

**BILL**

⑧ 2337d

~~SECTION 683.~~ 85.245 (2) of the statutes is repealed.

⑧ 2337f

~~SECTION 684.~~ 86.255 (2) (a) of the statutes is amended to read:

86.255 (2) (a) The purchase of any land that is acquired as compensatory mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an adverse impact by degradation or destruction as part of a highway project. ✓

#. Page 881, line 4: after that line insert:

SECTION ~~685.~~ 86.315 (1) of the statutes is amended to read:

⑧ 2349c

86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department shall annually, on March 10, pay to counties having county forests established under ch. 28, for the improvement of public roads within the county forests which are open and used for travel and which are not state or county trunk highways or town roads and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road designated in the comprehensive county forest land use plan as approved by the county board and the department of ~~natural resources~~ fish, wildlife, parks, and forestry. If the amount appropriated under s. 20.395 (1) (fu) is insufficient to make the payments required under this subsection, the department shall prorate the amount appropriated in the manner it considers desirable.

⑧ 2349g

SECTION ~~686.~~ 87.01 (1) of the statutes is amended to read:

87.01 (1) "Department" means the department of ~~natural resources~~ environmental management.

⑧ 2349n

SECTION ~~687.~~ 87.02 (intro.) of the statutes is amended to read:

**87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

⑧ 2349r

SECTION ~~688.~~ 87.14 of the statutes is amended to read:

**87.14 Operation and maintenance.** The flood control board is authorized to sell, lease, or lease with power to purchase, any reservoir proposed to be

**BILL**

constructed, in the process of construction or completed, to a duly organized river improvement company as defined by s. 182.016, on such terms and conditions as are approved by the department of natural resources as hereinafter provided. Unless so leased or sold it shall be the duty of the flood control board to maintain and operate said improvement. The cost of operation and maintenance during the period intervening between the completion of said improvement and the date when funds provided under this section become available shall be paid from the funds provided for maintenance pursuant to the estimate made by the department as provided in s. 87.07 (3). Prior to the first day of November in each year the flood control board shall certify to the clerk of each town, village and city in which lands to be benefited by the improvement are located an estimated budget, detailed as far as practicable, of the cost of operation and maintenance of said improvement for the succeeding calendar year, together with the amount due upon any judgments outstanding against the board, except those judgments from which the board has appealed or intends to appeal, and shall certify at the same time the portion of such cost to be borne by each such town, village and city. This shall be determined in the same manner and according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon become the duty of each such town, village and city to include in its next succeeding tax levy the amount so certified and to forward such amount, on or before March 15 following, to the flood control board.

<sup>2349 W</sup>  
SECTION ~~688~~ 87.18 of the statutes is amended to read:

**87.18 Lease, sale and lease with option to purchase the project.**

Whenever the flood control project consists of a storage reservoir and authority to create, operate and maintain a reservoir on the river affected by such storage reservoir is vested in a duly organized river improvement company as defined by s.

**BILL**

182.016, and the petitioners file with the department of natural resources a petition and a proposed contract with such improvement company for a lease, sale, or lease with option to purchase said reservoir, and the department finds the terms and conditions of such contract are sufficient to assure the payment of the amount the board will be obligated to pay for the cost of the reservoir and the maintenance and operation of the same, and the project will secure effective flood control and promotion of the public welfare, then notices, proceedings and assessments provided by ss. 87.04 to 87.12 are not required. The department, however, shall make findings as required by s. 87.05 and shall order that the flood control board be appointed and shall so certify to the governor as provided by s. 87.12. The governor shall thereupon appoint the board as provided in said s. 87.12. The proposed contract filed with the department by petitioners for the sale, lease, or lease with option to purchase said reservoir property shall not be binding upon the board so appointed unless the board approves such contract. Upon approval the board shall so report to the department and file with it a final contract executed by the board and lessee or purchaser. The department has authority to approve or disapprove such contract. If the department approves such contract, then it shall be final and the department shall thereupon order the board to proceed with the work. When such reservoir property is sold and the purchase price has been fully paid and any indebtedness assumed by the purchaser has been paid and discharged, including the fees and expenses of the board, and the department so finds, the said board shall thereupon be dissolved by order of the department.

② 2350 e  
SECTION 690. 88.05 (4) (a) of the statutes is amended to read:

88.05 (4) (a) The chairperson of the county highway committee except in a county with a highway commissioner appointed under s. 83.01 (1) (c), the highway

## BILL

commissioner; the chairperson of the county land conservation committee in the county involved; the secretary of ~~natural resources~~ environmental management; the state drainage engineer; and, where a railroad company is involved, the person specified in sub. (6).

<sup>Ⓟ 2350 v</sup>  
SECTION ~~691~~. 88.11 (1) (e) of the statutes is amended to read:

88.11 (1) (e) Coordinate district activities with the department of ~~natural resources~~ environmental management.

<sup>Ⓟ 2351 c-</sup>  
SECTION ~~692~~. 88.11 (1) (i) of the statutes is amended to read:

88.11 (1) (i) Establish, by rule, performance standards for drainage district structures, ditches, maintenance and operations, in order to minimize adverse effects on water quality. The performance standards shall be consistent with any requirements imposed by the department of ~~natural resources~~ environmental management under s. 88.31.

<sup>Ⓟ 2351 e</sup>  
SECTION ~~693~~. 88.11 (2) of the statutes is amended to read:

88.11 (2) The state drainage engineer shall provide technical assistance to improve district operations on the request of the department of ~~natural resources~~ environmental management, drainage board, landowners in the district or the judge. ✓Ⓟ

#. Page 881, line 10: after that line insert:

<sup>Ⓟ 2353 b</sup>  
SECTION ~~694~~. 88.31 (1) of the statutes is amended to read:

88.31 (1) If it is necessary to enter upon any waters that may be navigable, or to acquire and remove any dam or obstruction from the waters, or to clean out, widen, deepen or straighten any stream that may be navigable, the board shall file with the department of ~~natural resources~~ environmental management an application for a permit to do the work. The board shall file with the application any information that the board or the department of ~~natural resources~~ environmental management considers necessary. The department shall specify by rule the information to be

**BILL**

included in an application. The application shall state that the public health or welfare will be promoted by the removal of the dam or other obstruction or by the straightening, cleaning out, deepening or widening of the waters and that other public rights in and public uses of the waters will not be materially impaired. The application shall be duly verified.

<sup>Ⓟ 2353d</sup>  
SECTION ~~695~~. 88.31 (2) of the statutes is amended to read:

88.31 (2) Upon receipt of the application the department of ~~natural resources~~ environmental management shall fix a time and place for a hearing on the application, not less than 3 nor more than 8 weeks from the date of filing, at a place convenient to the interested parties. If the application is for a permit to remove a dam, notice of the hearing shall be given to all interested persons as provided by s. 31.06. In all other cases, the department shall direct the applicant to give notice under s. 88.05 (2) (b) to the persons specified in s. 88.05 (4) (b).

<sup>Ⓟ 2353f</sup>  
SECTION ~~696~~. 88.31 (4) (intro.) of the statutes is amended to read:

88.31 (4) (intro.) Upon the conclusion of the hearing and investigation, the department of ~~natural resources~~ environmental management shall grant the permit if it finds:

<sup>Ⓟ 2353h</sup>  
SECTION ~~697~~. 88.31 (4m) of the statutes is amended to read:

88.31 (4m) The department of ~~natural resources~~ environmental management shall grant or deny the permit within 6 weeks after the conclusion of the hearing on the application.

<sup>Ⓟ 2353j</sup>  
SECTION ~~698~~. 88.31 (5) of the statutes is amended to read:

88.31 (5) When granting a permit under this section the department of ~~natural resources~~ environmental management also shall establish the minimum level at which the affected waters may be maintained.

## BILL

⑥ 2353L  
SECTION ~~699~~. 88.31 (6) of the statutes is amended to read:

88.31 (6) The department of ~~natural resources~~ environmental management may require the applicant for the permit to submit a plan for the work to be done in the waters in question and may amend or modify such plan before approving it. The department may at any time, on the application of any interested person, further amend such plan when the same can be done without materially impairing the navigability of any such waters and without materially impairing any other public right.

⑥ 2357b  
SECTION ~~700~~. 88.62 (3) of the statutes is amended to read:

88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the department of ~~natural resources~~ environmental management, except as provided in par. (b).

(b) If drainage work is undertaken in navigable waters located in the Duck Creek Drainage District, the board for that district shall obtain a permit under s. 30.20 or ch. 31, as directed by the department of ~~natural resources~~ environmental management.

⑥ 2360b  
SECTION ~~701~~. 88.72 (4) of the statutes is amended to read:

88.72 (4) Within 30 days after the department of ~~natural resources~~ environmental management has issued all of the permits as required under this chapter and chs. 30 and 31, the board shall proceed to estimate the cost of the work, including the expenses of the proceeding together with the damages that will result from the work, and shall, within a reasonable time, award damages to all lands damaged by the work and assess the cost of the work against the lands in the district in proportion to the assessment of benefits then in force.

## BILL

⑥ 2360f

SECTION 702. 91.01 (6) of the statutes is amended to read:

91.01 (6) "Eligible farmland" means a parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use, including land designated by the department of natural resources fish, wildlife, parks, and forestry as part of the ice age trail under s. 23.17, which during the year preceding application for a farmland preservation agreement produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding application produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres of which at least 35 acres, during part or all of the year preceding application, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

⑥ 2378e

SECTION 703. 92.04 (2) (e) of the statutes is amended to read:

92.04 (2) (e) *Review joint evaluation plan.* The board shall review the evaluation plan prepared under s. 92.14 (13). After its review, the board shall make recommendations on the plan to the department and to the department of ~~natural resources~~ environmental management.

⑥ 2378h

SECTION 704. 92.05 (1) of the statutes is amended to read:

92.05 (1) CENTRAL AGENCY. The department is the central agency of this state responsible for setting and implementing statewide soil and water conservation policies and administering the state's soil and water conservation programs. The department shall coordinate its soil and water conservation program with the nonpoint source water pollution abatement program established under s. 281.65, the inland lake protection and rehabilitation program established under ch. 33 and other programs with objectives related to soil and water conservation administered by the

**BILL**

department of ~~natural resources~~ environmental management or by other state or federal agencies.

<sup>Ⓟ 2379k</sup>  
SECTION ~~705~~ 92.10 (6) (a) 1. of the statutes is amended to read:

92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion conditions throughout the county, including any assessment available from the department of ~~natural resources~~ environmental management.

<sup>Ⓟ 2379n</sup>  
SECTION ~~706~~ 92.10 (8) of the statutes is amended to read:

92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL MANAGEMENT. The department of ~~natural resources~~ environmental management shall provide counties with assistance in land and water resource management planning, including providing available water quality data and information, providing training and support for water resource assessments and appraisals and providing related program information.

<sup>Ⓟ 2379t</sup>  
SECTION ~~707~~ 92.14 (2) (j) of the statutes is amended to read:

92.14 (2) (j) Enhancing the administration and coordination of state nonpoint source water pollution abatement activities by the department and the department of ~~natural resources~~ environmental management, including providing a single process for grant application, funding allocation, reporting and evaluation. ✓

#. Page 882, line 11! after that line insert!

<sup>Ⓟ 2380c</sup>  
SECTION ~~708~~ 92.14 (6) (b) of the statutes is amended to read:

92.14 (6) (b) The department and the department of ~~natural resources~~ environmental management shall prepare an annual grant allocation plan identifying the amounts to be provided to counties under this section and ss. 281.65 and 281.66. In the allocation plan, the departments shall attempt to provide funding under this section for an average of 3 staff persons per county with full funding for the first staff person, 70% funding for the 2nd staff person and 50% funding for any

**BILL**

additional staff persons and to provide an average of \$100,000 per county for cost-sharing grants. The department shall submit that plan to the board.

<sup>Ⓟ 2380d</sup>  
SECTION ~~709~~. 92.14 (6) (d) of the statutes is amended to read:

92.14 (6) (d) The board shall review the annual allocation plan submitted to it under par. (b) and make recommendations to the department of agriculture, trade and consumer protection and the department of ~~natural resources~~ environmental management on approval, modification or disapproval of the plan.

<sup>Ⓟ 2380e</sup>  
SECTION ~~710~~. 92.14 (6) (h) 3. of the statutes is amended to read:

92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the department of ~~natural resources~~ environmental management to act under ch. 283.

<sup>Ⓟ 2380f</sup>  
SECTION ~~711~~. 92.14 (6) (m) of the statutes is amended to read:

92.14 (6) (m) The department of agriculture, trade and consumer protection and the department of ~~natural resources~~ environmental management shall assist counties in conducting the activities for which grants under sub. (3) may be used.

<sup>Ⓟ 2380g</sup>  
SECTION ~~712~~. 92.14 (8) of the statutes is amended to read:

92.14 (8) RULES. In consultation with the department of ~~natural resources~~ environmental management, the department shall promulgate rules to administer this section and the department's duties under s. 281.65.

<sup>Ⓟ 2380h</sup>  
SECTION ~~713~~. 92.14 (12) of the statutes is amended to read:

92.14 (12) ANNUAL REPORT. Annually, the department, in cooperation with the department of ~~natural resources~~ environmental management, shall submit a report on the progress of the program under this section and s. 281.65 to the board.

<sup>Ⓟ 2380j</sup>  
SECTION ~~714~~. 92.14 (13) of the statutes is amended to read:

92.14 (13) EVALUATION PLAN. The department, jointly with the department of ~~natural resources~~ environmental management, shall prepare a plan, which includes

**BILL****SECTION 714**

water quality monitoring and analysis, for evaluating the program administered under this section and s. 281.65 and submit the plan to the board. The board shall make recommendations to the department and the department of ~~natural resources~~ environmental management on the plan. The department shall review and approve or disapprove the plan and shall notify the board of its final action on the plan. The department shall implement any part of the plan for which the plan gives it responsibility.

SECTION 714. 92.14 (14) of the statutes is amended to read:

92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The department, jointly with the department of ~~natural resources~~ environmental management, shall develop a single set of grant application, reporting and evaluation forms for use by counties receiving grants under this section and ss. 281.65 and 281.66. The department, jointly with the department of ~~natural resources~~ environmental management, shall implement a single process for grant application, funding allocation, reporting and evaluation for counties receiving grants under this section and ss. 281.65 and 281.66.

SECTION 714. 92.14 (14m) of the statutes is amended to read:

92.14 (14m) COORDINATION. The department of agriculture, trade and consumer protection and the department of ~~natural resources~~ environmental management, jointly, shall review applications from counties for grants under sub. (5r) and, for projects and activities selected to receive funding shall determine whether to provide funding under this section or under s. 281.65 or 281.66.

SECTION 714. 92.14 (15) of the statutes is amended to read:

**BILL**

92.14 (15) FINANCIAL INFORMATION. The department shall consult with the department of natural resources environmental management when it prepares the information which it submits to the department of administration under s. 16.42.

<sup>Ⓟ 2380 p</sup>  
SECTION ~~718~~. 92.15 (3) of the statutes is amended to read:

92.15 (3) (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit may enact regulations of livestock operations that exceed the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the department of agriculture, trade and consumer protection or the department of natural resources environmental management that the regulations are necessary to achieve water quality standards under s. 281.15.

(b) The department of agriculture, trade and consumer protection and the department of natural resources environmental management shall, by rule, specify procedures for review and approval of proposed local governmental unit regulations under par. (a).

<sup>Ⓟ 2380 r</sup>  
SECTION ~~719~~. 92.18 (4) of the statutes is amended to read:

92.18 (4) The department shall promulgate rules under this section in consultation with the department of natural resources environmental management.

<sup>Ⓟ 2380 s</sup>  
SECTION ~~720~~. 92.18 (5) of the statutes is amended to read:

92.18 (5) Any training required under this section may be conducted by the department or the department of natural resources environmental management or by another person with the approval of the department. ✓

*#. Page 882, line 4: after that line insert:*  
SECTION ~~721~~. 93.12 (5) of the statutes is amended to read:

<sup>Ⓟ 2384 g</sup>  
16 93.12 (5) The department shall establish uniform minimum standards to be used in the evaluation and certification of laboratory examinations. The department

## BILL

shall submit any rules proposed under this subsection which affect the laboratory certification program under s. 299.11 to the department of ~~natural resources~~ environmental management and to the state laboratory of hygiene for review and comment. These rules may not take effect unless they are approved by the department of ~~natural resources~~ environmental management within 6 months after submission.

<sup>Ⓟ 23841</sup>  
SECTION ~~722~~ 93.12 (8) of the statutes is amended to read:

93.12 (8) The department shall enter into a memorandum of understanding with the department of ~~natural resources~~ environmental management setting forth the responsibilities of each department in administering the laboratory certification programs under sub. (5) and s. 299.11. The memorandum of understanding shall include measures to be taken by each department to avoid duplication of application and compliance procedures for laboratory certification.

<sup>Ⓟ 23841</sup>  
SECTION ~~723~~ 93.12 (9) of the statutes is amended to read:

93.12 (9) The department shall recognize the certification or registration of a laboratory by the department of ~~natural resources~~ environmental management under s. 299.11 and shall accept the results of any test conducted by a laboratory certified or registered to conduct that category of test under that section. <sup>✓</sup>

<sup>#/page 582, line 17: after that line insert!</sup>  
SECTION ~~724~~ 93.46 (1m) (a) 2. of the statutes is amended to read:

<sup>Ⓟ 23909</sup>  
93.46 (1m) (a) 2. Coordinating the aquaculture activities of the department with the aquaculture activities of the department of ~~natural resources~~ fish, wildlife, parks, and forestry and the University of Wisconsin System.

<sup>Ⓟ 23909</sup>  
SECTION ~~725~~ 93.46 (1m) (a) 3. of the statutes is amended to read:

93.46 (1m) (a) 3. Conducting meetings on a quarterly basis between representatives of the department, the department of ~~natural resources~~ fish,

**BILL**

wildlife, parks, and forestry and the University of Wisconsin System to exchange information regarding the progress of their efforts to promote commercial aquaculture in this state.

<sup>ⓐ 2390T</sup>  
SECTION ~~726~~. 93.46 (1m) (b) of the statutes is amended to read:

93.46 (1m) (b) The department of ~~natural resources~~ fish, wildlife, parks, and forestry and the department of environmental management shall assist persons in obtaining any license or approval required by any state or federal agency to conduct a commercial aquaculture operation. ✓

#, Page 882, line 24: after that line insert! ✓  
SECTION ~~727~~. 94.02 (4) of the statutes is amended to read:

<sup>ⓐ 2395b</sup>  
94.02 (4) This section pertains to the abatement of pests on agricultural lands and on agricultural business premises. This section does not affect the authority of the department of ~~natural resources~~ fish, wildlife, parks, and forestry under ch. 26.

<sup>ⓐ 2395t</sup>  
SECTION ~~728~~. 94.65 (3) (a) 3. of the statutes is amended to read:

94.65 (3) (a) 3. No permit is required for the landspreading of sewage sludge under a pollutant discharge elimination system permit issued by the department of ~~natural resources~~ environmental management under s. 283.31 or 283.35. ✓

#, Page 888, line 10: after that line insert! ✓  
SECTION ~~729~~. 94.73 (1) (b) of the statutes is amended to read:

<sup>ⓐ 2397c</sup>  
94.73 (1) (b) "Corrective action" means action that is taken in response to a discharge and that is necessary to restore the environment to the extent practicable and to minimize the harmful effects of the discharge to the air, lands or waters of this state. "Corrective action" includes action taken or ordered by the department of ~~natural resources~~ environmental management under s. 292.11 (7) in response to a discharge, but does not include action ordered by the department of ~~natural resources~~ environmental management under s. 291.37 (2) or 291.95. "Corrective

## BILL

action" does not include action taken, or ordered to be completed, before January 1, 1989.

SECTION 730. 94.73 (2) (a) of the statutes is amended to read:

94.73 (2) (a) The department may issue an order requiring a responsible person to take corrective action. Except as provided in a memorandum of understanding under sub. (12), if a discharge involves a hazardous substance that may also become a hazardous waste, the department and the department of ~~natural resources~~ environmental management shall consult to determine whether corrective action should be taken under this section or s. 291.37 (2), 291.95 (1) or 292.31 (3).

SECTION 731. 94.73 (2m) (intro.) of the statutes is amended to read:

94.73 (2m) CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL MANAGEMENT. (intro.) The department of ~~natural resources~~ environmental management may take action under s. 292.11 (7) (a) or may issue an order under s. 292.11 (7) (c) in response to a discharge only if one or more of the following apply:

SECTION 732. 94.73 (2m) (b) of the statutes is amended to read:

94.73 (2m) (b) The department of agriculture, trade and consumer protection requests the department of ~~natural resources~~ environmental management to take the action or issue the order.

SECTION 733. 94.73 (2m) (c) of the statutes is amended to read:

94.73 (2m) (c) The secretary of ~~natural resources~~ environmental management approves the action or order in advance after notice to the secretary of agriculture, trade and consumer protection.

SECTION 734. 94.73 (2m) (d) of the statutes is amended to read:

**BILL**

94.73 (2m) (d) The department of ~~natural resources~~ environmental management takes action under s. 292.11 (7) (a) after the responsible person fails to comply with an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

SECTION ~~735~~ <sup>2397j</sup>. 94.73 (2m) (e) of the statutes is amended to read:

94.73 (2m) (e) The department of ~~natural resources~~ environmental management takes the action or issues the order in compliance with a memorandum of understanding under sub. (12) between the department of agriculture, trade and consumer protection and the department of ~~natural resources~~ environmental management

SECTION ~~736~~ <sup>2397k</sup>. 94.73 (3) (d) of the statutes is amended to read:

94.73 (3) (d) The applicant has complied with every corrective action order issued to the applicant by the department under sub. (2) or the department of ~~natural resources~~ environmental management under s. 292.11 (7) (c).

SECTION ~~737~~ <sup>2397l</sup>. 94.73 (3) (f) of the statutes is amended to read:

94.73 (3) (f) The applicant, upon discovery of the discharge, promptly reported the discharge to the department or, if the applicant was required to report the discharge under s. 292.11 (2), to the department of ~~natural resources~~ environmental management.

SECTION ~~738~~ <sup>2397n</sup>. 94.73 (3m) (a) of the statutes is amended to read:

94.73 (3m) (a) Costs for corrective action taken in response to a discharge that is an intentional use of an agricultural chemical for agricultural purposes, unless the corrective action is ordered by the department under sub. (2) or by the department of ~~natural resources~~ environmental management under s. 292.11 (7) (c).

SECTION ~~739~~ <sup>2397p</sup>. 94.73 (3m) (b) of the statutes is amended to read:

**BILL**

94.73 (3m) (b) Costs of reimbursing the department of ~~natural resources~~ environmental management for action taken under s. 292.11 (7) (a) or 292.31 (1), (3) or (7) because ~~the~~ applicant failed to respond adequately to a discharge.

<sup>(b) 23979</sup>  
SECTION ~~740~~. 94.73 (3m) (e) of the statutes is amended to read:

94.73 (3m) (e) Costs for corrective action taken in response to a discharge from a facility that is required to be licensed under s. 289.31 or that would be required to be licensed except that the department of ~~natural resources~~ environmental management has issued a specific exemption under s. 289.43 or rules promulgated under s. 289.05 (1) or (2).

<sup>(b) 23975</sup>  
SECTION ~~741~~. 94.73 (3m) (r) of the statutes is amended to read:

94.73 (3m) (r) The cost of providing alternative sources of drinking water, except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible person who applies for reimbursement a total of not more than \$20,000 for the replacement of private wells if the department or the department of ~~natural resources~~ environmental management orders the well replacement in response to a discharge.

<sup>(b) 23975</sup>  
SECTION ~~742~~. 94.73 (4) (b) of the statutes is amended to read:

94.73 (4) (b) Except as agreed under sub. (12), the department of agriculture, trade and consumer protection shall promptly furnish the department of ~~natural resources~~ environmental management with a copy of each work plan submitted to the department of agriculture, trade and consumer protection under par. (a) for comment by the department of ~~natural resources~~ environmental management. Within 14 days after it receives a copy of a work plan or within a different time period agreed to under sub. (12), the department of ~~natural resources~~ environmental management may provide the department of agriculture, trade and consumer

**BILL**

protection with any comments of the department of ~~natural resources~~ environmental management on the work plan. If the department of ~~natural resources~~ environmental management timely submits written comments on a proposed work plan, the department of agriculture, trade and consumer protection shall either incorporate those comments into the approved work plan or give the department of ~~natural resources~~ environmental management a written explanation of why the comments were not incorporated.

<sup>Ⓟ 2397f</sup>  
SECTION ~~743~~ 94.73 (9) of the statutes is amended to read:

94.73 (9) SAMPLING REQUIREMENTS. The department, in cooperation with the department of ~~natural resources~~ environmental management, shall establish a program for the collection and analysis of soil and other environmental samples at sites where discharges may have occurred, including sites required to be registered according to rules promulgated by the department of agriculture, trade and consumer protection under sub. (11).

<sup>Ⓟ 2397u</sup>  
SECTION ~~744~~ 94.73 (12) of the statutes is amended to read:

94.73 (12) MEMORANDUM OF UNDERSTANDING. The department and the department of ~~natural resources~~ environmental management shall enter into a memorandum of understanding establishing their respective functions in the administration of this section. The memorandum of understanding shall establish procedures to ensure that corrective actions taken under this section are consistent with actions taken under s. 292.11 (7). The department and the department of ~~natural resources~~ environmental management may request that the secretary of administration provide assistance in accomplishing the memorandum of understanding. ✓

#. <sup>Page 888, line 11: after that line insert:</sup>  
SECTION ~~745~~ 95.60 (2) (d) of the statutes is amended to read:

<sup>Ⓟ 2398g</sup>

**BILL**

95.60 (2) (d) The department of ~~natural resources~~ fish, wildlife, parks, and forestry is exempt from par. (a).

<sup>Ⓟ 2398 h</sup>  
SECTION 746. 95.60 (4s) (a) of the statutes is amended to read:

95.60 (4s) (a) In consultation with the department of ~~natural resources~~ fish, wildlife, parks, and forestry, promulgate rules specifying requirements for the labeling and identification, in commerce, of fish reared in fish farms.

<sup>Ⓟ 2398 i</sup>  
SECTION 747. 95.60 (4s) (b) of the statutes is amended to read:

95.60 (4s) (b) In consultation with the department of ~~natural resources~~ fish, wildlife, parks, and forestry, promulgate rules specifying fish health standards and requirements for certifying that fish meet those standards for the purpose of s.

29.736.

<sup>Ⓟ 2398 j</sup>  
SECTION 748. 95.60 (4s) (c) of the statutes is amended to read:

95.60 (4s) (c) In consultation with the department of ~~natural resources~~ fish, wildlife, parks, and forestry, promulgate rules specifying the qualifications that a person who is not a veterinarian must satisfy in order to issue fish health certificates.

<sup>Ⓟ 2398 k</sup>  
SECTION 749. 95.60 (4s) (d) of the statutes is amended to read:

95.60 (4s) (d) In consultation with the department of ~~natural resources~~ fish, wildlife, parks, and forestry, promulgate rules specifying diseases and requirements for certifying that fish are free of those diseases for the purposes of sub. (2) (b).

<sup>Ⓟ 2398 l</sup>  
SECTION 750. 95.60 (6) of the statutes is amended to read:

95.60 (6) (a) No person, except the department of ~~natural resources~~ fish, wildlife, parks, and forestry, may rear lake sturgeon in a fish farm.

(c) The department, in consultation with the department of ~~natural resources~~ fish, wildlife, parks, and forestry, shall study regulatory options that would enable commercial rearing of lake sturgeon while protecting the wild lake sturgeon

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population. The department shall submit the results of the study to the legislature under s. 13.172 (2) no later than December 31, 2000. ✓

#. Page 888, line 15; after that line insert:

SECTION 751. 97.34 (2) (b) of the statutes is amended to read:

97.34 (2) (b) No person may manufacture or bottle bottled drinking water for sale or distribution in this state unless the bottled drinking water complies with state drinking water standards adopted by the department of natural resources environmental management under s. 280.11, 281.15 or 281.17 (8) and with health-related enforcement standards adopted by the department of natural resources environmental management under ch. 160.

SECTION 752. 97.34 (2) (d) of the statutes is amended to read:

97.34 (2) (d) No person may manufacture or bottle bottled drinking water for sale or distribution in this state unless the water system used by the manufacturer or bottler complies with ch. 280 and rules promulgated by the department of natural resources environmental management under that chapter. ✓

#. Page 890, line 16; after that line insert:

SECTION 753. 100.27 (5) (d) of the statutes is amended to read:

100.27 (5) (d) Informs the department and the department of natural resources environmental management of the collection site identified under par. (a) and the telephone number under par. (c).

SECTION 754. 100.295 (1) of the statutes is amended to read:

100.295 (1) LABELING STANDARDS. The department shall establish standards that must be met by products in order for any person to represent that the products are recycled, recyclable or degradable. The department shall establish standards that are consistent, to the greatest extent practicable, with nationwide industry consensus standards. In developing standards, the department shall consult with the department of natural resources environmental management and the council on

**BILL**

recycling and consider purchasing specifications under s. 16.72 (2) (e) and (f) and any existing federal standards. The department shall give priority to establishing standards for specific products commonly represented as being recycled, recyclable or degradable.

*#. Page 891, line 4: after that line insert!*

SECTION 755. 101.1205 (1) of the statutes is amended to read:

101.1205 (1) The department, in consultation with the department of ~~natural resources~~ environmental quality, shall establish statewide standards for erosion control at building sites for the construction of public buildings and buildings that are places of employment.

*#. Page 892, line 24: after that line insert!*

SECTION 756. 101.143 (1) (am) of the statutes is amended to read:

101.143 (1) (am) "Case closure letter" means a letter provided by the department of ~~natural resources~~ environmental management that states that, based on information available to the department of ~~natural resources~~ environmental management, no further remedial action is necessary with respect to a discharge.

*#. Page 893, line 2: after that line insert!*

SECTION 757. 101.143 (2) (h) (intro.) of the statutes is amended to read:

101.143 (2) (h) (intro.) The department of commerce and the department of ~~natural resources~~ environmental management, jointly, shall promulgate rules designed to facilitate effective and cost-efficient administration of the program under this section that specify all of the following:

SECTION 758. 101.143 (2) (h) 3. of the statutes is amended to read:

101.143 (2) (h) 3. Review procedures that must be followed by employees of the department of ~~natural resources~~ environmental management and the department of commerce in reviewing the information submitted under subd. 1.

SECTION 759. 101.143 (2) (i) (intro.) of the statutes is amended to read:

**BILL**

101.143 (2) (i) (intro.) The department of commerce and the department of ~~natural resources~~ environmental management, jointly, shall promulgate rules specifying procedures for evaluating remedial action plans and procedures to be used by employees of the department of commerce and the department of ~~natural resources~~ environmental management while remedial actions are being conducted.

The departments shall specify procedures that include all of the following:

<sup>Ⓟ 2464n</sup>  
SECTION ~~760~~ 101.143 (2) (j) (intro.) of the statutes is amended to read:

101.143 (2) (j) (intro.) The department of commerce and the department of ~~natural resources~~ environmental management, jointly, shall promulgate rules specifying all of the following:

<sup>Ⓟ 2464p</sup>  
SECTION ~~761~~ 101.143 (2) (j) 1. of the statutes is amended to read:

101.143 (2) (j) 1. The conditions under which employees of the department of commerce and the department of ~~natural resources~~ environmental management must issue approvals under sub. (3) (c) 4.

<sup>Ⓟ 2464z</sup>  
SECTION ~~762~~ 101.143 (2) (k) of the statutes is amended to read:

101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of commerce and the department of ~~natural resources~~ environmental management shall attempt to reach an agreement that is consistent with those provisions. If the department of commerce and the department of ~~natural resources~~ environmental management are unable to reach an agreement, they shall refer the matters on which they are unable to agree to the secretary of administration for resolution. The secretary of administration shall resolve any matters on which the departments disagree in a manner that is consistent with pars. (h) to (j). The department of commerce and the department of ~~natural resources~~ environmental management, jointly, shall promulgate rules incorporating any agreement between the

**BILL**

department of commerce and the department of ~~natural resources~~ environmental management under this paragraph and any resolution of disagreements between the departments by the secretary of administration under this paragraph.

<sup>⑥ 24856</sup>  
SECTION ~~763~~. 101.143 (2e) of the statutes is amended to read:

101.143 (2e) RISK-BASED ANALYSIS. (a) The department of commerce and the department of ~~natural resources~~ environmental management shall attempt to agree on a method, which shall include individualized consideration of the routes for migration of petroleum product contamination at each site, for determining the risk to public health, safety and welfare and to the environment posed by discharges for which the department of commerce receives notification under sub. (3) (a) 3.

(b) If the department of commerce and the department of natural resources environmental management are unable to reach an agreement under par. (a), they shall refer the matters on which they are unable to agree to the secretary of administration for resolution. The secretary of administration shall resolve any matters on which the departments disagree in a manner that is consistent with par.

(a). The department of commerce and the department of ~~natural resources~~ environmental management, jointly, shall promulgate rules incorporating any agreement between the department of commerce and the department of ~~natural resources~~ environmental management under par. (a) and any resolution of disagreements between the departments by the secretary of administration under this paragraph.

(c) The department of ~~natural resources~~ environmental management or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce shall apply the method in the rules promulgated under par. (b) to determine the risk posed by

**BILL**

a discharge for which the department of commerce receives notification under sub.

(3) (a) 3.

② 2465e

SECTION 764. 101.143 (2m) of the statutes is amended to read:

101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of commerce receives a notification under sub. (3) (a) 3. or the department of ~~natural resources~~ environmental management receives a notification of a petroleum product discharge under s. 292.11, the department receiving the notification shall contact the other department and shall schedule a meeting of the owner or operator or person owning a home oil tank system and representatives of both departments.

② 2465g

SECTION 765. 101.143 (3) (a) 5. of the statutes is amended to read:

101.143 (3) (a) 5. The owner or operator or the person reports the discharge in a timely manner to the division of emergency management in the department of military affairs or to the department of ~~natural resources~~ environmental management, according to the requirements under s. 292.11.

② 2465k

SECTION 766. 101.143 (3) (a) 9. of the statutes is amended to read:

101.143 (3) (a) 9. The owner or operator or the person follows standards for groundwater restoration in the groundwater standards in the rules promulgated by the department of ~~natural resources~~ environmental management under ss. 160.07 and 160.09 and restores the environment, to the extent practicable, according to those standards at the site of the discharge from a petroleum product storage system or home oil tank system.

② 2466b

SECTION 767. 101.143 (3) (c) 4. of the statutes is amended to read:

101.143 (3) (c) 4. Receive written approval from the department of ~~natural resources~~ environmental management or, if the discharge is covered under s. 101.144

## BILL

(2) (b), from the department of commerce that the remedial action activities performed under subd. 3. meet the requirements of s. 292.11.

② 2467b  
SECTION 768. 101.143 (3) (cm) of the statutes is amended to read:

101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person owning a home oil tank system may, with the approval of the department of ~~natural resources~~ environmental management or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce, satisfy the requirements of par. (c) 2. and 3. by proposing and implementing monitoring to ensure the effectiveness of natural attenuation of petroleum product contamination.

② 2467d  
SECTION 769. 101.143 (3) (cp) 1. of the statutes is amended to read:

101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of ~~natural resources~~ environmental management or, if the site is covered under s. 101.144 (2) (b), the department of commerce estimates that the cost to complete a site investigation, remedial action plan and remedial action for an occurrence exceeds \$60,000, the department of commerce shall implement a competitive public bidding process to obtain information to assist in making the determination under par. (cs).

② 2467e  
SECTION 770. 101.143 (3) (cp) 2. of the statutes is amended to read:

101.143 (3) (cp) 2. The department of commerce or the department of ~~natural resources~~ environmental management may waive the requirement under subd. 1. if an enforcement standard is exceeded in groundwater within 1,000 feet of a well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide water for human consumption.

② 2467g  
SECTION 771. 101.143 (3) (cp) 5. of the statutes is amended to read:

**BILL**

101.143 (3) (cp) 5. The department of commerce or the department of ~~natural resources~~ environmental management may waive the requirement under subd. 1. after providing notice to the other department.

<sup>Ⓟ247k</sup>  
SECTION ~~774~~. 101.143 (3) (cs) 2. of the statutes is amended to read:

101.143 (3) (cs) 2. The department of ~~natural resources~~ environmental management and the department of commerce shall review the remedial action plan for a site that is classified as high risk under s. 101.144 and shall jointly determine the least costly method of complying with par. (c) 3. and with enforcement standards. The departments shall notify the owner or operator of their determination of the least costly method and shall notify the owner or operator that reimbursement for remedial action under this section is limited to the amount necessary to implement that method. <sup>Ⓟ247L</sup>

SECTION ~~774~~. 101.143 (3) (cs) 3. of the statutes is amended to read:

101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the department of ~~natural resources~~ environmental management and the department of commerce shall determine whether natural attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

<sup>Ⓟ247n</sup>  
SECTION ~~774~~. 101.143 (3) (cs) 4. of the statutes is amended to read:

101.143 (3) (cs) 4. The department of commerce may review and modify an amount established under subd. 1. if the department determines that new circumstances, including newly discovered contamination at a site, warrant those actions. The department of commerce and the department of ~~natural resources~~ environmental management may review and modify an amount established under subd. 2. if the departments determine that new circumstances, including newly discovered contamination at a site, warrant those actions.

## BILL

② 2467 q  
SECTION ~~775~~ 101.143 (3) (cw) 2. of the statutes is amended to read:

101.143 (3) (cw) 2. The department of ~~natural resources~~ environmental management and the department of commerce shall conduct the annual review required under sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144 and shall jointly determine the least costly method of completing remedial action at the site in order to comply with par. (c) 3. and with enforcement standards. The departments shall notify the owner or operator of their determination of the least costly method and shall notify the owner or operator that reimbursement under this section for remedial action conducted after the date of the notice is limited to the amount necessary to implement that method.

② 2467 r  
SECTION ~~776~~ 101.143 (3) (cw) 3. of the statutes is amended to read:

101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the department of ~~natural resources~~ environmental management and the department of commerce shall determine whether natural attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

② 2467 s  
SECTION ~~777~~ 101.143 (3) (cw) 4. of the statutes is amended to read:

101.143 (3) (cw) 4. The department of commerce may review and modify an amount established under subd. 1. if the department determines that new circumstances, including newly discovered contamination at a site, warrant those actions. The department of commerce and the department of ~~natural resources~~ environmental management may review and modify an amount established under subd. 2. if the departments determine that new circumstances, including newly discovered contamination at a site, warrant those actions.

② 2468 b  
SECTION ~~778~~ 101.143 (3) (d) of the statutes is amended to read:

**BILL**

101.143 (3) (d) *Final review of remedial action activities.* The department of ~~natural resources~~ environmental management or, if the discharge is covered under s. 101.144 (2) (b), the department of commerce shall complete a final review of the remedial action activities within 60 days after the claimant notifies the appropriate department that the remedial action activities are completed.

<sup>2468d</sup>  
SECTION ~~779~~ 101.143 (3) (e) of the statutes is amended to read:

101.143 (3) (e) *Notifications.* The department of ~~natural resources~~ environmental management shall notify the department when it gives a claimant written approval under par. (c) 4.

<sup>2468f</sup>  
SECTION ~~780~~ 101.143 (3) (f) 5. of the statutes is amended to read:

101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~ environmental management or the department of commerce under par. (c) 4.

<sup>2468h</sup>  
SECTION ~~781~~ 101.143 (3) (g) of the statutes is amended to read:

101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1. and 2., an owner or operator or the person may submit a claim for an award under sub. (4) after notifying the department under par. (a) 3., without completing an investigation under par. (c) 1. and without preparing a remedial action plan under par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and the remedial action plan under par. (c) 2. inappropriate, and, before conducting remedial action, the owner or operator or person notified the department of commerce and the department of ~~natural resources~~ environmental management of the emergency and the department of commerce and the department of ~~natural resources~~ environmental management authorized emergency action. ✓

Insert → SECTION ~~782~~ 101.143 (4) (ei) 1. a. of the statutes is amended to read:

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203-A

BILL

101.143 (4) (ei) 1. a. The owner or operator of the farm tank owns a parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use, as defined in s. 91.01 (1), including land designated by the department of natural resources environmental management as part of the ice age trail under s. 23.17, which during the year preceding submission of a claim under sub. (3) produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding that submission produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres of which at least 35 acres, during part or all of the year preceding that submission, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

#. Page 597, line 20: after that line insert: 2m. , as affected by 2001 Wisconsin Act... (this act),  
SECTION 783. 101.143 (4) (ei) 1. b. of the statutes is amended to read:

2482d

101.143 (4) (ei) 1. b. The owner or operator of the farm tank has received a letter or notice from the department of commerce or department of natural resources environmental management indicating that the owner or operator must conduct a site investigation or remedial action because of a discharge from the farm tank or an order to conduct such an investigation or remedial action. //

SECTION 784. 101.143 (4) (es) 1. of the statutes is amended to read:

101.143 (4) (es) 1. The department shall issue an award for a claim filed after August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987, by an owner or operator or a person owning a home oil tank system in investigating the existence of a discharge or investigating the presence of petroleum products in soil or groundwater if the investigation is undertaken at the written direction of the department of commerce or the department of natural resources environmental management and no discharge or contamination is found. ✓

#. Page 598, line 11: after that line insert:  
SECTION 785. 101.143 (8) (b) of the statutes is amended to read:

2484b.

**BILL**

101.143 (8) (b) Review and advise the secretary and the secretary of ~~natural resources~~ environmental management on the implementation of the petroleum product remedial action program established under this section. ✓

#. Page 898, line 20: after that line insert;  
SECTION 786. 101.143 (11) (intro.) of the statutes is amended to read:

101.143 (11) <sup>2485v</sup>REPORTS. (intro.) No later than each January 1 and July 1, the department of commerce and the department of ~~natural resources~~ environmental management shall submit to the governor, to the joint legislative audit committee, to the joint committee on finance and to the appropriate standing committees of the legislature, under s. 13.172 (3), a report on the program under this section. The departments shall include all of the following information in the report:

SECTION 787. <sup>2487b</sup>101.144 (2) (a) of the statutes is amended to read:

101.144 (2) (a) The department shall administer a program under which responsible persons investigate, and take remedial action in response to, those discharges of petroleum products from petroleum storage tanks that are covered under par. (b). The department may issue an order requiring a responsible person to take remedial action in response to a discharge of a petroleum product from a petroleum storage tank if the discharge is covered under par. (b). In administering this section, the department shall follow rules promulgated by the department of ~~natural resources~~ environmental management for the cleanup of discharges of hazardous substances.

SECTION 788. <sup>2489b</sup>101.144 (3) (intro.) of the statutes is amended to read:

101.144 (3) (intro.) The department of ~~natural resources~~ environmental management may take action under s. 292.11 (7) (a) or may issue an order under s. 292.11 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one or more of the following apply:

## BILL

⑥ 2489d

SECTION ~~789~~. 101.144 (3) (b) of the statutes is amended to read:

101.144 (3) (b) The department of commerce requests the department of ~~natural resources~~ environmental management to take the action or issue the order.

⑥ 2489f

SECTION ~~790~~. 101.144 (3) (c) of the statutes is amended to read:

101.144 (3) (c) The secretary of ~~natural resources~~ environmental management approves the action or order in advance after notice to the secretary of commerce.

⑥ 2489h

SECTION ~~791~~. 101.144 (3) (d) of the statutes is amended to read:

101.144 (3) (d) The department of ~~natural resources~~ environmental management takes action under s. 292.11 (7) (a) after the responsible person fails to comply with an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

⑥ 2489j

SECTION ~~792~~. 101.144 (3) (e) of the statutes is amended to read:

101.144 (3) (e) The department of ~~natural resources~~ environmental management takes the action under s. 292.11 (7) (a) because the identity of the responsible person is unknown.

⑥ 2489L

SECTION ~~793~~. 101.144 (3g) (a) of the statutes is amended to read:

101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified under this section, excluding sites that are contaminated by a hazardous substance other than a petroleum product or an additive to a petroleum product, are classified as high-risk sites, the department of commerce and the department of ~~natural resources~~ environmental management shall attempt to reach an agreement that specifies standards for determining whether the site of a discharge of a petroleum product from a petroleum storage tank is classified as high risk. The standards shall be designed to classify no more than 35% of those sites as high-risk sites and may not classify all sites at which an enforcement standard is exceeded as high-risk sites.

**BILL**

If the department of commerce and the department of ~~natural resources~~ environmental management are unable to reach an agreement, they shall refer the matters on which they are unable to agree to the secretary of administration for resolution. The secretary of administration shall resolve any matters on which the departments disagree in a manner that is consistent with this paragraph. The department of commerce shall promulgate rules incorporating any agreement between the department of commerce and the department of ~~natural resources~~ environmental management under this paragraph and any resolution of disagreements between the departments by the secretary of administration under this paragraph.

SECTION 794. 101.144 (3m) (a) (intro.) of the statutes is amended to read:

101.144 (3m) (a) (intro.) The department of commerce and the department of ~~natural resources~~ environmental management shall enter into a memorandum of understanding that does all of the following:

SECTION 795. 101.144 (3m) (b) of the statutes is amended to read:

101.144 (3m) (b) The department of commerce and the department of ~~natural resources~~ environmental management shall submit a memorandum of understanding under this subsection to the secretary of administration for review.

A memorandum of understanding under this subsection does not take effect until it is approved by the secretary of administration.

#. Page 901, line 9: after that line insert:  
SECTION 796. 101.653 (6m) of the statutes is amended to read:

101.653 (6m) REVIEW. The department and the department of ~~natural resources~~ environmental management shall enter into a memorandum of agreement that establishes a process for reviewing the standards established under sub. (2), periodically updating those standards and reviewing the training program. The

## BILL

memorandum of understanding shall ensure that local officials and other persons interested in the standards established under sub. (2) and the training program may participate in the process. ✓

# Page 912, line 11: after that line insert:  
SECTION 797. 107.15 (2) (b) of the statutes is amended to read:

107.15 (2) (b) <sup>2603</sup> "Licensee" means any person licensed to conduct exploration activities by the department of ~~natural resources~~ environmental management under s. 293.21. If the person is a corporation or limited liability company, "licensee" includes the parent and any subsidiary or affiliates of the corporation or limited liability company engaged in mining or activities related to mining in this state.

<sup>2603</sup> SECTION 798. 107.15 (6) (c) 2. of the statutes is amended to read:

107.15 (6) (c) 2. By the secretary of ~~the department of natural resources~~ environmental management for purposes of specific environmental analysis and permit application evaluation and by the secretary of ~~the department of revenue~~ provided that the confidential information shall not be released by either the department of revenue or the department of ~~natural resources~~ environmental management, that the departments of revenue and ~~natural resources~~ environmental management shall establish procedures to keep any confidential information confidential, and that the responsible person or persons in each department shall be subject to the penalty specified under this paragraph for the unauthorized release of confidential information.

<sup>2604</sup> SECTION 799. 110.20 (4) of the statutes is amended to read:

110.20 (4) DEPARTMENTAL COOPERATION. The department shall consult and cooperate with the department of ~~natural resources~~ environmental management in order to efficiently and fairly establish and administer the program established under this section. ✓

**BILL**

#. Page 912, line 17: after that line insert!

SECTION 800. 110.20 (8) (d) of the statutes is amended to read:

110.20 (8) (d) No inspection station may be established within 0.5 mile of an air monitoring station which reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard as defined by the department of ~~natural resources~~ environmental management. ✓

#. Page 912, line 20: after that line insert!

SECTION 801. 110.20 (13) (b) of the statutes is amended to read:

110.20 (13) (b) The department of ~~natural resources~~ environmental management shall, by rule, establish the amount of the repair cost limit to equal the amount required under 42 USC 7511a (b) 4. or (c) (3) (C). ✓

#. Page 917, line 22: after that line insert!

SECTION 802. 118.025 of the statutes is amended to read:

**118.025 Arbor day observance.** A school principal may request one free tree provided from state forest nurseries by the department of ~~natural resources~~ fish, wildlife, parks, and forestry under s. 28.06 for each 4th grade pupil in the school for planting in conjunction with an annual observance and celebration of arbor day. ✓

#. Page 939, line 16: after that line insert!

SECTION 803. 125.52 (2) of the statutes is amended to read:

125.52 (2) **LIMITED MANUFACTURER'S PERMIT.** The department shall issue a limited manufacturer's permit which authorizes the use or sale of the intoxicating liquor produced only if it is rendered unfit for use as a beverage and is used or sold for use as fuel. The department shall notify the department of ~~natural resources~~ environmental management of the name and address of any person to whom a limited manufacturer's permit is issued.

SECTION 804. 134.60 of the statutes is amended to read:

**134.60 Cutting or transportation of evergreens.** No person may cut for sale in its natural condition and untrimmed, with or without roots, any evergreen or coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another

**BILL**

without the written consent of the owner, whether such land is publicly or privately owned. The written consent shall contain the legal description of the land where the tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal owner. The written consent or a certified copy of the consent shall be carried by every person in charge of the cutting or removing of the trees, branches, boughs, bushes, saplings or shrubs, and shall be exhibited to any officer of the law, forest ranger, forest patrol officer, conservation warden, or other officer of the department of ~~natural resources~~ fish, wildlife, parks, and forestry at the officer's request at any time. The officer may inspect the trees, branches, boughs, bushes, saplings or shrubs when being transported in any vehicle or other means of conveyance and may investigate to determine whether or not this section has been complied with. The officer may stop any vehicle or means of conveyance found carrying any trees, branches, boughs, bushes, saplings or shrubs upon any public highway of this state for the purpose of making such inspection and investigation, and may seize and hold, subject to the order of the court, any such trees, bushes, saplings or shrubs found being cut, removed or transported in violation of this section. No person may ship or transport any such trees, bushes, saplings or shrubs outside the county where they were cut unless the person attaches to the outside of each package, box, bale, truckload or carload shipped a tag or label on which appears the person's name and address. No common carrier or truck hauler may receive for shipment or transportation any such trees, bushes, saplings or shrubs unless the tag or label is attached. Any person who violates this section shall be fined not less than \$10 nor more than \$100. Any person who signs any such written consent or certified copy under this section who is not authorized to do so, and any person who lends or transfers or offers to lend or transfer any such written consent or certified copy to

**BILL**

another person who is not entitled to use it, and any person not entitled to use any such written consent or certified copy, or who borrows, receives or solicits from another any such written consent or certified copy thereof shall be fined not less than \$100 nor more than \$500. <sup>VO</sup>

#. Page 942, line 9: after that line insert:

SECTION 805. 138.09 (7) (i) 3. of the statutes is amended to read:

138.09 (7) (i) 3. On motor vehicle loans, the actual filing fee required for filing with the department of transportation under ch. 342 or, on boat loans, the filing fee required for filing with the department of ~~natural resources~~ fish, wildlife, parks, and

forestry under subch. V of ch. 30. <sup>VO</sup>

#. Page 945, line 8: after that line insert:

SECTION 806. 145.245 (3) of the statutes is amended to read:

145.245 (3) MAINTENANCE. The department shall establish a maintenance program to be administered by governmental units. The maintenance program is applicable to all new or replacement private sewage systems constructed in a governmental unit after the date on which the governmental unit adopts this program. The maintenance program shall include a requirement of inspection or pumping of the private sewage system at least once every 3 years. Inspections may be conducted by a master plumber, journeyman plumber or restricted plumber licensed under this chapter, a person licensed under s. 281.48 or by an employee of the state or governmental unit designated by the department. The department of ~~natural resources~~ environmental management may suspend or revoke a license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a seepage servicing vehicle if the department of ~~natural resources~~ environmental management finds that the licensee or operator falsified information on inspection forms. The department of commerce may suspend or revoke the license of a plumber

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licensed under this chapter if the department finds that the plumber falsified information on inspection forms.

#. Page 448 line 6: after that line insert!

SECTION 807 146.60 (1) (c) of the statutes is amended to read:

146.60 (1) (c) "Departments" means the department of agriculture, trade and consumer protection and the department of ~~natural resources~~ environmental management.

SECTION 808 146.60 (2) (a) of the statutes is amended to read:

146.60 (2) (a) The department of ~~natural resources~~ environmental management shall be the reviewing department for any regulated release subject to 15 USC 2601 to 2629.

SECTION 809 146.60 (3) (c) 1. of the statutes is amended to read:

146.60 (3) (c) 1. If the department of ~~natural resources~~ environmental management receives information under this subsection or sub. (4) (c), it shall provide the department of agriculture, trade and consumer protection with a copy of the information.

SECTION 810 146.60 (3) (c) 2. of the statutes is amended to read:

146.60 (3) (c) 2. If the department of agriculture, trade and consumer protection receives information under this subsection or sub. (4) (c), it shall provide the department of ~~natural resources~~ environmental management with a copy of the information.

SECTION 811 146.60 (5) of the statutes is amended to read:

146.60 (5) MEMORANDUM OF UNDERSTANDING. Within 6 months after June 13, 1989, the department of ~~natural resources~~ environmental management shall enter into a memorandum of understanding with the department of agriculture, trade and consumer protection setting forth the procedures and responsibilities of the

**BILL**

departments in the administration of this section. The memorandum shall establish procedures that minimize the duplication of effort between the departments and for the person providing information under sub. (3). <sup>✓</sup>

#. Page 958, line 24: after that line insert:  
SECTION 812. 160.001 (6) of the statutes is amended to read:

160.001 (6) Where necessary to comply with federal statutes or regulations, the department of natural resources environmental management may adopt rules in regulatory programs administered by it which are more stringent than the enforcement standards and preventive action limits adopted under this chapter.

SECTION 813. 160.001 (7) of the statutes is amended to read:

160.001 (7) A regulatory agency may take any actions within the context of regulatory programs established in statutes outside of this chapter, if those actions are necessary to protect public health and welfare or prevent a significant damaging effect on groundwater or surface water quality for present or future consumptive or nonconsumptive uses, whether or not an enforcement standard and preventive action limit for a substance has been adopted under this chapter. Nothing in this chapter requires the department of health and family services or the department of natural resources environmental management to establish an enforcement standard for a substance if a federal number or state drinking water standard has not been adopted for the substance and if there is not sufficient scientific information to establish the standard.

SECTION 814. 160.01 (1) of the statutes is amended to read:

160.01 (1) "Department", "Department," when used without qualification, means the department of natural resources environmental management.

SECTION 815. 160.01 (7) of the statutes is amended to read:

**BILL****SECTION 815**

160.01 (7) "Regulatory agency" means the department of agriculture, trade and consumer protection, the department of commerce, the department of environmental management, the department of transportation, the department of ~~natural resources~~ fish, wildlife, parks, and forestry and other state agencies ~~which~~ that regulate activities, facilities, or practices ~~which~~ that are related to substances ~~which~~ that have been detected in or have a reasonable probability of entering the groundwater resources of the state.

<sup>⑥ 2853L</sup>  
SECTION ~~816~~ 160.07 (5) of the statutes is amended to read:

160.07 (5) Within 9 months after transmitting the name of a substance to the department of health and family services under sub. (2), the department of ~~natural resources~~ environmental management shall propose rules establishing the recommendation of the department of health and family services as the enforcement standard for that substance and publish the notice required under s. 227.16 (2) (e), 227.17, or 227.24 (3).

<sup>⑥ 2853M</sup>  
SECTION ~~817~~ 160.07 (6) of the statutes is amended to read:

160.07 (6) If a federal number is established or changed for a substance after an enforcement standard is recommended by the department of health and family services, and if any person or regulatory agency submits a request, the department of ~~natural resources~~ environmental management shall determine whether the enforcement standard needs revision based on recommendations under sub. (4).

<sup>⑥ 2853Q</sup>  
SECTION ~~818~~ 160.13 (2) (b) 4. of the statutes is amended to read:

160.13 (2) (b) 4. If no acceptable daily intake or equivalent value for an oncogen is established by the federal environmental protection agency, or if an acceptable daily intake is established but oncogenic potential at the established acceptable daily intake presents an unacceptable probability of risk, the department shall provide the

**BILL**

department of ~~natural resources~~ environmental management with an evaluation of the oncogenic potential of the substance. This evaluation of oncogenic potential shall indicate an acceptable daily intake for the substance which, if ingested daily over an entire human lifetime, appears to present an acceptable probability of risk ~~which~~ that is presumed to be a risk level equal to a ratio of one to 1,000,000. A risk level equal to a ratio of one to 1,000,000 is the expectation that no more than one excess death will occur in a population of 1,000,000 over a 70-year period. The department shall base the evaluation of oncogenic potential on a review of the most recent and scientifically valid information available. ✓

#. Page 959, line 7: after that line insert:  
SECTION 165.25 (4) (a) of the statutes is amended to read:

165.25 (4) (a) The department of justice shall furnish all legal services required by the investment board, the lottery division in the department of revenue, the public service commission, the department of transportation, the department of natural resources, the department of environmental management, the department of tourism and the department of employee trust funds, together with any other services, including stenographic and investigational, as are necessarily connected with the legal work. ✓

#. Page 959, line 14: after that line insert:  
SECTION 165.25 (6) (e) of the statutes is amended to read:

165.25 (6) (e) The department of justice may appear for and defend the state or any state department, agency, official or employee in any civil action arising out of or relating to the assessment or collection of costs concerning environmental cleanup or natural resources damages including actions brought under 42 USC 9607. The action may be compromised and settled in the same manner as provided in par.

(a). At the request of the department of ~~natural resources~~ environmental management, the department of justice may provide legal representation to the state

**BILL**

or to the department of ~~natural resources~~ environmental management in the same matter in which the department of justice provides defense counsel, if the attorneys representing those interests are assigned from different organizational units within the department of justice. This paragraph may not be construed as a consent to sue the state or any department, agency, official or employee of the state or as a waiver of sovereign immunity. <sup>VO</sup>

#. Page 960, line 10: after that line insert:  
SECTION ~~821~~ 165.85 (4) (b) 1. of the statutes is amended to read:

165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law enforcement officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of law enforcement training approved by the board and has been certified by the board as being qualified to be a law enforcement or tribal law enforcement officer. The program shall include 400 hours of training, except the program for law enforcement officers who serve as rangers for the department of ~~natural resources~~ fish, wildlife, parks, and forestry includes 240 hours of training. The board shall promulgate a rule under ch. 227 providing a specific curriculum for a 400-hour conventional program and a 240-hour ranger program. The rule shall ensure that there is an adequate amount of training for each program to enable the person to deal effectively with domestic abuse incidents. The training under this subdivision shall include training on emergency detention standards and procedures under s. 51.15, emergency protective placement standards and procedures under s. 55.06 (11) and information on mental health and developmental disabilities agencies and other resources that may be available to assist the officer in interpreting the emergency detention and emergency protective placement standards, making emergency detentions and emergency protective placements and locating appropriate facilities for the emergency detentions and

**BILL**

emergency protective placements of persons. The training under this subdivision shall include training on police pursuit standards, guidelines and driving techniques established under par. (cm) 2. b. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. The total period during which a person may serve as a law enforcement and tribal law enforcement officer on a temporary or probationary basis without completing a preparatory program of law enforcement training approved by the board shall not exceed 2 years, except that the board shall permit part-time law enforcement and tribal law enforcement officers to serve on a temporary or probationary basis without completing a program of law enforcement training approved by the board to a period not exceeding 3 years. For purposes of this section, a part-time law enforcement or tribal law enforcement officer is a law enforcement or tribal law enforcement officer who routinely works not more than one-half the normal annual work hours of a full-time employee of the employing agency or unit of government. Law enforcement training programs including municipal, county and state programs meeting standards of the board are acceptable as meeting these training requirements. ✓

#. Page 961, line 11: after that line inset!

SECTION 822. 166.20 (4) (title) and (intro.) of the statutes are amended to read:

166.20 (4) (title) <sup>2867d</sup> DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL MANAGEMENT. (intro.) The department of ~~natural resources~~

environmental quality shall:

<sup>2867f</sup> SECTION 823. 166.20 (4) (b) of the statutes is amended to read:

166.20 (4) (b) Have the same powers and duties at the time of a release of a hazardous substance as are given to it under s. 292.11, including the investigation

**BILL**

of releases of hazardous substances, the repair of any environmental damage which results from the release and the recovery of costs from responsible parties. The department of ~~natural resources~~ environmental management may also, at the time of a release of a hazardous substance, identify and recommend to the division and the committee measures to lessen or mitigate anticipated environmental damage resulting from the release.

<sup>2867 h</sup>  
SECTION ~~824~~. 166.20 (5) (a) 2. of the statutes is amended to read:

166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall comply with the notification requirements of 42 USC 11004. Notification of the department of ~~natural resources~~ environmental management of the discharge of a hazardous substance under s. 292.11 (2) shall constitute the notification of the division required under 42 USC 11004 if the notification contains the information specified in 42 USC 11004 (b) (2) or (c).

<sup>2867 j</sup>  
SECTION ~~825~~. 166.20 (5) (a) 4. (intro.) of the statutes is amended to read:

166.20 (5) (a) 4. (intro.) The following facilities shall comply with the toxic chemical release form requirements under 42 USC 11023 and shall submit copies of all toxic chemical release forms to the department of ~~natural resources~~ environmental management: ✓

~~SECTION 826. 166.22 (3) of the statutes is amended to read:~~

~~166.22 (3) If action required under sub. (2) is not being adequately taken or the identity of the person responsible for a discharge of a hazardous substance is unknown, and the discharge threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the department of ~~natural resources~~~~

Inset  
218-A

**BILL**

~~environmental management under s. 292.11 (5) and that it considers appropriate~~

~~under the circumstances.~~

#. Page 965, line 4: after that line insert!  
SECTION 827

167.10 (3) (b) 3. of the statutes is amended to read:

167.10 (3) (b) 3. The disposal of hazardous substances in accordance with rules adopted by the department of ~~natural resources~~ environmental management.

SECTION 828. 167.31 (4m) of the statutes is amended to read:

167.31 (4m) RULES. The department of ~~natural resources~~ fish, wildlife, parks, and forestry may further restrict hunting from stationary vehicles on county or town highways by promulgating rules designating certain county and town highways, or portions thereof, upon which a holder of a Class A or Class B permit issued under s. 29.193 (2) may not discharge a firearm or shoot a bolt or an arrow from a bow or crossbow under sub. (4) (cg). For each restriction of hunting from a county or town highway contained in a rule to be promulgated under this subsection, the department shall submit a specific justification for the restriction with the rule submitted to legislative council staff for review under s. 227.15 (1).

SECTION 829. 167.31 (5) (d) of the statutes is amended to read:

167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the county treasurer the weapons assessment as required under s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this paragraph ~~in~~ into the conservation fund to be appropriated under s. 20.370 (3) ~~(mu)~~ (1) (pu).

SECTION 830. 170.12 (4) (intro.) of the statutes is amended to read:

170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application under sub. (3), the board shall immediately transmit copies of the application to the department of ~~natural resources~~ fish, wildlife, parks, and forestry, the department

## BILL

of environmental management, and to the historical society for review. The department of natural resources and the historical society shall, as appropriate, within 30 days after their receipt of the application, notify the board whether any of the following apply:

<sup>② 2881am</sup>  
SECTION ~~831~~. 170.12 (4) (c) of the statutes is amended to read:

170.12 (4) (c) The proposed project may affect public rights in navigable waters. The department of ~~natural resources~~ fish, wildlife, parks, and forestry, and the department of environmental management shall recommend to the board requirements and conditions to be attached to the permit which shall protect those rights.

<sup>② 2881ap</sup>  
SECTION ~~832~~. 170.12 (5) of the statutes is amended to read:

170.12 (5) RESERVATION OF VALUE. The state reserves to itself 30% of the stumpage value, established by the department of ~~natural resources~~ fish, wildlife, parks, and forestry by rule promulgated under s. 77.91 (1), of any log raised pursuant to a permit issued under this section. ✓/6

#. Page 985, line 2: after that line insert!  
SECTION ~~833~~. 182.70 (1) (d) of the statutes is amended to read:

<sup>② 2924p</sup>  
182.70 (1) (d) "Department" means the department of ~~natural resources~~ environmental management.

<sup>② 2924r</sup>  
SECTION ~~834~~. 182.70 (3) (a) 1. of the statutes is amended to read:

182.70 (3) (a) 1. The company may create, acquire or lease an entire reservoir project or otherwise maintain, operate or control a system of water reservoirs located in or along the Wisconsin ~~river~~ River. These reservoirs shall be located north of township 37 north in or along the Wisconsin River, and in or along any tributary of the Wisconsin River that discharges into the river at any point north of the south line of township 23 north. The company may create, acquire, maintain and operate

**BILL**

waterways to divert flood waters from or to the Wisconsin River to or from reservoirs on other rivers. Diversion of flood waters shall be subject to approval by the department, in consultation with the department of fish, wildlife, parks, and forestry. The company may construct, acquire and maintain dams, booms and other structures in, along or across this portion of the Wisconsin River and its tributaries to accomplish the purposes of this section. The company may clean out, straighten, deepen or otherwise improve any tributary to improve navigation of the tributary or of the Wisconsin River, or to prevent injury to property bordering on the rivers.

SECTION <sup>Ⓟ 29247</sup> ~~835~~. 182.71 (1) (c) of the statutes is amended to read:

182.71 (1) (c) "Department" means the department of ~~natural resources~~ environmental management.

SECTION <sup>Ⓟ 29247</sup> ~~836~~. 182.71 (7) of the statutes is amended to read:

182.71 (7) (a) The commission shall appraise and fix the price of any dam, land or flowage rights to be purchased by the company under this section. The commission shall approve any lease of property by the company prior to the payment of rent. The commission may require the department or the department of fish, wildlife, parks, and forestry to aid in appraising the value of the land.

(b) If the company intends to acquire and overflow property, the commission shall approve the need to overflow the property. The department, in consultation with the department of fish, wildlife, parks, and forestry shall mark the height to which any dam may raise the water level by permanent monuments and bench marks, shall supervise and control the time and extent of the drawing of water from the reservoirs, and may compel the maintenance of all reservoirs established. The commission and the department may employ, at the expense of the company, hydraulic engineers and other persons to assist in obtaining information necessary

**BILL**

to enforce this section. The cost of hiring the engineers shall be included as a part of the cost of construction or maintenance and operation of the reservoir system. ✓

# Page 992, line 12, after that line insert:  
SECTION 837. 196.491 (1) (c) of the statutes is amended to read:

196.491 (1) (c) "Department" means the department of natural resources environmental management.

SECTION 838. 196.491 (2) (b) 5. of the statutes is amended to read:

196.491 (2) (b) 5. Department of natural resources environmental management.

# Page 223, line 6, after that line insert:  
SECTION 839. 196.86 (1) (a) of the statutes is amended to read:

196.86 (1) (a) "Department" means the department of natural resources environmental management.

SECTION 840. 196.86 (1) (d) of the statutes is amended to read:

196.86 (1) (d) "Initial compliance date" means the date specified in a notice by the department of natural resources environmental management under s. 285.48 (2) by which electric generating facilities in the midcontinent area of this state are required to comply with initial nitrogen oxide emission reduction requirements.

SECTION 841. 196.86 (2) of the statutes is amended to read:

196.86 (2) If the department of natural resources environmental management makes a notification to the commission under s. 285.48 (2), the commission shall assess against electric public utility affiliates a total of \$2,400,000, or a decreased amount specified in a notice by the department of natural resources environmental management under s. 285.48 (3) (d) 3., in each fiscal year of the 10-year period that commences on July 1 of the fiscal year ending before the initial compliance date. An assessment in a fiscal year against an electric public utility affiliate under this

**BILL**

subsection shall be in an amount that is proportionate to the electric public utility affiliate's heat throughput ratio for the prior fiscal year.

<sup>(b) 3019.k</sup>  
SECTION ~~842~~. 196.98 of the statutes is amended to read:

**196.98 Water reporting required.** The commission shall ensure that each public utility to which s. 281.35 applies shall comply with the requirements of that section and shall report its volume and rate of withdrawal, as defined under s. 281.35 (1) (m), and its volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, to the commission in the form and at the times specified by the department of ~~natural resources~~ environmental management. The commission shall provide the information reported under this section to the department of ~~natural resources~~ environmental management.

<sup>(b) 3020.c</sup>  
SECTION ~~843~~. 198.22 (7) of the statutes is amended to read:

**198.22 (7) BOUNDARIES.** Immediately upon the organization of the board of directors the clerk shall cause to be recorded in the office of the register of deeds of each county in which any part of said district is located, and shall file with the secretary of state, the department of ~~natural resources~~ environmental management, the governor and the clerk of each town, city or village, wholly or partly within the district, a certified copy of the boundaries of the district as set forth in the notice of election pursuant to sub. (3) or as thereafter amended. Thereafter, in any proceeding wherein the boundaries of the district are concerned, it shall be sufficient in describing said boundaries to refer to such record of such description.

<sup>(b) 3020.d</sup>  
SECTION ~~844~~. 198.22 (13) of the statutes is amended to read:

**198.22 (13) DISTRIBUTION SYSTEM STANDARDS IN MILWAUKEE COUNTY.** When any such district is established in any county having a population of 500,000 or more and containing a city of the 1st class, no municipality in such district shall construct any

**BILL**

part of its distribution system except according to the standard of sizes and grades of materials as used by such city of the 1st class, or the standards of the American waterworks association and the department of ~~natural resources~~ environmental management. <sup>Ⓟ3020e</sup>

**SECTION 845.** 200.01 (2) of the statutes is amended to read:

200.01 (2) "Department" means the department of ~~natural resources~~ environmental management.

<sup>Ⓟ3020f</sup>  
**SECTION 846.** 200.11 (1) (e) of the statutes is amended to read:

200.11 (1) (e) *Annual report*. The commission shall prepare annually a full and detailed report of its official transactions and expenses and of all presently planned additions and major changes in district facilities and services and shall file a copy of such report with the department of ~~natural resources~~ environmental management, the department of health and family services and the governing bodies of all cities, villages and towns having territory in such district.

<sup>Ⓟ3020g</sup>  
**SECTION 847.** 200.27 (9) of the statutes is amended to read:

200.27 (9) ANNUAL REPORT. The commission shall prepare annually a full report of its official transactions and expenditures and shall mail the report to the governor, to the secretary of ~~natural resources~~ environmental management and to the governing body of each municipality.

<sup>Ⓟ3020h</sup>  
**SECTION 848.** 200.29 (1) (c) 4. b. of the statutes is amended to read:

200.29 (1) (c) 4. b. Any area not included within the redefined boundary under subd. 1. or 2. ceases to be a part of the district for all purposes upon the filing of a certified copy of the resolution describing the area not within the district with the clerk of each county in which the district is located. The commission shall also record the resolution with the register of deeds for each county in which the district is

**BILL**

located, and file a certified copy of the resolution with the clerk of each city, village and town in the district and with the department of ~~natural resources~~ environmental management.

<sup>Ⓟ3020j</sup>  
SECTION ~~849~~. 200.29 (1) (d) 3. of the statutes is amended to read:

200.29 (1) (d) 3. Any area added to the district under this paragraph becomes a part of the district for all purposes upon the filing of a certified copy of the resolution describing the area being added with the clerk of each county in which the district is located. The commission shall also record the resolution with the register of deeds for each county in which the district is located, and file certified copies with the clerk of each city, village and town in the district and with the department of ~~natural resources~~ environmental management.

<sup>Ⓟ3020j</sup>  
SECTION ~~850~~. 200.35 (4) of the statutes is amended to read:

200.35 (4) DELIVERY OF DEEDS; ~~DNR~~ STATE PERMITS. Upon application of the commission the proper officers of this state shall execute, acknowledge and deliver to the proper officers of the district any deed or other instrument as may be proper for the purpose of fully confirming the grants under subs. (2) and (3). Notwithstanding s. 30.05, the district may not commence an action under sub. (2) or (3) without obtaining all of the necessary permits from the department of ~~natural resources~~ environmental management under ch. 30.

<sup>Ⓟ3020k</sup>  
SECTION ~~851~~. 200.35 (8) (a) of the statutes is amended to read:

200.35 (8) (a) Subject to s. 30.20 and to any applicable rule of the department of ~~natural resources~~ environmental management, the commission may improve any river or stream within the district by deepening, widening or otherwise changing it as the commission finds necessary ~~in order~~ to carry off surface or drainage water.

<sup>Ⓟ3020L</sup>  
SECTION ~~852~~. 200.35 (9) (b) of the statutes is amended to read:

**BILL**

200.35 (9) (b) The commission shall apply to the department of ~~natural resources~~ environmental management for a permit for the diversion. Upon receipt of an application for a permit, the department shall fix a time, not more than 8 weeks after receiving the application, and a convenient place for a public hearing on the application. The department shall notify the commission of the time and place and the commission shall publish a notice of the time and place of the hearing once each week for 3 successive weeks before the hearing in at least one newspaper designated by the department of ~~natural resources~~ environmental management and published in the district.

② 302 D n  
SECTION ~~852~~. 200.35 (9) (c) of the statutes is amended to read:

200.35 (9) (c) In addition to the publication required under par. (b) the commission, not less than 20 days prior to the hearing, shall mail a notice of the hearing to every person who has recorded an interest in any lands that are likely to be affected by the proposed diversion and whose post-office address can be ascertained by due diligence. The notice shall specify the time and place of the hearing, shall be accompanied by a general statement of the nature of the application and shall be forwarded to these persons by registered mail in a sealed and postpaid envelope properly addressed. The commission shall file proof of the publication and mailing of notice with the department of ~~natural resources~~ environmental management. At the hearing or any adjournment thereof, the department of ~~natural resources~~ environmental management shall consider the application and shall take evidence offered by the commission and other persons in support of or in opposition to the application. The department may require that the application be amended. If the department finds after the hearing that the application is in the public interest,

**BILL**

will not violate public rights and will not pose an unreasonable risk to life, health or property, the department shall issue a permit to the commission.

<sup>⑥ 3020 p</sup>  
SECTION ~~854~~ 200.35 (12) of the statutes is amended to read:

200.35 (12) DISPOSAL OF TREATED SEWAGE. Subject to any applicable rule of the department of ~~natural resources~~ environmental management, the commission may dispose of treated sewage by commercial or charitable means and may expend an amount reasonably necessary for this purpose.

<sup>⑥ 3020 q</sup>  
SECTION ~~855~~ 200.35 (14) (d) 1. of the statutes is amended to read:

200.35 (14) (d) 1. The commission shall pay for the portion of the cost of a project constructed by the commission under this subsection which equals the difference between the cost of disposing of the waste rock at a disposal site which is approved by the department of ~~natural resources~~ environmental management and which is outside of the district's service area and the cost of disposing of the waste rock in the project.

<sup>⑥ 3020 r</sup>  
SECTION ~~856~~ 200.47 (2) (a) of the statutes is amended to read:

200.47 (2) (a) Except as provided in par. (b), all work done and all purchases of supplies and materials by the commission shall be by contract awarded to the lowest responsible bidder complying with the invitation to bid, if the work or purchase involves an expenditure of \$20,000 or more. If the commission decides to proceed with construction of any sewer after plans and specifications for the sewer are completed and approved by the commission and by the department of ~~natural resources~~ environmental management under ch. 281, the commission shall advertise by a class 2 notice under ch. 985 for construction bids. All contracts and the awarding of contracts are subject to s. 66.0901.

<sup>⑥ 3020 s</sup>  
SECTION ~~857~~ 200.49 (7) (b) of the statutes is amended to read:

## BILL

200.49 (7) (b) The executive director shall submit the plan to the secretary of ~~natural resources~~ environmental management for review and comment. The secretary of ~~natural resources~~ environmental management shall provide the executive director with comments or recommendations for changes in the plan, if any, within 30 days after the plan is submitted. No contracts may be awarded under sub. (5) until 30 days after the date the plan is submitted to the secretary of ~~natural resources~~ environmental management or until the date the executive director receives the secretary's comments or recommendations, whichever is earlier. ✓

# Page 1003, line 12! after that line insert!

SECTION 858. 227.42 (5) of the statutes is amended to read:

① 3035c

227.42 (5) Except as provided under s. 289.27 (1), this section does not apply to any part of the process for approving a feasibility report, plan of operation or license under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31, any decision by the department of ~~natural resources~~ environmental management relating to the environmental impact of a proposed action under ch. 289 or 291 or ss. 292.31 and 292.35, or any part of the process of negotiation and arbitration under s. 289.33.

SECTION 859. 227.43 (1) (b) of the statutes is amended to read:

227.43 (1) (b) Assign a hearing examiner to preside over any hearing of a contested case which is required to be conducted by the department of ~~natural resources~~ fish, wildlife, parks, and forestry and which is not conducted by the secretary of ~~natural resources~~ fish, wildlife, parks, and forestry.

SECTION 860. 227.43 (1) (bd) of the statutes is created to read:

227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a contested case which is required to be conducted by the department of environmental management and which is not conducted by the secretary of environmental management.