

1 ~~natural resources~~ fish, wildlife, parks, and forestry regarding the investigation and  
2 control of animal-borne and vector-borne disease.

3 **SECTION 3150h.** 254.52 (2) (intro.) of the statutes is amended to read:

4 254.52 (2) (intro.) The department, in consultation with the department of  
5 public instruction, the department of ~~natural resources~~ fish, wildlife, parks, and  
6 forestry and the department of agriculture, trade and consumer protection, shall do  
7 all of the following:".

8 **245.** Page 1043, line 12: after that line insert:

9 "SECTION 3160k. Chapter 278 of the statutes is created to read:

10 **CHAPTER 278**

11 **DEPARTMENT OF**

12 **ENVIRONMENTAL MANAGEMENT**

13 **SUBCHAPTER I**

14 **GENERAL**

15 **278.01 Definitions.** (1) In this chapter:

16 (a) "Department" means the department of environmental management.

17 (b) "Secretary" means the secretary of environmental management.

18 **278.10 Environmental wardens.** (1) The department shall secure the  
19 enforcement of all laws that it is required to administer. The persons appointed by  
20 the department to enforce those laws shall be known as environmental wardens.

21 (3) An environmental warden shall, before exercising any powers of an  
22 environmental warden, be provided with a commission issued by the department  
23 under its seal, substantially as follows:

## 1 STATE OF WISCONSIN

## 2 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

3 To all to whom these presents shall come, greeting:

4 Know ye, that reposing special trust and confidence in the integrity and ability  
5 of ....., of the county of ....., we do hereby appoint and constitute .... an environmental  
6 warden (or special environmental warden) for the state of Wisconsin, and do  
7 authorize and empower .... to execute and fulfill the duties of that office according to  
8 law, during good behavior and the faithful performance of the duties of that office.9 In testimony whereof, the secretary has hereunto affixed the secretary's  
10 signature and the official seal of the department, at its office in the city of Madison,  
11 Wisconsin, this .... day of ....., .... (year)

12 (Seal)

STATE OF WISCONSIN

13 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

14 By .... ..

15 (4) The department shall furnish to each environmental warden at the time of  
16 the environmental warden's appointment, a pocket identification folder in form and  
17 substance as follows: A leather-covered folder, size when folded, 3 by 4 inches; on one  
18 of the inner sides thereof shall be securely fastened a photograph of the appointee  
19 to be furnished by the appointee, and partly on the photograph and partly on the  
20 margin of the folder shall be an impression of the seal of the department. The  
21 appointee shall also affix the appointee's signature below the photograph on such  
22 folder. On the other inner side of the folder shall be securely fastened a miniature  
23 true copy of the commission issued to the appointee, which shall be signed by the  
24 secretary. The appointee shall carry the identification folder on his or her person at  
25 all times that the appointee is on official duty, and the appointee shall on demand

1 exhibit the folder to any person to whom the appointee may represent himself or  
2 herself as an environmental warden. The cost of the identification folder shall be  
3 charged to the department.

4 (5) All environmental wardens shall make full and complete reports of their  
5 transactions as such, according to the demand of the department, and shall at all  
6 times be subject to its direction and control in the performance of their duties. They  
7 shall also gather and transmit all statistical information relative to those matters  
8 within their charge as the department directs. In its report under s. 15.04 (1) (d) the  
9 department shall include information covering all its work and such other  
10 information as is valuable to the state in relation thereto and an itemized statement  
11 of receipts and disbursements.

12 **278.11 Warrants, arrests, and police powers. (1) GENERALLY.** The  
13 department and its wardens may execute and serve warrants and processes issued  
14 under any law enumerated in s. 278.51 (1) in the same manner as any constable may  
15 serve and execute the process; and may arrest, with or without a warrant, any person  
16 detected in the actual violation, or whom the officer has probable cause to believe is  
17 guilty of a violation of any of those laws whether the violation is punishable by  
18 criminal penalties or by forfeiture, and may take the person before any court in the  
19 county where the offense was committed and make a proper complaint. For the  
20 purpose of enforcing the laws enumerated in s. 278.51 (1), any officer may stop and  
21 board any boat and stop any vehicle, if the officer reasonably suspects there is a  
22 violation of those laws.

23 (2) **ADDITIONAL ARREST POWERS.** In addition to the arrest powers under sub. (1),  
24 an environmental warden who has completed a program of law enforcement training  
25 approved by the law enforcement standards board, has been certified as qualified to

1 be a law enforcement officer under s. 165.85 (4) (b) 1., and has complied with any  
2 applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in uniform or  
3 on duty and upon display of proper credentials may assist another law enforcement  
4 agency, as defined in s. 165.83 (1) (b), including making an arrest at the request of  
5 the agency, may arrest a person pursuant to an arrest warrant concerning the  
6 commission of a felony, or may arrest a person who has committed a crime in the  
7 presence of the environmental warden. If the environmental warden makes an  
8 arrest without the presence of another law enforcement agency, the environmental  
9 warden shall cause the person arrested to be delivered to the chief of police or sheriff  
10 in the jurisdiction where the arrest is made, along with the documents and reports  
11 pertaining to the arrest. The environmental warden shall be available as a witness  
12 for the state. An environmental warden may not conduct investigations for  
13 violations of state law except as authorized in sub. (3). An environmental warden  
14 acting under the authority of this subsection is considered an employee of the  
15 department and is subject to its direction, benefits and legal protection. The  
16 authority granted in this subsection does not apply to special environmental  
17 wardens.

18 (3) INVESTIGATIONS. The department and its environmental wardens shall,  
19 upon receiving notice or information of the violation of the laws enumerated in s.  
20 278.51 (1), as soon as possible make a thorough investigation and cause proceedings  
21 to be instituted if the evidence warrants it.

22 (4) SEIZURE. The department and its environmental wardens shall seize and  
23 hold, subject to the order of the court for the county in which the alleged offense was  
24 committed, any vehicle, boat, or object that they have probable cause to believe is  
25 being used in violation of s. 287.81. If it is proven that within 6 months previous to

1 the seizure the vehicle, boat, or object was used in violation of s. 287.81, it shall be  
2 confiscated if the court directs in its order for judgment.

3 (5) SALE OF CONFISCATED PROPERTY. (a) All confiscated vehicles, boats, or objects  
4 shall, if not destroyed as authorized by law, be sold at the highest price obtainable,  
5 by the department, or by an agent on commission under supervision of the  
6 department. The net proceeds of sales under this subsection, after deducting the  
7 expense of seizure and sale, any commissions, and any amounts owing to holders of  
8 security interests under par. (c) or (d), shall be remitted to the department. The  
9 remittance shall be accompanied by a report of the sales, supported by vouchers for  
10 expenses and commissions, and shall be filed with the department.

11 (b) Of the remittance from the sales of confiscated vehicles, boats, or objects,  
12 18% shall be paid into the general fund to reimburse it for expenses incurred in  
13 seizure and sale, and the remaining 82% shall be paid into the common school fund.

14 (c) 1. In the case of the sale of a confiscated motor vehicle, the department shall  
15 make a reasonable effort, within 10 days after seizure, to ascertain if a security  
16 interest in the seized motor vehicle exists. The department shall, within 10 days  
17 after obtaining actual or constructive notice of any security interest in the seized  
18 motor vehicle, give the secured party notice of the time and place of any proceeding  
19 before a court pertaining to the confiscation of the motor vehicle. Constructive notice  
20 shall be limited to security interests perfected by filing.

21 2. The time of sale of the confiscated motor vehicle shall be within 20 days after  
22 judgment of confiscation as provided in sub. (4). The department shall give each  
23 secured party discovered in accordance with subd. 1. at least 10 days' notice of the  
24 time and place of sale of the motor vehicle.

1           3. If the holder of a security interest in the confiscated motor vehicle, perfected  
2 by filing, proves to the court, or after judgment of confiscation, to the department,  
3 that the violation that led to the confiscation was not with the knowledge, consent,  
4 or connivance of the holder of the security interest or with that of some person  
5 employed or trusted by the holder of the security interest, the amount due under the  
6 security agreement, together with any other deductions authorized under par. (a),  
7 shall be deducted from the proceeds of the sale of the confiscated motor vehicle and  
8 the amount due shall be paid to the one entitled. If a sufficient amount does not  
9 remain for the full payment of the amount due under the security agreement after  
10 making the other deductions authorized under par. (a), the amount remaining shall  
11 be paid to the one entitled.

12           (d) The provisions of s. 973.075 (1) (b) 2m. and (5) apply to boats and vehicles,  
13 other than motor vehicles, under this subsection.

14           **278.12 Exemption from liability.** Members of the environmental  
15 management board, and each environmental warden, in the performance of official  
16 duties, are exempt from liability to any person for acts done or permitted or property  
17 destroyed by authority of law. No taxable costs or attorney fees shall be allowed to  
18 either party in an action against a member of the environmental management board  
19 or an environmental warden.

20           **278.13 Resisting an environmental warden.** Any person who assaults or  
21 otherwise resists or obstructs any environmental warden in the performance of duty  
22 is subject to the penalty specified in s. 939.51 (3) (a).

23           **278.14 False impersonation of environmental warden.** Any person who  
24 falsely represents himself or herself to be an environmental warden or who assumes

1 to act as an environmental warden without having been first duly appointed is  
2 subject to the penalty specified in s. 939.51 (3) (a).

3 **278.16 Periodicals. (1) PUBLICATION.** The department may produce, issue,  
4 or reprint magazines or other periodicals, on a periodic basis as it determines,  
5 pertaining to environmental quality and other similar subjects of general  
6 information. The department may distribute its magazines and periodicals by  
7 subscription. The department shall charge a fee for any of its magazines or  
8 periodicals.

9 (2) ADVERTISING. The department may advertise and sell advertising space in  
10 its magazines and other periodicals. The department may advertise or otherwise  
11 publicize its magazines and other periodicals. The advertising and publicizing shall  
12 be consistent with the goals, purposes, and functions of the department.

13 (3) SUBSCRIBER LISTS. The department may refuse to reveal names and  
14 addresses of persons on any magazine or periodical subscriber list. The department  
15 may charge a fee to recover the actual costs for providing or for the use of any  
16 magazine or periodical subscriber list. The department may not reveal names and  
17 addresses of persons as prohibited under s. 278.45 (4). No person who obtains or uses  
18 any magazine or periodical subscriber list from the department may refer to the  
19 department, the magazine, or the periodical as the source of names or addresses  
20 unless the person clearly states that the provision of, or permission to use, the  
21 subscriber list in no way indicates any of the following:

22 (a) The department's involvement or connection with the person or the person's  
23 activities.

24 (b) The department's knowledge, approval, or authorization of the person's  
25 activities.

1           (4) COSTS. Notwithstanding ss. 20.908 and 35.78 (2) the fee charged by the  
2 department in selling each of its magazines and periodicals shall be at least equal  
3 to the amount necessary to cover the production, storage, handling, and distribution  
4 costs of each magazine and periodical.

5           (5) USE OF MONEYS. The department shall use the moneys collected under this  
6 section for the costs specified in sub. (4). If the moneys collected under this section  
7 exceed the amount necessary for the costs specified in sub. (4), the department shall  
8 use the excess for educational and informational activities concerning the  
9 environment.

10           **278.165 Promotional activities; other publications.** (1) PUBLICATIONS.  
11 The department may produce, issue, reprint, and sell publications not published on  
12 a periodic basis that pertain to environmental quality and other similar subjects of  
13 general information.

14           (1m) PHOTOGRAPHS, SLIDES, VIDEOTAPES, ARTWORK. The department may  
15 produce, issue, reprint, and sell photographs, slides, videotapes, and artwork if they  
16 pertain to environmental quality and other similar subjects of general information.

17           (2) ADVERTISING SPACE. The department may advertise and sell advertising  
18 space in its publications. Any advertising shall be consistent with the goals,  
19 purposes, and functions of the department.

20           (3) PROMOTIONAL ACTIVITIES. The department may promote, through the sale  
21 of merchandise or otherwise, advertise or otherwise publicize department programs  
22 and department publications. The promotion, advertising, and publicizing shall be  
23 consistent with the goals, purposes, and functions of the department.

24           (4) SUBSCRIBER LISTS. The department may refuse to reveal names and  
25 addresses of persons on any publication subscriber list. The department may not



1 reveal names and addresses as prohibited under s. 278.45 (5). The department may  
2 charge a fee to recover the actual costs for providing or for the use of a publication  
3 subscriber list. No person who obtains or uses a publication subscriber list from the  
4 department may refer to the department or the publication as the source of names  
5 or addresses unless the person clearly states that the provision of, or permission to  
6 use, the subscriber list in no way indicates any of the following:

7 (a) The department's involvement or connection with the person or the person's  
8 activities.

9 (b) The department's knowledge, approval, or authorization of the person's  
10 activities.

11 (5) COSTS. Notwithstanding ss. 20.908 and 35.78 (2), any price set or fee  
12 charged by the department in selling a publication, photograph, slide, videotape,  
13 artwork, or promotional merchandise shall be at least equal to the amount necessary  
14 to cover the production, promotional, storage, handling, and distribution costs of the  
15 publication, photograph, slide, videotape, artwork, or promotional merchandise.

16 (5m) USE OF MONEYS. The department shall use the moneys collected under this  
17 section for the costs specified in sub. (5). If the moneys collected under this section  
18 exceed the amount necessary for the costs specified in sub. (5), the department shall  
19 use the excess for educational and informational activities concerning the  
20 environment.

21 (6) REPORT TO LEGISLATURE. The department shall annually submit a report  
22 concerning the activities, receipts, and disbursements under this section for the  
23 preceding fiscal year to the chief clerk of each house of the legislature for distribution  
24 to the appropriate standing committees under s. 13.172 (3).

1           **278.322 Fees for computer accessible water resource management**  
2 **information.** The department may charge a fee for providing any information that  
3 it maintains in a format that may be accessed by computer concerning the waters of  
4 this state, including maps and other water resource management information.

5           **278.40 Environmental impact report and statement. (1) DETERMINATION**  
6 **IF ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED.** Any person who files an application  
7 for a permit, license, or approval granted or issued by the department, shall submit  
8 with the application a statement of the estimated cost of the project or proposed  
9 action for which the person seeks a permit, license, or approval. The department may  
10 seek such further information as it considers necessary to determine whether it must  
11 prepare an environmental impact statement under s. 1.11.

12           **(1m) ENVIRONMENTAL IMPACT REPORT.** The department may require an applicant  
13 for a permit, license, or approval, to submit an environmental impact report if the  
14 area affected exceeds 40 acres or the estimated cost of the project exceeds \$25,000.

15           **(2) NOTIFICATION; ESTIMATE OF FEE. (a)** If the department is required to prepare  
16 an environmental impact statement, it shall notify the person by certified mail.

17           **(b)** The department shall indicate the estimated environmental impact  
18 statement fee.

19           **(3) ENVIRONMENTAL IMPACT STATEMENT FEE. (a)** The department shall charge an  
20 environmental impact statement fee if it is required to prepare an environmental  
21 impact statement or if it enters into a preapplication service agreement.

22           **(b)** The amount of the environmental impact statement fee shall equal the full  
23 cost of the preparation of the environmental impact statement and the full cost of any  
24 preapplication services if the department enters into a preapplication service

1 agreement. These costs shall include the cost of authorized consultant services and  
2 the costs of printing and postage.

3 (c) The department shall determine the manner in which the environmental  
4 impact statement fee is to be paid. The department may require periodic payments  
5 if preapplication services are provided.

6 (d) Except as provided in par. (e), the department shall deposit any  
7 environmental impact statement fee in the general fund and shall designate clearly  
8 the amount of the fee related to the cost of authorized environmental consultant  
9 services and the amount of the fee related to the cost of printing and postage.

10 (e) The department shall credit any environmental impact statement fee for a  
11 project involving the generation of electricity to the appropriation under s. 20.375 (2)  
12 (ah).

13 (4) PREAPPLICATION SERVICE AGREEMENT. The department may enter into an  
14 agreement to provide preapplication services necessary to evaluate the  
15 environmental impact of a project or proposed activity, monitor major developments,  
16 and expedite the anticipated preparation of an environmental impact statement if  
17 the project or proposed activity is large, complex, or environmentally sensitive and  
18 if the person planning the project or proposed activity agrees in writing even though  
19 that person has not filed an application for any permit, license, or approval granted  
20 or issued by the department, and no environmental impact statement has been  
21 prepared. Preapplication services include preliminary environmental reviews, field  
22 studies and investigations, laboratory studies and investigations, and advisory  
23 services.

24 (5) AUTHORIZED ENVIRONMENTAL CONSULTANT SERVICES. The department may  
25 enter into contracts for environmental consultant services under s. 278.41 to assist

1 in the preparation of an environmental impact statement or to provide  
2 preapplication services.

3 (6) EXEMPTION FROM FEE FOR MUNICIPALITIES. Subsections (2) (b) and (3) do not  
4 apply with respect to municipalities, as defined in s. 345.05 (1) (c).

5 **278.41 Construction and service contracts. (1)** In this section:

6 (a) “Construction work” includes all labor and materials used in the erection,  
7 installation, alteration, repair, moving, conversion, demolition, or removal of any  
8 building, structure, or facility, or any equipment attached to a building, structure,  
9 or facility.

10 (b) “Environmental consultant services” includes services provided by  
11 environmental scientists, engineers, and other experts.

12 (2) The department may contract for construction work related to hazardous  
13 substance spill response under s. 292.11 or environmental repair under s. 292.31 or  
14 for engineering services or environmental consultant services in connection with  
15 that construction work.

16 (3) The department may contract for environmental consultant services to  
17 assist in the preparation of an environmental impact statement or to provide  
18 preapplication services under s. 278.40.

19 (4) Each contract entered into under this section shall be signed by the  
20 secretary or the secretary’s designee on behalf of the state.

21 (5) Each contract for construction work entered into by the department under  
22 this section shall be awarded on the basis of bids or competitive sealed proposals in  
23 accordance with procedures established by the department. Each contract for  
24 construction work shall be awarded to the lowest responsible bidder or the person  
25 submitting the most advantageous competitive sealed proposal as determined by the

1 department. If the bid of the lowest responsible bidder or the proposal of the person  
2 submitting the most advantageous competitive sealed proposal is determined by the  
3 department to be in excess of the estimated reasonable value of the work or not in  
4 the public interest, the department may reject all bids or competitive sealed  
5 proposals. Every such contract is exempted from ss. 16.70 to 16.75, 16.755, 16.76,  
6 16.767 to 16.82, 16.855, 16.87, and 16.89, but ss. 16.528, 16.754, and 16.765 apply  
7 to the contract. Every such contract involving an expenditure of \$60,000 or more is  
8 not valid until the contract is approved by the governor.

9 (5m) If the governor or the governor's designee determines that it is in the best  
10 interest of this state, he or she may waive the requirement under sub. (5) for bids or  
11 competitive sealed proposals under any of the following circumstances:

12 (a) In an emergency involving the public health, welfare, or safety or the  
13 environment.

14 (b) The department desires to use innovative or patented technology that is  
15 available from only one source and that in the judgment of the department would  
16 provide the best practicable hazardous substance spill response under s. 292.11 or  
17 environmental repair under s. 292.31.

18 (6) The department shall attempt to ensure that at least 5% of the total amount  
19 expended under this section in each fiscal year is paid to minority businesses, as  
20 defined in s. 16.75 (3m) (a).

21 **278.45 Nondisclosure of certain personal information.** (1) In this  
22 section:

23 (a) "Approval" means any type of approval or authorization issued by the  
24 department including a license, permit, or certificate.

1 (b) “List” means information compiled or maintained by the department that  
2 contains the personal identifiers of 10 or more individuals.

3 (c) “Personal identifier” means a name, social security number, telephone  
4 number, street address, post-office box number, or 9-digit extended zip code.

5 (2) If a form that the department requires an individual to complete to obtain  
6 an approval or other privilege from the department or to obtain a product or service  
7 from the department requires the individual to provide any of the individual’s  
8 personal identifiers, the form shall include a place for the individual to declare that  
9 the individual’s personal identifiers obtained by the department from the  
10 information on the form may not be disclosed on any list that the department  
11 furnishes to another person.

12 (3) If the department requires an individual to provide, by telephone or other  
13 electronic means, any of the individual’s personal identifiers to obtain an approval  
14 or other privilege from the department or to obtain a product or service from the  
15 department, the department shall ask the individual at the time that the individual  
16 provides the information if the individual wants to declare that the individual’s  
17 personal identifiers obtained by telephone or other electronic means may not be  
18 disclosed on any list that the department furnishes to another person.

19 (4) The department shall provide to an individual upon request a form that  
20 includes a place for the individual to declare that the individual’s personal identifiers  
21 obtained by the department may not be disclosed on any list that the department  
22 furnishes to another person.

23 (5) (a) The department may not disclose on any list that it furnishes to another  
24 person a personal identifier of any individual who has made a declaration under sub.  
25 (2), (3), or (4).

1 (b) Paragraph (a) does not apply to a list that the department furnishes to  
2 another state agency, a law enforcement agency, or a federal governmental agency.  
3 A state agency that receives a list from the department containing a personal  
4 identifier of any individual who has made a declaration under sub. (2), (3), or (4) may  
5 not disclose the personal identifier to any person other than a state agency, a law  
6 enforcement agency, or a federal governmental agency.

7 **278.49 Credit card use charges.** The department shall certify to the state  
8 treasurer the amount of charges associated with the use of credit cards that is  
9 assessed to the department on deposits accepted under s. 278.66 (1m) by  
10 environmental wardens, and the state treasurer shall pay the charges from moneys  
11 received under s. 59.25 (3) (j) and (k) that are reserved for payment of the charges  
12 under s. 14.58 (21).

## 13 SUBCHAPTER II

### 14 ENFORCEMENT OF CERTAIN

### 15 ENVIRONMENTAL LAWS

16 **278.50 Words and phrases defined.** In ss. 278.50 to 278.90 the following  
17 words and phrases have the designated meanings unless the context clearly  
18 indicates a different meaning:

19 (1) "Citation" means a pleading of essential facts and applicable law coupled  
20 with a demand for judgment, that notifies the person cited of a violation specified in  
21 s. 278.51 (1) and requests the person to appear in court.

22 (2) "Complaint" means the pleading of essential facts and applicable law  
23 coupled with a demand for judgment.

24 (2L) "Corporation" includes a limited liability company.

1           **(2p)** “Crime laboratories and drug law enforcement assessment” means the  
2 assessment imposed under s. 165.755.

3           **(3)** “Enforcing officer” means peace officer as defined by s. 939.22 (22), or a  
4 person who has authority to act pursuant to a specific statute.

5           **(3c)** “Environmental assessment” means the assessment imposed under s.  
6 299.93.

7           **(3m)** “Jail assessment” means the assessment imposed by s. 302.46 (1).

8           **(6)** “Penalty assessment” means the penalty assessment imposed by s. 757.05.

9           **(7)** “Summons” means an order to appear in court at a particular time and  
10 place.

11           **278.51 Procedure in forfeiture actions.** (1) The procedure in this  
12 subchapter applies to all actions in circuit court to recover forfeitures, penalty  
13 assessments, jail assessments, crime laboratories and drug law enforcement  
14 assessments, and applicable environmental assessments for violations of ss. 281.48  
15 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08, 287.81, and  
16 299.64 (2), subchs. I to III of ch. 30, and ch. 31, and any administrative rules  
17 promulgated thereunder, and for violations specified under s. 285.86.

18           **(2)** All actions to recover the forfeitures and assessments specified in sub. (1)  
19 are civil actions in the name of the state of Wisconsin.

20           **(3)** If a fine or imprisonment, or both, is imposed for a violation specified in sub.  
21 (1), the procedure in ch. 968 shall apply.

22           **278.52 Two forms of action.** Actions under this subchapter may be  
23 commenced by a citation, or by a complaint and summons.

24           **278.53 Use of citation.** (1) If an action under this subchapter is commenced  
25 by a citation, the citation form under s. 278.54 shall be used, except that the uniform



1 traffic citation created under s. 345.11 may be used by an officer of a law enforcement  
2 agency of a municipality or county or a traffic officer employed under s. 110.07 in  
3 enforcing s. 287.81.

4 (2) The use of the citation form under s. 278.54 by any enforcing officer in  
5 connection with a violation is adequate process to give the appropriate court  
6 jurisdiction over the person upon the filing of the citation with the court.

7 **278.54 Citation form.** (1) The citation form for actions under this subchapter  
8 shall contain a complaint, a case history, and a report of court action on the case.

9 (2) It must appear on the face of the citation that there is probable cause to  
10 believe that a violation has been committed and that the defendant has committed  
11 that violation.

12 (3) The citation form shall provide spaces for all of the following:

13 (a) The name, address, social security number, and date of birth of the  
14 defendant.

15 (b) The department permit or license number of the defendant, if applicable.

16 (c) The name and department of the issuing officer.

17 (d) The violation alleged; the time and place of occurrence; a statement that the  
18 defendant committed the violation; the statute, administrative rule, or ordinance  
19 violated; and a designation of the violation in language that can be readily  
20 understood by a person making a reasonable effort to do so.

21 (e) The maximum forfeiture, penalty assessment, jail assessment, crime  
22 laboratories and drug law enforcement assessment, and applicable environmental  
23 assessment for which the defendant might be found liable.

24 (f) A date, time, and place for the court appearance, and a notice to appear.

25 (g) Provisions for deposit and stipulation in lieu of a court appearance.

1 (h) Notice that the defendant may make a deposit and by doing so obtain release  
2 if an arrest has been made.

3 (i) Notice that if the defendant makes a deposit and fails to appear in court at  
4 the time fixed in the citation, the defendant will be considered to have tendered a plea  
5 of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment,  
6 a crime laboratories and drug law enforcement assessment, and any applicable  
7 environmental assessment, plus costs, including any applicable fees prescribed in  
8 ch. 814, not to exceed the amount of the deposit. The notice shall also state that the  
9 court may decide to summon the defendant rather than accept the deposit and plea.

10 (j) Notice that if the defendant makes a deposit and signs the stipulation, the  
11 defendant will be considered to have tendered a plea of no contest and submitted to  
12 a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug  
13 law enforcement assessment, any applicable environmental assessment, plus costs,  
14 including any applicable fees prescribed in ch. 814, not to exceed the amount of the  
15 deposit. The notice shall also state that the court may decide to summon the  
16 defendant rather than accept the deposit and stipulation, and that the defendant  
17 may, at any time prior to or at the time of the court appearance date, move the court  
18 for relief from the effects of the stipulation.

19 (k) Notice that if the defendant does not make a deposit and fails to appear in  
20 court at the time fixed in the citation, the court may issue a summons or an arrest  
21 warrant.

22 (L) Any other pertinent information.

23 **278.55 Complaint and summons forms. (1) COMPLAINT.** If an action under  
24 this subchapter is commenced by a complaint and summons, it must appear on the  
25 face of the complaint that there is probable cause to believe that a violation has been

1 committed and that the defendant has committed it. The complaint shall accompany  
2 the summons and shall contain the information set forth in s. 278.54 (3) (a) to (d) and  
3 all of the following:

4 (a) The title of the cause, specifying the name of the court and the county in  
5 which the action is brought and the names and addresses of the parties to the action.

6 (b) A plain and concise statement of the violation identifying the event or  
7 occurrence from which the violation arose and showing that the plaintiff is entitled  
8 to relief, the statute upon which the cause of action is based and a demand for a  
9 forfeiture, the amount of which may not exceed the maximum set by the statute  
10 involved, a penalty assessment, a jail assessment, a crime laboratories and drug law  
11 enforcement assessment, any applicable environmental assessment, and any other  
12 relief that is sought by the plaintiff.

13 (c) If the action is against a corporation, a statement of its corporate existence  
14 and whether it is a domestic or foreign corporation.

15 (2) SUMMONS. If an action under this subchapter is commenced by a complaint  
16 and summons, the summons shall contain all of the following:

17 (a) The title of the cause, specifying the name of the court and the county in  
18 which the action is brought and the names of all parties to the action.

19 (b) A direction summoning and requiring the defendant to appear in a specified  
20 court on a particular date not less than 10 days following service of the summons to  
21 answer the accompanying complaint.

22 (c) A notice that in case of failure to appear, judgment may be rendered against  
23 the defendant according to the demand of the complaint, or the court may issue a  
24 warrant for the defendant's arrest.

1           **278.56 Arrest with a warrant.** (1) A person may be arrested for a violation  
2 specified in s. 278.51 (1) after a warrant that substantially complies with s. 968.04  
3 has been issued. Except as provided in sub. (2), the person arrested shall be brought  
4 without unreasonable delay before a court having jurisdiction to try the action.

5           (2) In actions under this subchapter, the judge who issues a warrant under sub.  
6 (1) may endorse upon the warrant the amount of the deposit. If no endorsement is  
7 made, the deposit schedule under s. 278.66 (4) shall apply, unless the court directs  
8 that the person be brought before the court.

9           **278.57 Arrest without a warrant.** (1) A person may be arrested without a  
10 warrant when the arresting officer has probable cause to believe that the person is  
11 committing or has committed a violation specified in s. 278.51 (1) and any of the  
12 following applies:

13           (a) The person refuses to accept a citation or to make a deposit under s. 278.66.

14           (b) The person refuses to identify himself or herself satisfactorily or the officer  
15 has reasonable grounds to believe that the person is supplying false identification.

16           (c) Arrest is necessary to prevent imminent bodily harm to the enforcing officer  
17 or to another.

18           (2) In all cases in which a person is arrested under sub. (1) the officer shall bring  
19 the person arrested before a judge without unnecessary delay.

20           **278.58 Temporary questioning without arrest.** After having identified  
21 himself or herself as an enforcing officer, an enforcing officer may stop a person in  
22 a public place for a reasonable period of time when the enforcing officer reasonably  
23 suspects that the person is committing, is about to commit, or has committed a  
24 violation specified in s. 278.51 (1). Such a stop may be made only where the enforcing  
25 officer has proper authority to make an arrest for the violation. The enforcing officer

1 may demand the name and address of the person and an explanation of the person's  
2 conduct. The detention and temporary questioning shall be conducted in the vicinity  
3 where the person was stopped.

4 **278.59 Search during temporary questioning.** When an enforcing officer  
5 has stopped a person for temporary questioning under s. 278.58 and reasonably  
6 suspects that the enforcing officer or another is in danger of physical injury, the  
7 enforcing officer may search the person for weapons or any instrument, article, or  
8 substance readily capable of causing physical injury and of a sort not ordinarily  
9 carried in public places by law abiding persons. If the enforcing officer finds such a  
10 weapon or instrument, or any other property possession of which he or she  
11 reasonably believes may constitute the commission of a violation specified in s.  
12 278.51 (1) or that may constitute a threat to his or her safety, the enforcing officer  
13 may take it and keep it until the completion of the questioning, at which time he or  
14 she shall return it, if lawfully possessed, arrest the person so questioned for  
15 possession of the weapon, instrument, article, or substance, if he or she has the  
16 authority to do so, or detain the person until a proper arrest can be made by  
17 appropriate authorities. Searches during temporary questioning as provided under  
18 this section may only be conducted by those enforcing officers who have the authority  
19 to make arrests for crimes.

20 **278.60 Search incident to the issuance of a lawfully issued citation.** If  
21 the enforcing officer has stopped a person to issue a citation under s. 278.62 and  
22 reasonably suspects that the enforcing officer or another is in danger of physical  
23 injury, the officer may search the person for weapons or any instrument, article, or  
24 substance readily capable of causing physical injury and of a sort not ordinarily  
25 carried in public places by law abiding persons. If the officer finds such a weapon or

1 instrument, or any other property possession of which he or she reasonably believes  
2 may constitute the commission of a violation specified in s. 278.51 (1), or that may  
3 constitute a threat to his or her safety, the officer may take it and keep it until he or  
4 she has completed issuing the citation, at which time the officer shall return it, if  
5 lawfully possessed, arrest the person for possession of the weapon, instrument,  
6 article, or substance, if he or she has the authority to do so, or detain the person until  
7 a proper arrest can be made by appropriate authorities.

8 **278.61 Search and seizure; when authorized.** Under this subchapter, a  
9 search of a person, object, or place may be made and things may be seized when the  
10 search is made as follows:

- 11 (1) Incident to a lawful arrest.
- 12 (2) With consent.
- 13 (3) Pursuant to a valid search warrant.
- 14 (4) With the authority and within the scope of a right of lawful inspection.
- 15 (5) Incident to the issuance of a lawfully issued citation in accordance with s.  
16 278.60.
- 17 (6) During an authorized temporary questioning under s. 278.59.
- 18 (7) As otherwise authorized by law.

19 **278.62 Issuance of a citation.** (1) Whenever an enforcing officer has  
20 probable cause to believe that a person subject to his or her authority is committing  
21 or has committed a violation of those statutes specified in s. 278.51 (1), the officer  
22 may proceed in the following manner:

- 23 (a) Issue a citation to the defendant in the form specified in s. 278.54, a copy  
24 of which shall be filed with the clerk of courts in the county where the violation was  
25 committed.

1 (b) Proceed, in proper cases, under s. 278.56 or 278.57.

2 (c) Bring the information to the district attorney so that he or she may proceed  
3 under s. 278.65.

4 (2) A citation under this subchapter may be issued or served anywhere in the  
5 state by delivering a copy to the defendant personally, by leaving a copy at the  
6 defendant's usual place of abode with a person of discretion residing therein, or by  
7 mailing a copy to the defendant's last-known address. The citation shall be issued  
8 or served by a law enforcement officer.

9 **278.63 Officer's action after issuance of citation.** (1) After an enforcing  
10 officer has issued a citation under this subchapter, the officer shall release the  
11 defendant if he or she makes a deposit under s. 278.66 or a deposit and stipulation  
12 of no contest under s. 278.67.

13 (2) If sub. (1) does not apply, an enforcing officer who issues a citation under  
14 this subchapter may release the defendant.

15 (3) An enforcing officer who issues a citation under this subchapter shall  
16 proceed under s. 278.57, if the defendant is not released.

17 **278.64 Deposit after release.** A person who is released under s. 278.63 (2)  
18 may make a deposit any time prior to the court appearance date. The person shall  
19 make the deposit with the clerk of the circuit court of the county in which the  
20 violation occurred.

21 **278.65 Issuance of complaint and summons.** (1) When it appears to the  
22 district attorney that a violation specified in s. 278.51 (1) has been committed the  
23 district attorney may proceed by complaint and summons.

24 (2) The complaint shall be prepared in the form specified in s. 278.55. After  
25 a complaint is prepared, it shall be filed with the judge and a summons shall be

1 issued or the complaint shall be dismissed pursuant to s. 968.03. The filing  
2 commences the action.

3 (3) If a district attorney refuses or is unavailable to issue a complaint, a circuit  
4 judge, after conducting a hearing, may permit the filing of a complaint if he or she  
5 finds there is probable cause to believe that the person charged has committed a  
6 violation specified in s. 278.51 (1) or a rule promulgated thereunder. The district  
7 attorney shall be informed of the hearing and may attend.

8 **278.66 Deposit.** (1) If under the procedure in s. 278.62 a person is cited or  
9 arrested, the person may make a deposit as follows:

10 (a) By mailing the amount of money the enforcing officer directs and a copy of  
11 the citation to the office of the clerk of circuit courts in the county where the offense  
12 allegedly occurred or by going to the office of the clerk of circuit courts, the office of  
13 the sheriff, or any city, village, or town police headquarters.

14 (b) If the enforcing officer permits, by placing the amount of money the  
15 enforcing officer directs in a serially numbered envelope addressed to the clerk of  
16 circuit court in the county where the offense allegedly occurred, sealing the envelope,  
17 signing a statement on the back of the envelope stating the amount of money  
18 enclosed, and returning the envelope to the enforcing officer. The enforcing officer  
19 shall deliver the envelope and a copy of the citation to the office of the clerk of circuit  
20 court in the county where the offense allegedly occurred. The enforcing officer shall  
21 note on the face of the citation the serial number of the envelope used in making a  
22 deposit under this paragraph.

23 (1m) The enforcing officer or the person receiving the deposit may allow the  
24 alleged violator to submit a check, share draft, or other draft for the amount of the  
25 deposit or make the deposit by use of a credit card.



1           (2) The person receiving the deposit shall prepare a receipt in triplicate  
2 showing the purpose for which the deposit is made, stating that the defendant may  
3 inquire at the office of the clerk of circuit court regarding the disposition of the  
4 deposit, and notifying the defendant that if he or she fails to appear in court at the  
5 time fixed in the citation he or she will be considered to have tendered a plea of no  
6 contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
7 crime laboratories and drug law enforcement assessment, and any applicable  
8 environmental assessment, plus costs, including any applicable fees prescribed in  
9 ch. 814, not to exceed the amount of the deposit that the court may accept. The  
10 original of the receipt shall be delivered to the defendant in person or by mail. If the  
11 defendant pays by check, share draft, or other draft, the check, share draft, or other  
12 draft or a microfilm copy of the check, share draft, or other draft shall be considered  
13 a receipt. If the defendant makes the deposit by use of a credit card, the credit charge  
14 receipt shall be considered a receipt.

15           (3) If the court does not accept the deposit as a forfeiture for the offense, a  
16 summons shall be issued. If the defendant fails to respond to the summons, an arrest  
17 warrant shall be issued.

18           (4) The basic amount of the deposit shall be determined in accordance with a  
19 deposit schedule that the judicial conference shall establish. Annually, the judicial  
20 conference shall review and may revise the schedule. In addition to the basic amount  
21 determined according to the schedule, the deposit shall include court costs, including  
22 any applicable fees prescribed in ch. 814, any applicable penalty assessment, any  
23 applicable jail assessment, any applicable crime laboratories and drug law  
24 enforcement assessment, and any applicable environmental assessment.

1           **278.67 Deposit and stipulation of no contest.** (1) If under s. 278.62 a  
2 person is cited or arrested, the person may make a deposit and stipulation of no  
3 contest, and submit them in the same manner as the deposit in s. 278.66.

4           (2) The deposit and stipulation of no contest may be made at any time prior to  
5 the court appearance date. By signing the stipulation, the defendant is considered  
6 to have tendered a plea of no contest and submitted to a forfeiture, a penalty  
7 assessment, a jail assessment, a crime laboratories and drug law enforcement  
8 assessment, and any applicable environmental assessment, plus costs, including  
9 any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.

10           (3) The person receiving the deposit and stipulation of no contest shall prepare  
11 a receipt in triplicate showing the purpose for which the deposit is made, stating that  
12 the defendant may inquire at the office of the clerk of circuit court regarding the  
13 disposition of the deposit, and notifying the defendant that if the stipulation of no  
14 contest is accepted by the court the defendant will be considered to have submitted  
15 to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug  
16 law enforcement assessment, and any applicable environmental assessment, plus  
17 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount  
18 of the deposit. Delivery of the receipt shall be made in the same manner as in s.  
19 278.66.

20           (4) If the court does not accept the deposit and stipulation of no contest, a  
21 summons shall be issued. If the defendant fails to respond to the summons, an arrest  
22 warrant shall be issued.

23           (5) The defendant may, within 10 days after signing the stipulation or at the  
24 time of the court appearance date, move the court for relief from the effects of the  
25 stipulation, under s. 278.75 (3) (c).

1           **278.68 Pleading.** The citation or complaint issued under s. 278.62 or 278.65  
2 may serve as the initial pleading and is adequate process to give the appropriate  
3 court jurisdiction over the person upon the filing of the citation or complaint with the  
4 court.

5           **278.69 Motions.** In a case under this subchapter, any motion that is capable  
6 of determination without the trial of the general issue shall be made before trial.

7           **278.70 Arraignment; plea.** (1) Under this subchapter, if a defendant  
8 appears in response to a citation or a summons, or is arrested and brought before a  
9 court with jurisdiction to try the case, the defendant shall be informed that he or she  
10 is entitled to a jury trial and then asked whether he or she wishes to plead. If the  
11 defendant wishes to plead, he or she may plead guilty, not guilty, or no contest.

12           (2) If the defendant pleads guilty or no contest under sub. (1), the court may  
13 accept the plea, find the defendant guilty, and proceed under s. 278.78.

14           **278.71 Not guilty plea; immediate trial.** Under this subchapter, if a  
15 defendant pleads not guilty, states that he or she waives the right to jury trial, and  
16 wishes an immediate trial and, if the state consents, the case may be tried  
17 immediately.

18           **278.72 Not guilty plea.** Under this subchapter, if a defendant pleads not  
19 guilty and the trial is not held under s. 278.71, the court shall set a date for trial or  
20 advise the defendant that he or she will be notified of the date set for trial. The  
21 defendant shall be released upon payment of a deposit as set forth in s. 278.66, or the  
22 court may release the defendant on his or her own recognizance. If a defendant fails  
23 to appear at the date set under this section, the court may issue a warrant under ch.  
24 968 and, if the defendant has posted a deposit for appearance at that date, the court  
25 may order the deposit forfeited.

1           **278.73 Discovery.** In a case under this subchapter, neither party is entitled  
2 to pretrial discovery except that if the defendant moves within 10 days after the  
3 alleged violation and shows cause therefor, the court may order that the defendant  
4 be allowed to inspect and test, under any conditions that the court prescribes, any  
5 devices used by the plaintiff to determine whether a violation has been committed  
6 and may inspect the reports of experts relating to those devices.

7           **278.74 Mode of trial.** In a case under this subchapter, all of the following  
8 apply:

9           (1) The defendant shall be informed of the right to a jury trial in circuit court  
10 on payment of fees required by s. 278.77 (1).

11           (2) If both parties request a trial by the court or if neither demands a trial by  
12 jury, the right to a trial by jury is waived.

13           **278.75 Proceedings in court.** In a case under this subchapter, all of the  
14 following apply:

15           (1) If the defendant appears in court at the time directed in the citation or  
16 summons, the case shall be tried as provided by law.

17           (2) If the defendant fails to appear in court at the time fixed in the complaint  
18 and summons, judgment may be rendered against the defendant according to the  
19 demand of the complaint, or the court may issue a warrant for the defendant's arrest.

20           (3) If the defendant fails to appear in court at the time fixed in the citation or  
21 by subsequent postponement, the following procedure shall apply:

22           (a) 1. If the defendant has not made a deposit, the court may consider the  
23 nonappearance to be a plea of no contest and enter judgment accordingly or the court  
24 may issue a summons or an arrest warrant.

1           2. If the court considers the nonappearance to be a plea of no contest and enters  
2 judgment accordingly, the court shall promptly mail a copy or notice of the judgment  
3 to the defendant. The judgment shall allow the defendant not less than 20 working  
4 days from the date the judgment copy or notice is mailed to pay the forfeiture, penalty  
5 assessment, jail assessment, crime laboratories and drug law enforcement  
6 assessment, and any applicable environmental assessment, plus costs, including  
7 any applicable fees prescribed in ch. 814.

8           (b) If the defendant has made a deposit, the citation may serve as the initial  
9 pleading and the defendant shall be considered to have tendered a plea of no contest  
10 and submitted to a forfeiture, a penalty assessment, a jail assessment, a crime  
11 laboratories and drug law enforcement assessment, any applicable environmental  
12 assessment, plus any applicable fees prescribed in ch. 814, not exceeding the amount  
13 of the deposit. The court may either accept the plea of no contest and enter judgment  
14 accordingly, or reject the plea and issue a summons. If the defendant fails to appear  
15 in response to the summons, the court shall issue an arrest warrant. If the court  
16 accepts the plea of no contest, the defendant may move within 90 days after the date  
17 set for appearance to withdraw the plea of no contest, open the judgment, and enter  
18 a plea of not guilty if the defendant shows to the satisfaction of the court that failure  
19 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party  
20 is relieved from the plea of no contest, the court or judge may order a written  
21 complaint to be filed and set the matter for trial. After trial the costs and fees shall  
22 be taxed as provided by law. If on reopening the defendant is found not guilty, the  
23 court shall delete the record of conviction and shall order the defendant's deposit  
24 returned.

1           (c) If the defendant has made a deposit and stipulation of no contest, the  
2 citation may serve as the initial pleading and the defendant shall be considered to  
3 have tendered a plea of no contest and submitted to a forfeiture, a penalty  
4 assessment, a jail assessment, a crime laboratories and drug law enforcement  
5 assessment, any applicable environmental assessment, plus any applicable fees  
6 prescribed in ch. 814, not exceeding the amount of the deposit. The court may either  
7 accept the plea of no contest and enter judgment accordingly, or reject the plea and  
8 issue a summons. If the defendant fails to appear in response to the summons, the  
9 court shall issue an arrest warrant. After signing a stipulation of no contest, the  
10 defendant may, at any time prior to or at the time of the court appearance date, move  
11 the court for relief from the effect of the stipulation. The court may act on the motion,  
12 with or without notice, for cause shown by affidavit and upon just terms, and relieve  
13 the defendant from the stipulation and the effects of the stipulation. If the defendant  
14 is relieved from the stipulation of no contest, the court may order a citation or  
15 complaint to be filed and set the matter for trial. After trial the costs and fees shall  
16 be taxed as provided by law.

17           (4) If a citation or summons is issued to a defendant and he or she is unable  
18 to appear in court on the day specified, the defendant may enter a plea of not guilty  
19 by mailing to the judge at the address indicated on the citation or summons a letter  
20 stating that plea. The letter must show the defendant's return address. The letter  
21 may include a request for trial during normal daytime business hours. Upon receipt  
22 of the letter, the judge shall reply by letter to the defendant's address setting forth  
23 a time and place for trial, the time to be during normal business hours if so requested.  
24 The date of the trial shall be at least 10 days after the mailing by the judge. Nothing

1 in this subsection forbids the setting of the trial at any time convenient to all parties  
2 concerned.

3 (5) Costs may not be taxed against the plaintiff.

4 **278.76 Burden of proof.** In all actions under this subchapter, the state must  
5 convince the trier of fact to a reasonable certainty of every element of the offense by  
6 evidence that is clear, satisfactory, and convincing.

7 **278.77 Jury trial.** (1) If in an action under this subchapter either party files  
8 a written demand for a jury trial within 20 days after the court appearance date and  
9 immediately pays the fee prescribed in s. 814.61 (4), the court shall place the case on  
10 the jury calendar. The number of jurors shall be determined under s. 756.06 (2) (b).  
11 If no party demands a trial by jury, the right to trial by jury is permanently waived.

12 (3) If there is a demand for a trial by jury, the provisions of s. 345.43 (3) (a) and  
13 (b) are applicable.

14 **278.78 Verdict.** A verdict in an action under this subchapter is valid if agreed  
15 to by five-sixths of the jury. If a verdict relates to more than one count, it shall be  
16 valid as to any count if any five-sixths of the jury agree on that count. The form of  
17 the verdict shall be guilty or not guilty. The court shall state the amount of the  
18 forfeiture after a finding of guilty.

19 **278.79 Judgment.** In an action under this subchapter, all of the following  
20 apply:

21 (1) If the defendant is found guilty, the court may enter judgment against the  
22 defendant for a monetary amount not to exceed the maximum forfeiture provided by  
23 the statute for the violation, the penalty assessment, the jail assessment, the crime  
24 laboratories and drug law enforcement assessment, any applicable environmental  
25 assessment, and costs.

1           (2) The payment of any judgment may be suspended or deferred for not more  
2 than 90 days in the discretion of the court. In cases in which a deposit has been made,  
3 any forfeitures, penalty assessments, jail assessments, environmental assessments,  
4 or costs shall be taken out of the deposit and the balance, if any, returned to the  
5 defendant.

6           (3) In addition to any monetary penalties, the court may order the defendant  
7 to perform or refrain from performing any acts that may be necessary to fully protect  
8 and effectuate the public interest. The court may order abatement of a nuisance,  
9 restoration of a natural resource, or other appropriate action designed to eliminate  
10 or minimize any environmental damage caused by the defendant.

11           (4) The court may, where provided by law, revoke or suspend any or all  
12 privileges and licenses.

13           (5) All civil remedies are available in order to enforce the judgment of the court,  
14 including the power of contempt under ch. 785.

15           **278.795 Nonpayment of judgments.** If a defendant fails to timely pay a  
16 judgment entered under s. 278.75 (3) (a) 2. or 278.79, the court may issue an arrest  
17 warrant or a summons ordering the defendant to appear in court or both. If the  
18 defendant appears before the court pursuant to a warrant or summons or the  
19 defendant otherwise notifies the court that he or she is unable to pay the judgment,  
20 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, the  
21 court shall determine if the defendant is unable to pay the amount specified in the  
22 judgment for good cause or because of the defendant's indigence. If the court  
23 determines that the failure of the defendant to comply with the judgment is for good  
24 cause or because of the defendant's indigence, the court may order that the amount  
25 of the judgment be modified, suspended, or permanently stayed. If the defendant



1 fails to appear before the court for a hearing under this subsection or if the court  
2 determines at the hearing that the failure of a defendant to pay the judgment is not  
3 for good cause or not because of the defendant's indigence, the court shall order one  
4 of the following:

5 (1) That the defendant be imprisoned for a time not to exceed 5 days or until  
6 the amount is paid, whichever is less.

7 (2) That the amount of the judgment be modified, suspended, or permanently  
8 stayed.

9 **278.80 Judgment against a corporation or municipality.** In a case under  
10 this subchapter, all of the following apply:

11 (1) If a representative of a corporation or municipality fails to appear within  
12 the time required by the citation or summons, the default of the corporation or  
13 municipality may be recorded and the charge against it taken as true and judgment  
14 shall be rendered accordingly.

15 (2) Upon default of a defendant corporation or municipality, or upon conviction,  
16 judgment for the amount of the forfeiture, the penalty assessment, the jail  
17 assessment, the crime laboratories and drug law enforcement assessment, and any  
18 applicable environmental assessment shall be entered.

19 **278.81 Effect of plea of no contest.** Forfeiture of deposit under s. 278.75 (3)  
20 (b), an accepted plea of no contest under s. 278.70, or a stipulation of no contest under  
21 s. 278.75 (3) (c) to a charge of violation is not admissible in evidence as an admission  
22 against interest in any action or proceeding arising out of the same occurrence.

23 **278.82 Fees.** Fees in forfeiture actions under this subchapter are prescribed  
24 in s. 814.63.

25 **278.83 Appeal.** In a case under this subchapter, all of the following apply:

1           (1) JURISDICTION ON APPEAL. Appeal may be taken by either party.

2           (2) STAY OF EXECUTION. The amount of undertaking required to stay execution  
3 on appeal may not exceed the amount of the maximum forfeiture, applicable crime  
4 laboratories and drug law enforcement assessment, and applicable environmental  
5 assessment, plus court costs.

6           (3) PROCEDURE ON APPEAL. An appeal to the court of appeals shall be in  
7 accordance with chs. 808 and 809.

8           **278.84 Forfeitures and assessments collected; to whom paid.** All  
9 moneys collected in favor of the state under this subchapter for forfeiture, penalty  
10 assessment, jail assessment, crime laboratories and drug law enforcement  
11 assessment, and applicable environmental assessment shall be paid by the officer  
12 who collects the moneys to the appropriate county treasurer within 20 days after its  
13 receipt by the officer. In case of any failure in the payment, the county treasurer may  
14 collect the payment from the officer by an action in the treasurer's name of office and  
15 upon the official bond of the officer, with interest at the rate of 12% per year from the  
16 time when it should have been paid.

17           **278.85 Statement to county board; payment to state.** Every county  
18 treasurer shall, on the first day of the annual meeting of the county board of  
19 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,  
20 jail assessments, crime laboratories and drug law enforcement assessments, and  
21 environmental assessments received under this subchapter during the previous  
22 year. The county clerk shall deduct all expenses incurred by the county in recovering  
23 those forfeitures, penalty assessments, crime laboratories and drug law enforcement  
24 assessments, and environmental assessments from the aggregate amount so  
25 received, and shall immediately certify the amount of clear proceeds of those

1 forfeitures, penalty assessments, crime laboratories and drug law enforcement  
2 assessments, and environmental assessments to the county treasurer, who shall pay  
3 the proceeds to the state treasurer as provided in s. 59.25 (3). Jail assessments shall  
4 be treated separately as provided in s. 302.46.

5 **278.90 Place of trial.** In cases under this subchapter, all of the following  
6 apply:

7 (1) Civil actions shall be tried in the county where the offense was committed,  
8 except as otherwise provided in this section.

9 (2) If 2 or more acts are requisite to the commission of any offense, the trial may  
10 be in any county in which any of the acts occurred.

11 (3) Where an offense is committed on or within one-fourth of a mile of the  
12 boundary of 2 or more counties, the defendant may be tried in any of those counties.

13 (4) If an offense is commenced outside the state and is consummated within  
14 the state, the defendant may be tried in the county where the offense was  
15 consummated.

16 (5) If an offense is committed on boundary waters at a place where 2 or more  
17 counties have common jurisdiction under s. 2.03 or 2.04 or under any other law, the  
18 prosecution may be in either county. The county whose process against the offender  
19 is first served shall be conclusively presumed to be the county in which the offense  
20 was committed.

21 **SECTION 3160L.** 280.01 (1) of the statutes is amended to read:

22 280.01 (1) "Department" means the department of ~~natural resources~~  
23 environmental management.

24 **SECTION 3160n.** 281.01 (3) of the statutes is amended to read:

Insert

287-20

1           281.01 (3) “Department” means the department of ~~natural resources~~  
2 environmental management.

3           **SECTION 3160p.** 281.01 (12) of the statutes is amended to read:

4           281.01 (12) “Secretary” means the secretary of ~~natural resources~~  
5 environmental management.

6           **SECTION 3160q.** 281.15 (1) of the statutes is amended to read:

7           281.15 (1) The department, in consultation with the department of fish,  
8 wildlife, parks, and forestry, shall promulgate rules setting standards of water  
9 quality to be applicable to the waters of the state, recognizing that different  
10 standards may be required for different waters or portions thereof. Water quality  
11 standards shall consist of the designated uses of the waters or portions thereof and  
12 the water quality criteria for those waters based upon the designated use. Water  
13 quality standards shall protect the public interest, which include the protection of  
14 the public health and welfare and the present and prospective future use of such  
15 waters for public and private water systems, propagation of fish and aquatic life and  
16 wildlife, domestic and recreational purposes and agricultural, commercial,  
17 industrial and other legitimate uses. In all cases where the potential uses of water  
18 are in conflict, water quality standards shall be interpreted to protect the general  
19 public interest.

20           **SECTION 3160r.** 281.16 (3) (a) (intro.) of the statutes is amended to read:

21           281.16 (3) (a) (intro.) The department of ~~natural resources~~ environmental  
22 management in consultation with the department of agriculture, trade and  
23 consumer protection, shall promulgate rules prescribing performance standards and  
24 prohibitions for agricultural facilities and agricultural practices that are nonpoint  
25 sources. The performance standards and prohibitions shall be designed to achieve

1 water quality standards by limiting nonpoint source water pollution. At a minimum,  
2 the prohibitions shall include all of the following:

3 **SECTION 3160s.** 281.16 (3) (b) of the statutes is amended to read:

4 281.16 (3) (b) The department of agriculture, trade and consumer protection,  
5 in consultation with the department of ~~natural resources~~ environmental  
6 management, shall promulgate rules prescribing conservation practices to  
7 implement the performance standards and prohibitions under par. (a) and specifying  
8 a process for the development and dissemination of technical standards to  
9 implement the performance standards and prohibitions under par. (a).

10 **SECTION 3160t.** 281.16 (3) (e) of the statutes is amended to read:

11 281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
12 is in existence before October 14, 1997, may not be required by this state or a  
13 municipality to comply with the performance standards, prohibitions, conservation  
14 practices, or technical standards under this subsection unless cost-sharing is  
15 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
16 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), 92.15 (4),  
17 and 823.08 (3) (c) 2., the department of ~~natural resources~~ environmental  
18 management shall promulgate rules that specify criteria for determining whether  
19 cost-sharing is available under s. 281.65 and the department of agriculture, trade  
20 and consumer protection shall promulgate rules that specify criteria for determining  
21 whether cost-sharing is available under s. 92.14 or from any other source. The rules  
22 may not allow a determination that cost-sharing is available to meet local  
23 regulations under s. 92.07 (2), 92.105 (1), or 92.15 that are consistent with or that  
24 exceed the performance standards, prohibitions, conservation practices, or technical  
25 standards under this subsection unless the cost-sharing is at least 70% of the cost

1 of compliance or is from 70% to 90% of the cost of compliance in cases of economic  
2 hardship, as defined in the rules.”

3 **246.** Page 1045, line 11: after that line insert:

4 **“SECTION 3161c.** 281.17 (3) of the statutes is amended to read:

5 281.17 (3) The department shall promulgate rules establishing an examining  
6 program for the certification of operators of water systems, wastewater treatment  
7 plants, and septage servicing vehicles operated under a license issued under s.  
8 281.48 (3), setting such standards as the department finds necessary to accomplish  
9 the purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
10 continuing education. The department may charge applicants a fee for certification.  
11 All moneys collected under this subsection for the certification of operators of water  
12 systems, wastewater treatment plants, and septage servicing vehicles shall be  
13 credited to the appropriation under s. ~~20.370~~ 20.375 (4) (bL). No person may operate  
14 a water ~~systems~~ system, wastewater treatment plant, or septage servicing vehicle  
15 without a valid certificate issued under this subsection. The department may  
16 suspend or revoke a certificate issued under this subsection for a violation of any  
17 statute or rule relating to the operation of a water system or wastewater treatment  
18 plant or to septage servicing, for failure to fulfill the continuing education  
19 requirements, or as provided under s. 145.245 (3). The owner of any wastewater  
20 treatment plant shall be, or shall employ, an operator certified under this subsection  
21 who shall be responsible for plant operations, unless the department by rule provides  
22 otherwise. In this subsection, “wastewater treatment plant” means a system or plant  
23 used to treat industrial wastewater, domestic wastewater, or any combination of  
24 industrial wastewater and domestic wastewater.

1           **SECTION 3161f.** 281.33 (2) of the statutes is amended to read:

2           **281.33 (2) STATE STORM WATER MANAGEMENT PLAN.** The department, in  
3           consultation with the department of commerce, shall promulgate by rule a state  
4           storm water management plan. This state plan is applicable to activities contracted  
5           for or conducted by any agency, as defined under s. 227.01 (1), but also including the  
6           office of district attorney, unless that agency enters into a memorandum of  
7           understanding with the department of ~~natural resources~~ in which that agency  
8           agrees to regulate activities related to storm water management. The department  
9           shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm  
10          water management and make recommendations to these agencies concerning  
11          activities related to storm water management.

12          **SECTION 3161k.** 281.35 (8) (intro.) of the statutes is amended to read:

13          **281.35 (8) PREPARATION OF WATER QUANTITY RESOURCES PLAN.** (intro.) The  
14          ~~natural resources board~~ department shall, ~~before August 1, 1988~~ in consultation  
15          with the department of fish, wildlife, parks, and forestry, adopt and submit to the  
16          chief clerk of each house of the legislature, for distribution to the legislature under  
17          s. 13.172 (2), a long-term state water quantity resources plan for the protection,  
18          conservation, and management of the waters of the state. The plan shall include, but  
19          need not be limited to, the following:

20          **SECTION 3161p.** 281.43 (1) of the statutes is amended to read:

21          **281.43 (1)** The department of ~~natural resources~~ may require the sewerage  
22          system, or sewage or refuse disposal plant of any governmental unit including any  
23          town, village, or city, to be so planned and constructed that it may be connected with  
24          that of any other town, village, or city, and may, after hearing, upon due notice to the  
25          governmental units order the proper connections to be made or a group of

INSE  
291-14

1 governmental units including cities, villages, town sanitary districts, or town utility  
2 districts may construct and operate a joint sewerage system under this statute  
3 without being so required by order of the department of ~~natural resources~~ but  
4 following hearing and approval of the department.

5 **SECTION 3161s.** 281.48 (5s) of the statutes is amended to read:

6 281.48 (5s) (a) The department may follow the procedures for the issuance of  
7 a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for a violation  
8 of subs. (2) to (5).

9 (b) Notwithstanding s. ~~23.66~~ 278.66 (4), the department shall promulgate rules  
10 establishing the basic amount of the deposit that may be made under s. ~~23.66~~ 278.66  
11 (1) by a person to whom a citation is issued under par. (a). The rules shall specify a  
12 different amount for each offense under subs. (2) to (5).

13 **SECTION 3161w.** 281.55 (2) of the statutes is amended to read:

14 281.55 (2) In order that the construction of pollution prevention and abatement  
15 facilities necessary to the protection of state waters be encouraged, a state program  
16 of assistance to municipalities and school districts for the financing of such facilities  
17 is established and a program of state advances in anticipation of federal aid  
18 reimbursement is established to meet the state's water quality standards. These  
19 state programs shall be administered by the department of ~~natural resources~~ and the  
20 department shall make such rules as are necessary for the proper execution of the  
21 state program.

22 **SECTION 3161y.** 281.55 (6) (b) 1. of the statutes is amended to read:

23 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project  
24 in conjunction with the state program of advancement in anticipation of federal  
25 reimbursement under sub. (2). To provide for the financing of pollution prevention



1 and abatement facilities, the ~~natural resources board~~ department, with the approval  
2 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt  
3 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts  
4 shall be contracted for in the manner and form as the legislature hereafter  
5 prescribes.

6 **SECTION 3162v.** 281.58 (9) (ae) of the statutes is amended to read:

7 281.58 (9) (ae) A municipality that submits an application under par. (a)  
8 without design plans and specifications may obtain an initial determination of  
9 financial eligibility from the department of administration. The department of  
10 ~~natural resources~~ environmental management may not approve a municipality's  
11 application until the municipality submits approvable design plans and  
12 specifications.”.

13 **247.** Page 1045, line 24: after that line insert:

14 “**SECTION 3163b.** 281.58 (9) (e) of the statutes, as affected by 2001 Wisconsin  
15 Act ... (this act), is amended to read:

16 281.58 (9) (e) If the department of ~~natural resources~~ environmental  
17 management and the department of administration determine that the governor's  
18 recommendation, as set forth in the executive budget bill, for the amount under s.  
19 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc) or the amount available  
20 under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for all projects  
21 for which applications will be approved during that biennium, the department shall  
22 inform municipalities that, if the governor's recommendations are approved, clean  
23 water fund program assistance during a fiscal year of that biennium will only be

1 available to municipalities that submit financial assistance applications by the June  
2 30 preceding that fiscal year.”

3 **248.** Page 1046, line 8: after that line insert:

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

5 281.58 (9m) (f) (intro.) If the department of ~~natural resources~~ environmental  
6 management and the department of administration determines that the amount  
7 approved under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc) or the  
8 amount available under s. 281.59 (4) (f) for a biennium is insufficient to provide  
9 funding for all projects for which applications will be approved during that biennium,  
10 all of the following apply:

11 **SECTION 3164g.** 281.58 (11) (b) of the statutes is amended to read:

12 281.58 (11) (b) For municipalities meeting the financial hardship assistance  
13 requirements under sub. (13), the department of ~~natural resources~~ environmental  
14 management may approve financial hardship assistance.”

15 **249.** Page 1047, line 11: after that line insert:

16 “**SECTION 3168g.** 281.59 (11) (a) of the statutes is amended to read:

17 281.59 (11) (a) The department of ~~natural resources~~ environmental  
18 management and the department of administration may enter into a financial  
19 assistance agreement with an applicant for which the department of administration  
20 has allocated subsidy under s. 281.58 (9m), 281.60 (8), or 281.61 (8) if the applicant  
21 meets the conditions under sub. (9) and the other requirements under this section  
22 and s. 281.58, 281.60, or 281.61.

23 **SECTION 3168h.** 281.59 (11) (c) of the statutes is amended to read:

1           281.59 (11) (c) The department of administration may retain the last payment  
2           under a financial assistance agreement until the department of ~~natural resources~~  
3           environmental management and the department of administration determine that  
4           the project is completed and meets the applicable requirements of this section and  
5           s. 281.58, 281.60, or 281.61 and that the conditions of the financial assistance  
6           agreement are met.

7           **SECTION 3168j.** 281.59 (12) of the statutes is amended to read:

8           281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may  
9           purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or  
10          purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the  
11          department of administration and the department of natural resources  
12          environmental management approve the financial assistance under this section and  
13          s. 281.58.”.

14          **250.** Page 1049, line 2: after that line insert:

15          “**SECTION 3170g.** 281.625 (4) of the statutes is amended to read:

16          281.625 (4) With the approval of the department of administration, the  
17          department of ~~natural resources~~ environmental management may transfer funds  
18          from the appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin  
19          drinking water reserve fund under s. 234.933 to guarantee loans under s. 234.86.

20          **SECTION 3170t.** 281.65 (3) (at) of the statutes is amended to read:

21          281.65 (3) (at) Review rules drafted under this section and make  
22          recommendations regarding the rules before final approval of the rules by the  
23          ~~natural resources~~ environmental management board.”.

24          **251.** Page 1050, line 3: after that line insert:

1           **“SECTION 3174b.** 281.65 (4g) of the statutes, as affected by 2001 Wisconsin Act  
2     ... (this act), is amended to read:

3           281.65 (4g) The department may contract with any person from the  
4     appropriation account under s. ~~20.370~~ 20.375 (4) (ac) for services to administer or  
5     implement this section, including information and education and training services.  
6     The department shall allocate \$500,000 in each fiscal year from the appropriation  
7     account under s. ~~20.370~~ 20.375 (4) (ac) for contracts for educational and technical  
8     assistance related to the program under this section provided by the University of  
9     Wisconsin–Extension.

10          **SECTION 3174n.** 281.65 (4m) (c) of the statutes is amended to read:

11          281.65 (4m) (c) The department shall submit a copy of any plan it completes  
12     under this subsection to any county located in or containing any watershed ~~which~~  
13     that is a subject of the plan and to the department of agriculture, trade and consumer  
14     protection. The department of agriculture, trade and consumer protection shall  
15     review the plan and notify the department of ~~natural resources~~ environmental  
16     management of its comments on the plan. A county receiving a plan under this  
17     subsection shall review the plan, approve or disapprove the plan, and notify the  
18     department of ~~natural resources~~ environmental management of its action on the  
19     plan.”.

20          **252.** Page 1050, line 14: after that line insert:

21          **“SECTION 3176g.** 281.65 (7) (b) of the statutes is amended to read:

22          281.65 (7) (b) The owner or operator of a site designated as a critical site in a  
23     priority watershed or priority lake plan under sub. (5m) or in a modification to such  
24     a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review

1 of the decision of a county land conservation committee under par. (a) 2. by filing a  
2 written request with the land and water conservation board within 60 days after  
3 receiving the decision of the county land conservation committee.”.

4 **253.** Page 1054, line 17: after that line insert:

5 “SECTION 3202b. 281.69 (1b) (d) of the statutes, as created by 2001 Wisconsin  
6 Act .... (this act), is amended to read:

7 281.69 (1b) (d) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).”.

8 **254.** Page 1055, line 6: after that line insert:

9 “SECTION 3207g. 281.695 (5) of the statutes is amended to read:

10 281.695 (5) Any municipality may participate in the state financial assistance  
11 program for soil and water resources protection established under s. 281.55, 281.57,  
12 or 281.65 and may enter into agreements with the department of ~~natural resources~~  
13 environmental management for that purpose. Any municipality may participate in  
14 the clean water fund program under ss. 281.58 and 281.59 and may enter into  
15 agreements with the department of administration and the department of ~~natural~~  
16 ~~resources~~ environmental management for that purpose. Any county may participate  
17 in the state financial assistance program for soil and water resources protection  
18 established under s. 92.14 and may enter into agreements with the department of  
19 agriculture, trade and consumer protection for that purpose.

20 SECTION 3207h. 281.695 (6) of the statutes is amended to read:

21 281.695 (6) Any municipality is authorized to enter into contracts with a  
22 nonprofit-sharing corporation for the municipality to design and construct the  
23 projects it will sublease from the department of ~~natural resources~~ environmental  
24 management pursuant to s. 281.55 (6) (b).”.

1           **255.** Page 1055, line 8: after that line insert:

2           “SECTION 3208d. 281.75 (5) (f) of the statutes is amended to read:

3           281.75 (5) (f) The department shall allocate money for the payment of claims  
4 according to the order in which completed claims are received. The department may  
5 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~  
6 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money  
7 for the payment of a claim which is conditionally approved as soon as funds become  
8 available.

9           SECTION 3208g. 281.85 (intro.) of the statutes is amended to read:

10           **281.85 Great Lakes protection fund share.** (intro.) The department may  
11 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the  
12 following purposes:

13           SECTION 3208k. 281.96 of the statutes is amended to read:

14           **281.96 Visitorial powers of department.** Every owner of an industrial  
15 establishment shall furnish to the department all information required by it in the  
16 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any member of  
17 the ~~natural resources~~ environmental management board or any employee of the  
18 department may enter any industrial establishment for the purpose of collecting  
19 such information, and no owner of an industrial establishment shall refuse to admit  
20 such member or employee. The department shall make such inspections at frequent  
21 intervals. The secretary and all members of the board shall have power for all  
22 purposes falling within the department’s jurisdiction to administer oaths, issue  
23 subpoenas, compel the attendance of witnesses and the production of necessary or  
24 essential data.

1           **SECTION 3208r.** 283.001 (2) of the statutes is amended to read:

2           283.001 (2) The purpose of this chapter is to grant to the department of ~~natural~~  
3     ~~resources~~ all authority necessary to establish, administer, and maintain a state  
4     pollutant discharge elimination system to effectuate the policy set forth under sub.  
5     (1) and consistent with all the requirements of the federal water pollution control act  
6     amendments of 1972, P.L. 92–500; 86 Stat. 816.

7           **SECTION 3208t.** 283.01 (3) of the statutes is amended to read:

8           283.01 (3) “Department” means the department of ~~natural resources~~  
9     environmental management.

10          **SECTION 3208v.** 283.01 (16) of the statutes is amended to read:

11          283.01 (16) “Secretary” means the secretary of ~~natural resources~~  
12     environmental management or his or her designee.”.

13          **256.** Page 1056, line 22: after that line insert:

14          “**SECTION 3217d.** 283.33 (9) (c) of the statutes is amended to read:

15          283.33 (9) (c) All moneys collected under par. (a) shall be credited to the  
16     appropriation under s. ~~20.370~~ 20.375 (4) (bj).”.

17          **257.** Page 1057, line 2: after that line insert:

18          “**SECTION 3218n.** 283.87 (1) of the statutes is amended to read:

19          283.87 (1) DEPARTMENT MAY RECOVER COSTS. In an action against any person who  
20     violates this chapter or any provision of s. ~~29.601~~ or chs. 30, subchs. I to III of ch. 30  
21     or chs. 31, 281, 285 or 289 to 299, except s. 281.48, relating to water quality the  
22     department may recover the cost of removing, terminating or remedying the adverse  
23     effects upon the water environment resulting from the unlawful discharge or deposit  
24     of pollutants into the waters of the state, including the cost of replacing fish or other

1 wildlife destroyed by the discharge or deposit. All moneys recovered under this  
2 section shall be deposited into the environmental fund.”.

3 **258.** Page 1057, line 7: after that line insert:

4 “**SECTION 3219b.** 283.89 (2m) of the statutes, as created by 2001 Wisconsin Act  
5 .... (this act), is amended to read:

6 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which  
7 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a  
8 citation and, if the department does issue a citation, and the procedures in ss. ~~23.50~~  
9 ~~to 23.99~~ 278.50 to 278.90 apply.

10 **SECTION 3219e.** 285.01 (13) of the statutes is amended to read:

11 285.01 (13) “Department” means the department of ~~natural resources~~  
12 environmental management.

13 **SECTION 3219g.** 285.01 (38) of the statutes is amended to read:

14 285.01 (38) “Secretary” means the secretary of ~~natural resources~~  
15 environmental management.

16 **SECTION 3219k.** 285.11 (6) (intro.) of the statutes is amended to read:

17 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for  
18 the prevention, abatement, and control of air pollution in this state. The department  
19 thereafter shall be responsible for the revision and implementation of the plans. The  
20 rules or control strategies submitted to the federal environmental protection agency  
21 under the federal ~~clean air act~~ Clean Air Act for control of atmospheric ozone shall  
22 conform with the federal ~~clean air act~~ Clean Air Act unless, based on the  
23 recommendation of the ~~natural resources~~ environmental management board or the  
24 head of the department, as defined in s. 15.01 (8), of any other department, as defined



1 in s. 15.01 (5), that promulgates a rule or establishes a control strategy, the governor  
2 determines that measures beyond those required by the federal ~~clean-air-act~~ Clean  
3 Air Act meet any of the following criteria:

4 **SECTION 3219p.** 285.48 (2) of the statutes is amended to read:

5 285.48 (2) **APPLICABILITY.** This section applies if the department of ~~natural~~  
6 ~~resources~~ environmental management, pursuant to a call, issues a state  
7 implementation plan that requires electric generating facilities in the midcontinent  
8 area of this state to comply with nitrogen oxide emission reduction requirements.  
9 If the department of ~~natural resources~~ environmental management issues such a  
10 plan, the department of ~~natural resources~~ environmental management shall notify  
11 the department of administration and the public service commission. The notice  
12 shall specify the date on which electric generating facilities in the midcontinent area  
13 of this state are required to comply with the initial nitrogen oxide emission reduction  
14 requirements.

15 **SECTION 3210q.** 285.48 (3) (d) (intro.) of the statutes is amended to read:

16 285.48 (3) (d) (intro.) If the department of ~~natural resources~~ environmental  
17 management implements a state implementation plan specified in sub. (2) in a  
18 manner that requires reductions in nitrogen oxide emissions that are lower than the  
19 reductions set forth in the call published on October 27, 1998, the department of  
20 ~~natural resources~~ environmental management shall do each of the following:

21 **SECTION 3219t.** 285.57 (4) of the statutes is amended to read:

22 285.57 (4) **CITATIONS.** The department may follow the procedures for the  
23 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture  
24 for a violation of sub. (2).”

1           **259.** Page 1057, line 16: after that line insert:

2           “**SECTION 3220g.** 285.59 (7) of the statutes is amended to read:

3           285.59 (7) CITATIONS. The department may follow the procedures for the  
4 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture  
5 for a violation of sub. (2), (3) (c) or (4).”.

6           **260.** Page 1057, line 21: after that line insert:

7           “**SECTION 3222c.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

8           285.69 (2) (c) (intro.) The fees collected under pars. (a) and (e) shall be credited  
9 to the appropriations under s. ~~20.370~~ 20.375 (2) (bg), ~~(3) (bg), (8) (mg) and (9) (mh)~~  
10 (bh), (sg), and (th) for the following:

11           **SECTION 3222e.** 285.69 (3) of the statutes is amended to read:

12           285.69 (3) ASBESTOS INSPECTION FEES. The department may promulgate rules  
13 for the payment and collection of fees for inspecting nonresidential asbestos  
14 demolition and renovation projects regulated by the department. The fees under this  
15 subsection may not exceed \$210 per project. The fees collected under this subsection  
16 shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bi) for the direct and  
17 indirect costs of conducting inspections of nonresidential asbestos demolition and  
18 inspection projects regulated by the department.

19           **SECTION 3222g.** 285.69 (7) of the statutes is amended to read:

20           285.69 (7) EMISSION REDUCTION CREDIT FEES. The department may promulgate  
21 rules for the payment of fees by persons who hold emission reduction credits that  
22 may be used to satisfy the offset requirements in s. 285.63 (2) (a) and that have been  
23 certified by the department. The rules may waive the payment of fees under this

1 subsection for categories of emission reduction credits. The fees collected under this  
2 subsection shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bg).

3 **SECTION 3222k.** 285.85 (1) of the statutes is amended to read:

4 285.85 (1) If the secretary finds that a generalized condition of air pollution  
5 exists and that it creates an emergency requiring immediate action to protect human  
6 health or safety, he or she shall order persons causing or contributing to the air  
7 pollution to reduce or discontinue immediately the emission of air contaminants, and  
8 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing  
9 to be held before the department. Not more than 24 hours after the commencement  
10 of such hearing, and without adjournment thereof, the ~~natural resources~~  
11 environmental management board shall affirm, modify or set aside the order of the  
12 secretary.

13 **SECTION 3222n.** 285.86 (1) of the statutes is amended to read:

14 285.86 (1) The department may follow the procedures for the issuance of a  
15 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture from a person  
16 who commits a violation specified under sub. (2).

17 **SECTION 3222t.** 287.01 (1) of the statutes is amended to read:

18 287.01 (1) “Department” means the department of ~~natural resources~~  
19 environmental management.”

20 **261.** Page 1058, line 6: after that line insert:

21 **“SECTION 3227c.** 287.25 (5) (a) of the statutes is amended to read:

22 287.25 (5) (a) The department may enter into agreements with eligible  
23 applicants to make demonstration grants from the appropriation under s. ~~20.370~~  
24 20.375 (6) (br).