional area that has a population greater than 5,000, which designates the  
15 local health department as the department's agent in issuing permits to and making  
16 investigations or inspections of hotels, restaurants, temporary restaurants, tourist  
17 rooming houses, bed and breakfast establishments, campgrounds and camping  
18 resorts, recreational and educational camps and public swimming pools. In a  
19 jurisdictional area of a local health department without agent status, the  
20 department of health and family services may issue permits, collect ~~permit~~ fees  
21 established by rule under s. 254.68 and make investigations or inspections of hotels,  
22 restaurants, temporary restaurants, tourist rooming houses, bed and breakfast  
23 establishments, campgrounds and camping resorts, recreational and educational  
24 camps and public swimming pools. If the department designates a local health  
25 department as its agent, the department or local health department may require no

## SENATE BILL 55

## SECTION 3155

1 permit for the same operations other than the permit issued by the local health  
2 department under this subsection. The department shall coordinate the designation  
3 of agents under this subsection with the department of agriculture, trade and  
4 consumer protection to ensure that, to the extent feasible, the same local health  
5 department is granted agent status under this subsection and under s. 97.41. Except  
6 as otherwise provided by the department, a local health department granted agent  
7 status shall regulate all types of establishments for which this subchapter permits  
8 the department of health and family services to delegate regulatory authority.

*del space*  
9  
10 \*b0479/2.2\* SECTION 3155z. 255.06 of the statutes is repealed and recreated  
11 to read:

12 **255.06 Well-woman program.** (1) DEFINITIONS. In this section:

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

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

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

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

21 (e) "Poverty line" means the nonfarm federal poverty line for the continental  
22 United States, as defined by the federal department of labor under 42 USC 9902 (2).

23 (2) WELL-WOMAN PROGRAM. From the appropriation under s. 20.435 (5) (cb), the  
24 department shall administer a well-woman program to provide reimbursement for  
25 health care screenings, referrals, follow-ups, and patient education provided to

**SENATE BILL 55**

1 low-income, underinsured, and uninsured women. Reimbursement to service  
2 providers under this section shall be at the rate of reimbursement for identical  
3 services provided under medicare, except that, if projected costs under this section  
4 exceed the amounts appropriated under s. 20.435 (5) (cb), the department shall  
5 modify services or reimbursement accordingly. Within this limitation, the  
6 department shall implement the well-woman program to do all of the following:

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

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

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

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

22 (b) *Media announcements and educational materials.* Allocate and expend at  
23 least \$20,000 in each fiscal year to develop and provide media announcements and  
24 educational materials to promote breast cancer screening services that are available



**SENATE BILL 55****SECTION 3155z**

1 under pars. (a) and (c) and to promote health care screening services for women that  
2 are available under par. (e).

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

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

11 (e) *Health care screening, referral, follow-up, and patient education.*  
12 Reimburse service providers for the provision of health care screening, referral,  
13 follow-up, and patient education to low-income, underinsured, and uninsured  
14 women.

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

- 17 1. Increase women's awareness of issues that affect their health.
- 18 2. Reduce the prevalence of chronic and debilitating health conditions that  
19 affect women.

20 (g) *Osteoporosis prevention and education.* Conduct an osteoporosis prevention  
21 and education program to raise public awareness concerning the causes and nature  
22 of osteoporosis, the risk factors for developing osteoporosis, the value of prevention  
23 and early detection of osteoporosis, and options for diagnosing and treating  
24 osteoporosis.

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

5           **\*b0479/2.2\* SECTION 3156m.** 255.07 of the statutes is repealed.

6           **\*b0479/2.2\* SECTION 3157b.** 255.075 of the statutes is repealed.

7           **\*-1205/4.4\* SECTION 3159.** 255.10 (intro.) of the statutes is amended to read:

8           **255.10 Thomas T. Melvin youth tobacco prevention and education**

9           **program.** (intro.) From the ~~appropriation under s. 20.435 (5) (dg)~~ <sup>plain text</sup> ~~moneys~~  
10 distributed under s. 255.15 (3) (a) 2., the department shall administer the Thomas  
11 T. Melvin youth tobacco prevention and education program, with the primary  
12 purpose of reducing the use of cigarettes and tobacco products by minors. The  
13 department shall award grants for the following purposes:

14           **\*-1205/4.5\* SECTION 3160.** 255.15 (3) (a) 2. of the statutes is amended to read:

15           255.15 (3) (a) 2. The Thomas T. Melvin youth tobacco prevention and education  
16 program under s. 255.10, \$1,000,000 \$2,000,000 in fiscal year 1999–2000 and not  
17 ~~less than \$1,000,000 in fiscal year 2000–01~~ 2001–02 and <sup>del space</sup> in each fiscal year  
18 thereafter.

19           **\*b0275/2.16\* SECTION 3160c.** 255.15 (4) of the statutes is amended to read:

20           255.15 (4) REPORTS. Not later than ~~July 1, 2001~~ April 15, 2002, and annually  
21 thereafter, the board shall submit to the governor and to the chief clerk of each house  
22 of the legislature for distribution under s. 13.172 (2) a report that evaluates the  
23 success of the grant program under sub. (3). The report shall specify the number of  
24 grants awarded during the immediately preceding fiscal year and the purpose for

## SENATE BILL 55

## SECTION 3160c

1 which each grant was made. The report shall also specify donations and grants  
2) accepted by the board under sub. (5).<sup>e</sup>

3 \*b0278/1.1\* SECTION 3160t. 281.17 (1) of the statutes is renumbered 281.17  
4 (1) (a) and amended to read:

5 281.17 (1) (a) ~~No wells shall~~ A well may not be constructed, installed, or  
6 operated to withdraw water from underground sources for any purpose groundwater  
7 where the capacity and rate of withdrawal of all wells on one property is in excess  
8 of 100,000 gallons a day without first obtaining the approval of the department. If  
9 s. 281.35 applies to the proposed ~~construction well~~, the application shall comply with  
10 s. 281.35 (5) (a). ~~If the department finds that the proposed withdrawal will adversely~~  
11 ~~affect or reduce the availability of water to any public utility in furnishing water to~~  
12 ~~or for the public or does not meet the grounds for approval specified under s. 281.35~~  
13 ~~(5) (d), if applicable, it shall either~~

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

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

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

21 (d) The department shall require each person issued an approval under this  
22 subsection to report that person's volume and rate of withdrawal, as defined under  
23 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under  
24 s. 281.35 (1) (L), if any, in the form and at the times specified by the department. ~~The~~

**SENATE BILL 55**

1 ~~department may issue general or special orders it considers necessary to ensure~~  
2 ~~prompt and effective administration of this subsection.~~

3 \*b0278/1.1\* **SECTION 3160v.** 281.17 (1) (c) of the statutes is created to read:

4 281.17 (1) (c) 1. Except as provided in subd. 3., the department shall impose  
5 as a condition in each approval under this subsection that the person issued the  
6 approval may not use, or permit another person to use, any water withdrawn from  
7 the well to produce bottled drinking water, as defined in s. 97.34 (1) (a), unless the  
8 department approves use of the well for that purpose.

9 2. The department shall withhold its approval, grant a limited approval, or  
10 modify an approval in order to minimize adverse effects to the quality or quantity of  
11 waters of the state caused by any well used to produce bottled drinking water, as  
12 defined in s. 97.34 (1) (a). The department shall prepare an environmental impact  
13 statement under s. 1.11 (2) for a decision by the department under this paragraph  
14 to approve the use of a well to produce bottled drinking water.

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

17 \*-0313/2.21\* **SECTION 3161.** 281.17 (2) of the statutes is amended to read:

18 281.17 (2) The department shall supervise chemical treatment of waters for the  
19 suppression of ~~algae, aquatic weeds, swimmers' itch and other nuisance-producing~~  
20 ~~plants and organisms that are not regulated by the program established under s.~~  
21 23.24 (2). It may purchase equipment and may make a charge for the use of the same  
22 and for materials furnished, together with a per diem charge for any services  
23 performed in such work. The charge shall be sufficient to reimburse the department  
24 for the use of the equipment, the actual cost of materials furnished, and the actual  
25 cost of the services rendered.

## SENATE BILL 55

## SECTION 3161

PLAIN TEXT

1  
2 \***-0321/5.3\*** SECTION 3163. 281.58 (9) (e) of the statutes is amended to read:

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

15 \***-0321/5.4\*** SECTION 3164. 281.58 (9m) (f) (intro.) of the statutes is amended  
16 to read:

17 281.58 (9m) (f) (intro.) If the department of natural resources and the  
18 department of administration determine that the amount approved under s. 281.59  
19 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount available under  
20 s. 281.59 (4) (f) for a biennium is 85% or less of the amount of present value subsidy,  
21 general obligation bonding authority or revenue bonding authority, respectively,  
22 requested for that biennium in the biennial finance plan submitted under s. 281.59  
23 (3) (bm) 1. insufficient to provide funding for all projects for which applications will  
24 be approved during that biennium, all of the following apply:

25 \***b0279/1.1\*** SECTION 3164j. 281.58 (13) (be) 5. of the statutes is repealed.

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1           **\*b0279/1.1\* SECTION 3164L.** 281.58 (13) (em) 3. of the statutes is created to  
2 read:

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

8           **\*-0321/5.5\* SECTION 3165.** 281.59 (3e) (b) 1. and 3. of the statutes are amended  
9 to read:

10           281.59 (3e) (b) 1. Equal to ~~\$85,200,000~~ \$90,000,000 during the ~~1999-01~~  
11 2001-03 biennium.

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

13           **\*-0321/5.6\* SECTION 3166.** 281.59 (3m) (b) 1. and 2. of the statutes are  
14 amended to read:

15           281.59 (3m) (b) 1. Equal to ~~\$9,400,000~~ \$9,110,000 during the ~~1999-01~~ 2001-03  
16 biennium.

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

18           **\*-0321/5.7\* SECTION 3167.** 281.59 (3s) (b) 1. and 2. of the statutes are amended  
19 to read:

20           281.59 (3s) (b) 1. Equal to ~~\$12,600,000~~ \$10,900,000 during the ~~1999-01~~  
21 2001-03 biennium.

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

23           **\*-0321/5.8\* SECTION 3168.** 281.59 (4) (f) of the statutes is amended to read:

24           281.59 (4) (f) Revenue obligations may be contracted by the building  
25 commission when it reasonably appears to the building commission that all

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1 obligations incurred under this subsection can be fully paid on a timely basis from  
2 moneys received or anticipated to be received. Revenue obligations issued under this  
3 subsection for the clean water fund program shall not exceed \$1,297,755,000  
4 \$1,398,355,000 in principal amount, excluding obligations issued to refund  
5 outstanding revenue obligation notes. ✓

6 **\*b0415/1.1\* SECTION 3168n.** 281.60 (2) of the statutes is amended to read:

7 281.60 (2) GENERAL. The department and the department of administration  
8 may administer a program to provide financial assistance to eligible applicants for  
9 projects to remedy environmental contamination of sites or facilities at which  
10 environmental contamination has affected groundwater or surface water or  
11 threatens to affect groundwater or surface water. Eligible costs for a project include  
12 costs of site assessment and site investigation, to the extent allowed under federal  
13 law, if the eligible applicant demonstrates in its application that remediation will be  
14 necessary and include costs of demolition that is a necessary part of the remediation.  
15 The department and the department of administration may provide financial  
16 assistance under this section to an eligible applicant only if the eligible applicant  
17 owns the contaminated site or facility or, if the applicant is a political subdivision,  
18 if a redevelopment authority or a housing authority owns the contaminated site or  
19 facility. The department and the department of administration may not provide  
20 financial assistance under this section to remedy environmental contamination at  
21 a site or facility that is not a landfill if the eligible applicant caused the  
22 environmental contamination.

23 **\*b0415/1.1\* SECTION 3168p.** 281.60 (3) of the statutes is repealed.

24 **\*b0415/1.1\* SECTION 3168r.** 281.60 (5) of the statutes is amended to read:

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1           281.60 (5) APPLICATION. ~~After submitting a notice of intent to apply under sub-~~  
2           ~~(3) (a) or obtaining a waiver under sub. (3) (b), an~~ An eligible applicant shall submit  
3           an application for land recycling loan program financial assistance to the  
4           department. The eligible applicant shall submit the application before the date  
5           established by the department ~~by rule.~~ The department shall establish at least 2  
6           application deadlines each year. The application shall be in the form and include the  
7           information required by the department and the department of administration. An  
8           eligible applicant may not submit more than one application per project per year.

9           **\*b0415/1.1\* SECTION 3168t.** 281.60 (8) (a) 1. of the statutes is amended to read:  
10          281.60 (8) (a) 1. The department of administration may not allocate more than  
11          40% of the available funds allocated in each fiscal year to projects to remedy  
12          contamination at landfills.

13          **\*b0415/1.1\* SECTION 3168v.** 281.60 (8p) of the statutes is created to read:  
14          281.60 (8p) SECURITY. Notwithstanding s. 281.59 (9) (b) 1., the department and  
15          the department of administration may not require an applicant to use general  
16          obligation bonds as security for financial assistance under this section but shall  
17          accept other collateral that meets typical underwriting criteria.

18          **\*-0291/1.1\* SECTION 3169.** 281.61 (3) (b) of the statutes is repealed.

19          **\*-0291/1.2\* SECTION 3170.** 281.61 (3) (c) of the statutes is amended to read:  
20          281.61 (3) (c) The department may waive par. (a) ~~or (b)~~ upon the written request  
21          of a local governmental unit.

22          **\*-0373/2.1\* SECTION 3171.** 281.65 (4) (f) of the statutes is amended to read:  
23          281.65 (4) (f) Administer the distribution of grants and aids to governmental  
24          units for local administration and implementation of the program under this section.  
25          A grant awarded under this section may be used for cost-sharing for management



**SENATE BILL 55****SECTION 3171**

1 practices and capital improvements, easements, or other activities determined by  
2 the department to satisfy the requirements of this section. A grant under this section  
3 to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for  
4 plan preparation, technical assistance, educational and training assistance, and  
5 ordinance development and administration. A grant may not be used for  
6 promotional items, except for promotional items that are used for informational  
7 purposes, such as brochures or videos.

8 \***-0390/2.1\*** SECTION 3172. 281.65 (4c) (am) 1. a. of the statutes is amended to  
9 read:

10 281.65 (4c) (am) 1. a. The need for compliance with performance standards  
11 established by the department under s. 281.16 (2) and (3).

12 \***-0390/2.2\*** SECTION 3173. 281.65 (4c) (am) 2. of the statutes is amended to  
13 read:

14 281.65 (4c) (am) 2. ~~The project cannot be conducted with department, in~~  
15 consultation with the department of agriculture, trade and consumer protection,  
16 determines that funding provided under s. 92.14 is insufficient to fund the project.

17 \***-1813/4.14\*** SECTION 3174. 281.65 (4g) of the statutes is amended to read:

18 281.65 (4g) The department may contract with any person from the  
19 appropriation account under s. 20.370 (4) ~~(at)~~ (ac) for services to administer or  
20 implement this section, including information and education and training services.  
21 The department shall allocate \$500,000 in each fiscal year from the appropriation  
22 account under s. 20.370 (4) ~~(at)~~ (ac) for contracts for educational and technical  
23 assistance related to the program under this section provided by the University of  
24 Wisconsin-Extension.

25

**SENATE BILL 55**

1           **\*b0297/5.10\* SECTION 3176b.** 281.65 (5q) of the statutes is created to read:

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

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

12           **\*b0298/1.1\* SECTION 3176m.** 281.65 (11) of the statutes is amended to read:

13           281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay  
14 River is a priority watershed for the period ending on June 30, ~~2001~~ 2006.  
15 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and  
16 (e), the department, in consultation with the local units of government involved with  
17 the priority watershed project, shall establish guidelines for the types of nonpoint  
18 source water pollution abatement practices to be eligible for cost-sharing grants in  
19 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in  
20 the watershed may be based on the amount of pollution reduction achieved rather  
21 than on the cost of the practices installed, using guidelines developed by the  
22 department, in consultation with the local units of government involved with the  
23 priority watershed project. In providing funding under s. 92.14 (3), the department  
24 of agriculture, trade and consumer protection shall determine the amount of  
25 matching funds required for staff for the priority watershed project as though the

**SENATE BILL 55****SECTION 3176m**

1 funding termination date of June 30, 2006, had been in effect on October 6, 1998. The  
2 department and the local governmental staff involved with the priority watershed  
3 project shall evaluate the cost effectiveness of the project and the reduction in  
4 nonpoint source water pollution associated with the project. (.)

\*\*\*\*NOTE: The sentence added to s. 281.65 (11) is needed because of LRBb0297. If  
that draft is not used to make the JCF sub., the sentence must be deleted.

5 **\*-0353/3.16\* SECTION 3180.** 281.68 (1) (b) (intro.) of the statutes is  
6 renumbered 281.68 (1) (b) and amended to read:

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

10 **\*-0353/3.17\* SECTION 3181.** 281.68 (1) (b) 1. of the statutes is renumbered  
11 281.68 (3m) (a) 2. and amended to read:

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

15 **\*-0353/3.18\* SECTION 3182.** 281.68 (1) (b) 2. of the statutes is renumbered  
16 281.68 (3m) (a) 3. and amended to read:

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

20 **\*-0353/3.19\* SECTION 3183.** 281.68 (1) (b) 3. of the statutes is renumbered  
21 281.68 (3m) (a) 4. and amended to read:

**SENATE BILL 55**

1           281.68 (3m) (a) 4. ~~Allows~~ Allow to be a member any individual who for at least  
2 one month each year resides on or within one mile of an inland lake for which the  
3 association was incorporated.

4           \*~~-0353/3.20~~\* **SECTION 3184.** 281.68 (1) (b) 4. of the statutes is renumbered  
5 281.68 (3m) (a) 5. and amended to read:

6           281.68 (3m) (a) 5. ~~Allows~~ Allow to be a member any individual who owns real  
7 estate on or within one mile of an inland lake for which the association was  
8 incorporated.

9           \*~~-0353/3.21~~\* **SECTION 3185.** 281.68 (1) (b) 5. of the statutes is renumbered  
10 281.68 (3m) (a) 6. and amended to read:

11           281.68 (3m) (a) 6. ~~Does not~~ Not have articles of incorporation or bylaws which  
12 limit or deny the right of any member or any class of members to vote as permitted  
13 under s. 181.0721 (1).

14           \*~~-0353/3.22~~\* **SECTION 3186.** 281.68 (1) (b) 6. of the statutes is renumbered  
15 281.68 (3m) (a) 7. and amended to read:

16           281.68 (3m) (a) 7. ~~Has been~~ Demonstrate that it has been in existence for at  
17 least one year.

18           \*~~-0353/3.23~~\* **SECTION 3187.** 281.68 (1) (b) 7. of the statutes is renumbered  
19 281.68 (3m) (a) 8. and amended to read:

20           281.68 (3m) (a) 8. ~~Has~~ Demonstrate that it has at least 25 members.

21           \*~~-0353/3.24~~\* **SECTION 3188.** 281.68 (1) (b) 8. of the statutes is renumbered  
22 281.68 (3m) (a) 9. and amended to read:

23           281.68 (3m) (a) 9. ~~Requires~~ Require payment of an annual membership fee of  
24 ~~not less than \$10 nor more than \$25 as set by the department by rule under par. (b).~~

25           \*~~-0353/3.25~~\* **SECTION 3189.** 281.68 (1) (c) of the statutes is created to read:

## SENATE BILL 55

1           281.68 (1) (c) "Qualified school district" is a school district that meets the  
2 qualifications under sub. (3m) (c).

3           \***-0353/3.28\*** SECTION 3192. 281.68 (3) (a) of the statutes is amended to read:

4           281.68 (3) (a) Eligible recipients to consist of nonprofit conservation  
5 organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified  
6 lake associations, <sup>del space</sup> town sanitary districts, qualified school districts, public inland  
7 lake protection and rehabilitation districts, and other local governmental units, as  
8 defined in s. 66.0131 (1) (a), that are established for the purpose of lake management.

9           \***-0353/3.29\*** SECTION 3193. 281.68 (3) (b) 6. of the statutes is created to read:

10           281.68 (3) (b) 6. Providing programs and materials that promote the  
11 monitoring of private sewage systems, the reduction in the use of environmentally  
12 harmful chemicals, water safety, and the protection of natural lake ecosystems.

13           \***-0353/3.30\*** SECTION 3194. 281.68 (3m) (title) and (a) (intro.) of the statutes  
14 are created to read:

15           281.68 (3m) (title) QUALIFIED ENTITIES. (a) (intro.) To be a qualified lake  
16 association, an association shall do all of the following:

17           \***-0353/3.31\*** SECTION 3195. 281.68 (3m) (a) 1. of the statutes is created to read:

18           281.68 (3m) (a) 1. Demonstrate that it is incorporated under ch. 181.

19           \***-0353/3.32\*** SECTION 3196. 281.68 (3m) (b) of the statutes is created to read:

20           281.68 (3m) (b) For purposes of par. (a) 9., the department shall set by rule the  
21 maximum amount and the minimum amount that may be charged as an annual  
22 membership fee.

23           \***-0353/3.33\*** SECTION 3197. 281.68 (3m) (c) of the statutes is created to read:

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SENATE BILL 55

1 281.68 (3m) (c) To be a qualified school district, the board of the school district  
2 shall adopt a resolution to conduct a lake management planning project that will do  
3 all of the following:

- 4 1. Provide information or education on the use of lakes or natural lake
- 5 ecosystems, on the quality of water in lakes, or on the quality of natural lake
- 6 ecosystems.
- 7 2. Allow another eligible recipient of grants under this section to cooperate with
- 8 the school district in the project.

*del  
Spud*

9 ~~\*-0353/3.35\* SECTION 3199.~~ 281.69 (1b) of the statutes is renumbered 281.69

10 (1b) (intro.) and amended to read:

11 281.69 (1b) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~"lake";~~ ✓

12 (ag) "Lake" includes a flowage.

13 \*-0353/3.37\* SECTION 3201. 281.69 (1b) (c) of the statutes is created to read:  
14 281.69 (1b) (c) "Qualified lake association" is an association that meets the

15 qualifications under s. 281.68 (3m) (a).

16 \*-0353/3.38\* SECTION 3202. 281.69 (1b) (d) of the statutes is created to read:  
17 281.69 (1b) (d) "Wetland" has the meaning given in s. 23.32 (1).

18 \*-0353/3.39\* SECTION 3203. 281.69 (3) (a) of the statutes is amended to read:  
19 281.69 (3) (a) A designation of eligible recipients, which shall include nonprof  
20 conservation organizations, as defined in s. 23.0955 (1), counties, cities, town  
21 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanit  
22 districts, public inland lake protection and rehabilitation districts, and other l  
23 governmental units, as defined in s. 66.0131 (1) (a), that are established for  
24 purpose of lake management.  
25

**SENATE BILL 55****SECTION 3205**

1           \***-0353/3.41\*** **SECTION 3205.** 281.69 (3) (b) 2. of the statutes is amended to read:

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

4           \***-0353/3.42\*** **SECTION 3206.** 281.69 (3) (b) 2m. of the statutes is created to read:

5           281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along  
6 its shoreline if the restoration will protect or improve the lake's water quality or its  
7 natural ecosystem.

8           \***-1335/7.63\*** **SECTION 3208.** 281.75 (4) (b) 3. of the statutes is amended to read:

9           281.75 (4) (b) 3. An authority created under ch. 231, 233 ~~or~~ 234, or 237.

10          \***-0367/3.2\*** **SECTION 3211.** 283.33 (1) (b) of the statutes is amended to read:

11          283.33 (1) (b) A discharge of storm water from a municipal separate storm  
12 sewer system serving an incorporated area with a population of 100,000 or more, as  
13 determined by the 1990 federal census.

14          \***-0367/3.3\*** **SECTION 3212.** 283.33 (1) (c) of the statutes is created to read:

15          283.33 (1) (c) A discharge of storm water from a municipal separate storm  
16 sewer system serving an area located in an urbanized area, as determined by the U.S.  
17 bureau of the census based on the latest decennial federal census.

18          \***-0367/3.4\*** **SECTION 3213.** 283.33 (1) (cg) of the statutes is created to read:

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

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1           \***-0367/3.5\*** SECTION 3214. 283.33 (1) (cr) of the statutes is created to read:

2           283.33 (1) (cr) A discharge of storm water from a municipal separate storm  
3 sewer system that is designated by the department to be regulated under this section  
4 because the system contributes substantially to the pollutant loadings of a physically  
5 interconnected municipal separate storm sewer system that is regulated under this  
6 section.

7           \***-0367/3.6\*** SECTION 3215. 283.33 (1) (d) of the statutes is amended to read:

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

12           \***-0367/3.7\*** SECTION 3216. 283.33 (4) (a) (intro.) of the statutes is amended to  
13 read:

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

19           \***-0367/3.8\*** SECTION 3217. 283.33 (8) of the statutes is amended to read:

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

25           \***-1857/5.119\*** SECTION 3218. 283.84 (1) (c) of the statutes is amended to read:



**SENATE BILL 55****SECTION 3218**

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

5           \*~~0367/3.9~~\* **SECTION 3219.** 283.89 (2m) of the statutes is amended to read:

6           283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which  
7 a person is subject to a forfeiture under s. 283.91 (2), the department ~~shall~~ may issue  
8 a citation and, if the department does issue a citation, the procedures in ss. 23.50 to  
9 23.99 apply.

10          \*~~1335/7.64~~\* **SECTION 3220.** 285.59 (1) (b) of the statutes is amended to read:

11          285.59 (1) (b) “State agency” means any office, department, agency, institution  
12 of higher education, association, society or other body in state government created  
13 or authorized to be created by the constitution or any law which is entitled to expend  
14 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
15 Housing and Economic Development Authority, the Bradley Center Sports and  
16 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
17 Authority, the Fox River Navigational System Authority, and the Wisconsin Health  
18 and Educational Facilities Authority.

19          \*~~1838/1.1~~\* **SECTION 3222.** 285.69 (2) (a) 8. of the statutes is amended to read:

20          285.69 (2) (a) 8. That the fee billed for each stationary source in each year after  
21 2001 is based on the actual emissions of all regulated pollutants, and any other air  
22 contaminant specified by the department in the rules, in the preceding ~~5 years~~, using  
23 a 5-year rolling average year.

24          \*~~0290/2.4~~\* **SECTION 3225.** 287.23 (5) (c) 2. of the statutes is amended to read:

**SENATE BILL 55**

1           287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other  
2 responsible units, the amount of the grant for 1993 through 2000 1999 equals either  
3 66% of the difference between eligible expenses and avoided disposal costs or \$8  
4 times the population of the responsible unit, whichever is less.

5           \***-0290/2.5\*** SECTION 3226. 287.23 (5m) of the statutes is amended to read:

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

9           \***b0418/2.1\*** SECTION 3227q. 289.41 (6) (a) of the statutes is amended to read:

10           289.41 (6) (a) *Compliance*. Except as provided under par. (j), (k), or (L) or sub.  
11 (7), calculations and determinations based on data and information provided in the  
12 opinion of the certified public accountant are required to establish that the company  
13 satisfies each of the criteria under pars. (b) to (i) in order to comply with minimum  
14 financial standards.

15           \***b0418/2.1\*** SECTION 3227r. 289.41 (6) (k) of the statutes is created to read:

16           289.41 (6) (k) *Exception from one criterion*. Paragraph (e) does not apply to a  
17 company that owns a solid waste facility at which more than one-half, by volume,  
18 of the solid waste disposed of is high-volume industrial waste if the company  
19 satisfies the criteria under pars. (b) to (d) and (f) to (i).

20           \***b0418/2.1\*** SECTION 3227s. 289.41 (6) (L) of the statutes is created to read:

21           289.41 (6) (L) *Alternative criteria for certain companies*. Paragraphs (e) and  
22 (f) do not apply to a company that owns a solid waste facility at which more than  
23 one-half, by volume, of the solid waste disposed of is high-volume industrial waste  
24 if the company satisfies the criteria under pars. (b) to (d) and (g) to (i) and one of the  
25 following criteria:

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**SECTION 3227s**

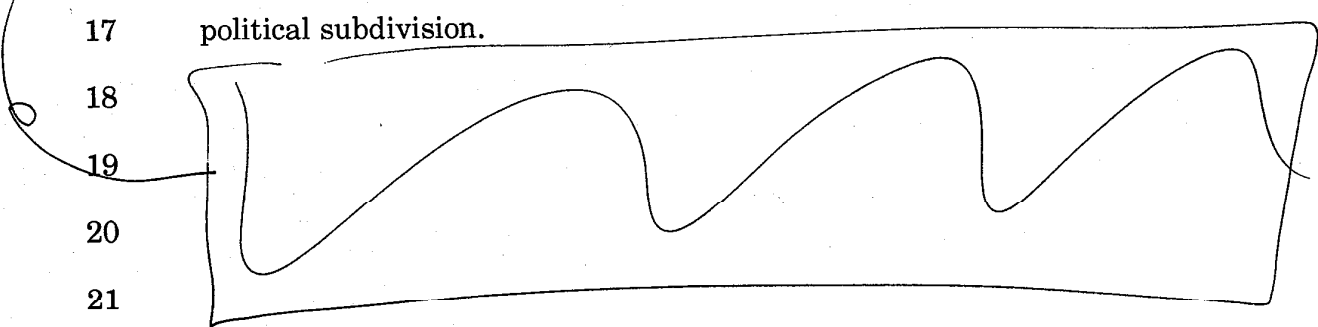
1           1. The company received a rating for its senior unsubordinated debt of "AAA,"  
 2 "AA," "A," or "BBB" from Standard and Poor's Corporation, or of "Aaa," "Aa," "A," or  
 3 "Baa" from Moody's Investor Service, Incorporated, in the most recent issuance of  
 4 ratings by either firm.

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

8           **\*b0581/1.1\* SECTION 3227t.** 289.33 (8) (b) 8. of the statutes is created to read:  
 9           289.33 (8) (b) 8. Compensation to any person for substantial economic impacts  
 10 that are a direct result of the facility's receipt of waste generated outside of this state.

11           **\*b0416/1.2\* SECTION 3228h.** 289.83 of the statutes, as affected by 2001  
 12 Wisconsin Act .... (this act), is repealed.

13           **\*b0416/1.2\* SECTION 3228j.** 289.83 (5) of the statutes is amended to read:  
 14           289.83 (5) PAYMENT OF GRANT. The department shall make 10 annual grant  
 15 payments annually over a 10-year period to recipients who applied in fiscal years  
 16 1992-93 and 1993-94. Each grant payment shall equal 10% of the total grant to a  
 17 political subdivision.



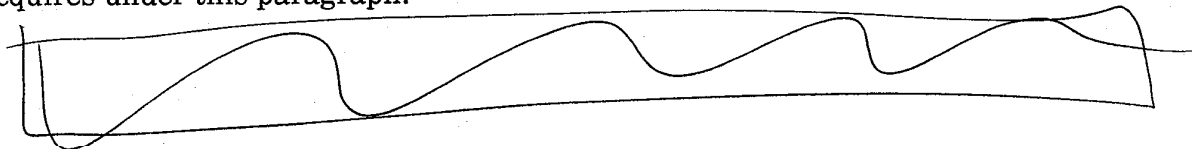
22           **\*-0333/1.1\* SECTION 3259.** 292.31 (7) (am) of the statutes is created to read:  
 23           292.31 (7) (am) 1. The department may accept the transfer of an interest in  
 24 property that was acquired by the federal environmental protection agency as part

**SENATE BILL 55**

1 of a remedial action under the federal Comprehensive Environmental Response,  
2 Compensation, and Liability Act, 42 USC 9601 to 9675.

3 2. The department may acquire an interest in property from any person as part  
4 of a remedial action conducted in cooperation with the federal environmental  
5 protection agency if the acquisition is necessary to implement the remedy. Under  
6 this subdivision, the department may acquire an interest in property that is  
7 necessary to ensure that restrictions on the use of land or groundwater are  
8 enforceable. The department may expend moneys from the appropriations under ss.  
9 20.370 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an interest  
10 in property acquired by the department under this subdivision.

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



13  
14  
15 **\*-0320/5.8\* SECTION 3288.** 292.65 (1) (intro.) of the statutes is amended to  
16 read:

17 292.65 (1) DEFINITIONS. (intro.) In this section ~~and s. 292.66:~~

18 **\*-0320/5.9\* SECTION 3289.** 292.65 (1) (b) of the statutes is amended to read:

19 292.65 (1) (b) "Case closure letter" means a letter provided by the department  
20 that states that, based on information available to the department, no further  
21 remedial action is necessary with respect to a dry cleaning solvent product discharge.

22 **\*-0320/5.10\* SECTION 3290.** 292.65 (1) (d) (intro.) of the statutes is amended  
23 to read:

**SENATE BILL 55****SECTION 3290**

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

4           \*~~0320/5.11~~\* **SECTION 3291.** 292.65 (1) (e) of the statutes is amended to read:

5           292.65 (1) (e) “Dry cleaning solvent product” means a ~~ehlorine-based or~~  
6 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~  
7 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household  
8 fabrics, except for a hazardous substance used to launder apparel or household  
9 fabrics.

10          \*~~0320/5.12~~\* **SECTION 3292.** 292.65 (1) (gm) of the statutes is amended to read:

11          292.65 (1) (gm) “Immediate action” means a remedial action that is taken  
12 within a short time after a discharge of dry cleaning solvent product occurs, or after  
13 the discovery of a discharge of dry cleaning solvent product, to halt the discharge,  
14 contain or remove discharged dry cleaning solvent product, or remove contaminated  
15 soil or water in order to restore the environment to the extent practicable and to  
16 minimize the harmful effects of the discharge to air, lands, and waters of the state  
17 and to eliminate any imminent threat to public health, safety, or welfare.

18          \*~~0320/5.13~~\* **SECTION 3293.** 292.65 (1) (gs) of the statutes is created to read:

19          292.65 (1) (gs) “Interim action” means a remedial action that is taken to contain  
20 or stabilize a discharge of a dry cleaning product, in order to minimize any threats  
21 to public health, safety, or welfare or to the environment, while other remedial  
22 actions are being planned.

23          \*~~0320/5.14~~\* **SECTION 3294.** 292.65 (4) (b) of the statutes is amended to read:

24          292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent  
25 product discharge to the department in a timely manner, as provided in s. 292.11.

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1           \***-0320/5.15\*** SECTION 3295. 292.65 (4) (e) of the statutes is amended to read:  
2           292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,  
3           if applicable, and before conducting remedial action activities, an owner or operator  
4           shall complete an investigation to determine the extent of environmental impact of  
5           the dry cleaning ~~solvent~~ product discharge, except as provided in pars. (g) and (h).

6           \***-0320/5.16\*** SECTION 3296. 292.65 (4) (h) of the statutes is repealed and  
7           recreated to read:

8           292.65 (4) (h) *Interim action.* An owner or operator is not required to complete  
9           an investigation or prepare a remedial action plan before conducting an interim  
10          action activity if the department determines that an interim action is necessary.

11          \***-0320/5.17\*** SECTION 3297. 292.65 (4) (i) of the statutes is amended to read:  
12          292.65 (4) (i) *Review of site investigation and remedial action plan.* The  
13          department shall, at the request of an owner or operator, review the site  
14          investigation results and the remedial action plan and advise the owner or operator  
15          on the adequacy of the proposed remedial action activities in meeting the  
16          requirements of this section. The department shall complete the review of the site  
17          investigation and remedial action plan within 45 days. The department shall also  
18          provide an estimate of when funding will be available to pay an award for remedial  
19          action conducted in response to the dry cleaning ~~solvent~~ product discharge.

20          \***-0320/5.18\*** SECTION 3298. 292.65 (4) (j) (intro.) and 1. of the statutes are  
21          amended to read:

22          292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all  
23          remedial action activities that are required under this section in response to the dry  
24          cleaning ~~solvent~~ product discharge, including all of the following:

**SENATE BILL 55****SECTION 3298**

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

3           \***-0320/5.19\*** **SECTION 3299.** 292.65 (5) (b) (intro.) of the statutes is amended  
4 to read:

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

8           \***-0320/5.20\*** **SECTION 3300.** 292.65 (5) (b) 1. of the statutes is amended to read:

9           292.65 (5) (b) 1. That the owner or operator manages all wastes that are  
10 generated at the dry cleaning facility and that contain dry cleaning solvent product  
11 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

12           \***-0320/5.21\*** **SECTION 3301.** 292.65 (5) (b) 1. of the statutes, as affected by 2001  
13 Wisconsin Act .... (this act), is renumbered 292.65 (5) (c) 1.

14           \***-0320/5.22\*** **SECTION 3302.** 292.65 (5) (b) 2. of the statutes is amended to read:

15           292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning  
16 solvent product or wastewater from dry cleaning machines into any sanitary sewer  
17 or septic tank or into the waters of this state.

18           \***-0320/5.23\*** **SECTION 3303.** 292.65 (5) (b) 2. of the statutes, as affected by 2001  
19 Wisconsin Act .... (this act), is renumbered 292.65 (5) (c) 2.

20           \***-0320/5.24\*** **SECTION 3304.** 292.65 (5) (b) 3. of the statutes is amended to read:

21           292.65 (5) (b) 3. That each machine or other piece of equipment in which dry  
22 cleaning solvent product is used, or the entire area in which those machines or pieces  
23 of equipment are located, is surrounded by a containment dike or other containment  
24 structure that is able to contain any leak, spill, or other release of dry cleaning  
25 solvent product from the machines or other pieces of equipment.

**SENATE BILL 55**

1           \***-0320/5.25\*** SECTION 3305. 292.65 (5) (b) 4. of the statutes is amended to read:  
2           292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other  
3           containment structure under subd. 3. is sealed or is otherwise impervious to dry  
4           cleaning solvent product.

5           \***-0320/5.26\*** SECTION 3306. 292.65 (5) (b) 5. of the statutes is amended to read:  
6           292.65 (5) (b) 5. That ~~all dry cleaning solvent is~~ any perchloroethylene  
7           delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled  
8           delivery system.

9           \***-0320/5.27\*** SECTION 3307. 292.65 (5) (b) 5. of the statutes, as affected by 2001  
10          Wisconsin Act .... (this act), is renumbered 292.65 (5) (c) 3.

11          \***-0320/5.28\*** SECTION 3308. 292.65 (5) (c) (intro.) of the statutes is created to  
12          read:

13          292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for  
14          an award under this section unless the owner or operator has implemented the  
15          following enhanced pollution prevention measures:

16          \***-0320/5.29\*** SECTION 3309. 292.65 (7) (a) (intro.) of the statutes is amended  
17          to read:

18          292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible  
19          costs for an award under this section include reasonable and necessary costs paid  
20          incurred by the owner or operator of a dry cleaning facility because of a discharge of  
21          dry cleaning product at the dry cleaning facility for the following items only:

22          \***-0320/5.30\*** SECTION 3310. 292.65 (7) (a) 2. of the statutes is amended to read:  
23          292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry  
24          cleaning solvent product discharge from a dry cleaning facility.

25          \***-0320/5.31\*** SECTION 3311. 292.65 (7) (a) 8. of the statutes is amended to read:



**SENATE BILL 55****SECTION 3311**

1           292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product  
2 recovery performed as part of remedial action activities.

3           \*~~0320/5.32~~\* **SECTION 3312.** 292.65 (7) (a) 13. of the statutes is repealed.

4           \*~~0320/5.33~~\* **SECTION 3313.** 292.65 (7) (c) 3. of the statutes is amended to read:

5           292.65 (7) (c) 3. Other costs that the department determines to be associated  
6 with, but not integral to, the investigation and remediation of a dry cleaning solvent  
7 product discharge from a dry cleaning facility.

8           \*~~0320/5.34~~\* **SECTION 3314.** 292.65 (7) (d) of the statutes is amended to read:

9           292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are  
10 discharged at a dry cleaning facility as a result of dry cleaning operations and as a  
11 result of other activities, eligible costs under this section are limited to activities  
12 necessitated by the discharge of dry cleaning solvent product.

13           \*~~0320/5.35~~\* **SECTION 3315.** 292.65 (8) (a) (intro.) of the statutes is amended  
14 to read:

15           292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an  
16 application on a form provided by the department. An owner or operator may not  
17 submit an application before September 1, 1998. An owner or operator may not  
18 submit an application after August 30, ~~2003~~ 2005, if the application relates to a dry  
19 cleaning facility that ceased to operate before September 1, 1998. An owner or  
20 operator may not submit an application after August 20, 2008, if the application  
21 relates to any other dry cleaning facility. The department shall authorize owners and  
22 operators to apply for awards at stages in the process under sub. (4) that the  
23 department specifies by rule. An application shall include all of the following  
24 documentation of activities, plans, and expenditures associated with the eligible

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1 costs incurred because of a dry cleaning solvent product discharge from a dry  
2 cleaning facility:

3 \*~~0320/5.36~~\* **SECTION 3316.** 292.65 (8) (d) 7. of the statutes is amended to read:  
4 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,  
5 and 77.9962 and 77.9963.

6 \*~~0320/5.37~~\* **SECTION 3317.** 292.65 (8) (d) 8. of the statutes is amended to read:  
7 292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused on or  
8 after October 14, 1997, by a person who provided services or products to the owner  
9 or operator or to a prior owner or operator of the dry cleaning facility, including a  
10 person who provided perchloroethylene to the owner or operator or prior owner or  
11 operator of a dry cleaning facility using a system other than a closed, direct-coupled  
12 delivery system.

13 \*~~0320/5.38~~\* **SECTION 3318.** 292.65 (8) (e) 1. of the statutes is renumbered  
14 292.65 (8) (e), and 292.65 (8) (e) (intro.), as renumbered, is amended to read:  
15 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner  
16 or operator of a dry cleaning facility ~~that is operating at the time that the owner or~~  
17 ~~operator applies under par. (a) only for eligible costs incurred at each dry cleaning~~  
18 facility that exceed the following deductible:

19 \*~~0320/5.39~~\* **SECTION 3319.** 292.65 (8) (e) 3. of the statutes is repealed.

20 \*~~0320/5.40~~\* **SECTION 3320.** 292.65 (11) of the statutes is amended to read:  
21 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends  
22 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because  
23 of a discharge of dry cleaning solvent product at a dry cleaning facility, the  
24 department shall transfer from the appropriation account under s. 20.370 (6) (eq) to  
25 the environmental fund an amount equal to the amount expended under s. 292.11

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## SECTION 3320

1 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection  
2 when the department determines that sufficient funds are available in the  
3 appropriation account under s. 20.370 (6) (eq).


4 \*~~0320/5.41~~\* SECTION 3321. 292.65 (13) of the statutes is amended to read:

5 292.65 (13) COUNCIL. The dry cleaner environmental response council shall  
6 advise the department concerning the ~~programs~~ program under this section and s.  
7 292.66. The dry cleaner environmental response council shall evaluate the program  
8 under this section at least every 5 years, using criteria developed by the council.

9 \*~~0320/5.42~~\* SECTION 3322. 292.66 of the statutes is repealed.

10 \*b0409/1.4\* SECTION 3323b. 292.75 (1) (a) of the statutes is amended to read:

11 292.75 (1) (a) "Eligible site or facility" means ~~an abandoned, idle or underused~~  
12 one or more contiguous industrial or commercial facility or site facilities or sites with  
13 common or multiple ownership that are abandoned, idle, or underused, the  
14 expansion or redevelopment of which is adversely affected by actual or perceived  
15 environmental contamination.

16   
17 \*b0409/1.4\* SECTION 3323e. 292.75 (3) (d) of the statutes is amended to read:

18 292.75 (3) (d) Asbestos abatement activities, as defined in s. 254.11 (2),  
19 conducted as part of activities described in par. (b) on an eligible site or facility.

20 \*b0411/1.2\* SECTION 3324b. 292.77 (2) of the statutes is amended to read:

21 292.77 (2) The department shall develop and, beginning no later than  
22 January 1, 2001, administer a ~~pilot program in the city of Beloit, the city of Green~~  
23 ~~Bay, the city of La Crosse, the city of Milwaukee and the city of Oshkosh~~ that  
24 promotes the use of financial incentives to clean up and redevelop brownfields.  
25 Funds provided under the program may be used to investigate environmental

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1 contamination and to conduct cleanups of brownfields in ~~these cities~~ municipalities  
2 selected by the department from those municipalities that apply for funding under  
3 this section.

4 \*b0411/1.2\* SECTION 3324c. 292.77 (3) of the statutes is amended to read:

5 292.77 (3) In developing and administering the ~~pilot~~ program under sub. (2),  
6 the department shall consult and coordinate with the department of administration,  
7 and the department of commerce ~~and the cities specified in sub. (2).~~

8 \*b0411/1.2\* SECTION 3324d. 292.77 (4) of the statutes is repealed.

9 \*b0414/2.2\* SECTION 3324h. 292.79 of the statutes is created to read:

10 **292.79 Brownfields green space grants. (1)** In this section:

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

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

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

18 \*-0320/5.43\* SECTION 3325. 292.99 (1m) of the statutes is amended to read:

19 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit  
20 not less than \$10 nor more than \$10,000.

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