

1           **SECTION 3227e.** 287.91 (4) of the statutes is amended to read:

2           287.91 (4) The department of ~~natural resources~~ environmental management  
3 shall reimburse the department of justice for the expenses incurred in enforcing this  
4 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

5           **SECTION 3227f.** 287.95 (4) of the statutes is amended to read:

6           287.95 (4) The department may follow the procedures for the issuance of a  
7 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the  
8 violations under subs. (1), (2) (b) and (3) (b).

9           **SECTION 3227g.** 289.01 (7) of the statutes is amended to read:

10           289.01 (7) “Department” means the department of ~~natural resources~~  
11 environmental management.

12           **SECTION 3227h.** 289.01 (31) of the statutes is amended to read:

13           289.01 (31) “Secretary” means the secretary of ~~natural resources~~  
14 environmental management.

15           **SECTION 3227i.** 289.09 (2) (d) of the statutes is amended to read:

16           289.09 (2) (d) *Use of confidential records.* Except as provided under par. (c) and  
17 this paragraph, the department or the department of justice may use records and  
18 other information granted confidential status under this subsection only in the  
19 administration and enforcement of this chapter, ch. 287 or s. 299.15. The department  
20 or the department of justice may release for general distribution records and other  
21 information granted confidential status under this subsection if the owner or  
22 operator expressly agrees to the release. The department of ~~natural resources~~  
23 environmental management or the department of justice may release on a limited  
24 basis records and other information granted confidential status under this  
25 subsection if the department of ~~natural resources~~ environmental management or the

1 department of justice is directed to take this action by a judge or hearing examiner  
2 under an order ~~which~~ that protects the confidentiality of the records or other  
3 information. The department of ~~natural resources~~ environmental management or  
4 the department of justice may release to the U.S. environmental protection agency,  
5 or its authorized representative, records and other information granted confidential  
6 status under this subsection if the department of ~~natural resources~~ environmental  
7 management or the department of justice includes in each release of records or other  
8 information a request to the U.S. environmental protection agency, or its authorized  
9 representative, to protect the confidentiality of the records or other information.

10 **SECTION 3227j.** 289.25 (1) of the statutes is amended to read:

11 289.25 (1) PRELIMINARY DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS  
12 REQUIRED. Immediately after the department determines that the feasibility report  
13 is complete, the department shall issue a preliminary determination on whether an  
14 environmental impact statement is required under s. 1.11 prior to the determination  
15 of feasibility. If the department determines after review of the feasibility report that  
16 a determination of feasibility cannot be made without an environmental impact  
17 statement or if the department intends to require an environmental impact report  
18 under s. ~~23.11 (5)~~ 278.40 (1m), the department shall notify the applicant in writing  
19 within the 60-day period of these decisions and shall commence the process required  
20 under s. 1.11 or ~~23.11 (5)~~ 278.40 (1m).

21 **SECTION 3227k.** 289.29 (1) (c) of the statutes is amended to read:

22 289.29 (1) (c) The department may receive into evidence at a hearing conducted  
23 under s. 289.26 or 289.27 any environmental impact assessment or environmental  
24 impact statement for the facility prepared under s. 1.11 and any environmental  
25 impact report prepared under s. ~~23.11 (5)~~ 278.40 (1m). The adequacy of the

1 environmental impact assessment, environmental impact statement or  
2 environmental impact report is not subject to challenge at that hearing.

3 **SECTION 3227L.** 289.31 (7) (f) of the statutes is amended to read:

4 289.31 (7) (f) If the owner or operator of a site or facility subject to an order  
5 under par. (d) is a municipality, the municipality is responsible for conducting any  
6 monitoring ordered under par. (d). The department shall, from the environmental  
7 fund appropriation under s. ~~20.370~~ 20.375 (2) (dv), reimburse the municipality for  
8 the costs of monitoring that exceed an amount equal to \$3 per person residing in the  
9 municipality for each site or facility subject to an order under par. (d), except that the  
10 maximum reimbursement is \$100,000 for each site or facility. The department shall  
11 exclude any monitoring costs paid under the municipality's liability insurance  
12 coverage in calculating the municipal cost of monitoring a site or facility.”

13 **262.** Page 1059, line 9: after that line insert:

14 **“SECTION 3227sp.** 289.43 (7) (c) of the statutes is amended to read:

15 289.43 (7) (c) The department shall approve the requester's exemption  
16 proposal if the department finds that the proposal, as approved, will comply with this  
17 chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, ~~23.40~~, 59.692, 59.693, 60.627,  
18 61.351, 61.354, 62.231, 62.234 ~~and~~, 87.30, and 278.40. If the proposal does not  
19 comply with one or more of the requirements specified in this paragraph, the  
20 department shall provide a written statement describing how the proposal fails to  
21 comply with those requirements. The department shall respond to an application for  
22 an exemption under this subsection within 90 days.

23 **SECTION 3227sq.** 289.43 (7) (e) 3. of the statutes is amended to read:

1           289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the  
2 appropriations under s. ~~20.370~~ 20.375 (2) (dg) and ~~(9) (mj)~~ (ti).

3           **SECTION 3228c.** 289.64 (6) of the statutes is amended to read:

4           289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected  
5 under sub. (2) shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (eg)  
6 for transfer to the appropriation under s. 20.505 (4) (k).

7           **SECTION 3228de.** 289.68 (1) of the statutes is amended to read:

8           289.68 (1) PAYMENTS FROM THE WASTE MANAGEMENT FUND. The department may  
9 expend moneys in the waste management fund only for the purposes specified under  
10 subs. (3) to (6) and 1991 Wisconsin Act 39, section 9142 (2w). The department may  
11 expend moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the purposes  
12 specified under subs. (3) and (5) and 1991 Wisconsin Act 39, section 9142 (2w). The  
13 department may expend moneys appropriated under s. ~~20.370~~ 20.375 (2) (dt) for the  
14 purposes specified under sub. (4). The department may expend moneys appropriated  
15 under s. ~~20.370~~ 20.375 (2) (dy) and (dz) for the purposes specified under sub. (6).

16           **SECTION 3228dg.** 289.68 (3) of the statutes is amended to read:

17           289.68 (3) PAYMENTS FOR LONG-TERM CARE AFTER TERMINATION OF PROOF OF  
18 FINANCIAL RESPONSIBILITY. The department may spend moneys appropriated under  
19 s. ~~20.370~~ 20.375 (2) (dq) for the costs of long-term care of an approved facility for  
20 which the plan of operation was approved under s. 289.30 (6) before August 9, 1989,  
21 that accrue after the requirement to provide proof of financial responsibility expires  
22 under s. 289.41 (1m) (b) or (f) as authorized under s. 289.41 (11) (b) 2.

23           **SECTION 3228dj.** 289.68 (4) of the statutes is amended to read:

24           289.68 (4) PAYMENT OF CLOSURE AND LONG-TERM CARE COSTS; FORFEITED BONDS AND  
25 SIMILAR MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~

1 20.375 (2) (dt) for the payment of costs associated with compliance with closure and  
2 long-term care requirements under s. 289.41 (11) (b) 1.

3 **SECTION 3228dk.** 289.68 (5) of the statutes is amended to read:

4 289.68 (5) PREVENTION OF IMMINENT HAZARD. The department may utilize  
5 moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the payment of costs  
6 associated with imminent hazards as authorized under s. 289.41 (11) (c) and (cm).

7 **SECTION 3228dL.** 289.68 (6) of the statutes is amended to read:

8 289.68 (6) PAYMENT OF CORRECTIVE ACTION, FORFEITED BONDS AND RECOVERED  
9 MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~ 20.375  
10 (2) (dy) and (dz) for the payment of costs of corrective action under s. 289.41 (11) (bm).

11 **SECTION 3228dm.** 289.68 (7) of the statutes is amended to read:

12 289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget  
13 request to the department of administration under s. 16.42, the ~~natural resources~~  
14 environmental management board shall include a report on the fiscal status of the  
15 waste management fund and an estimate of the receipts by and expenditures from  
16 the fund in the current fiscal year and in the future.”

17 **263.** Page 1059, line 16: after that line insert:

18 “**SECTION 3228L.** 291.01 (2) of the statutes is amended to read:

19 291.01 (2) “Department” means the department of ~~natural resources~~  
20 environmental management.

21 **SECTION 3228n.** 292.01 (2) of the statutes is amended to read:

22 292.01 (2) “Department” means the department of ~~natural resources~~  
23 environmental management.

24 **SECTION 3228p.** 292.01 (17) of the statutes is amended to read:

1           292.01 (17) “Secretary” means the secretary of ~~natural resources~~  
2 environmental management.

3           **SECTION 3228s.** 292.11 (6) (a) of the statutes is amended to read:

4           292.11 (6) (a) *Contingency plan; activities resulting from discharges.* The  
5 department may utilize moneys appropriated under s. ~~20.370~~ 20.375 (2) (dv) and  
6 (my) in implementing and carrying out the contingency plan developed under sub.  
7 (5) and to provide for the procurement, maintenance, and storage of necessary  
8 equipment and supplies, personnel training, and expenses incurred in identifying,  
9 locating, monitoring, containing, removing, and disposing of discharged substances.

10          **SECTION 3828t.** 292.11 (6) (b) of the statutes is amended to read:

11          292.11 (6) (b) *Limitation on equipment expenses.* No more than 25% of the  
12 moneys available under the appropriation under s. ~~20.370~~ 20.375 (2) (dv) or (my)  
13 during any fiscal year may be used for the procurement and maintenance of  
14 necessary equipment during that fiscal year.

15          **SECTION 3228v.** 292.11 (6) (c) 2. of the statutes is amended to read:

16          292.11 (6) (c) 2. Reimbursements to the department under section 311, federal  
17 ~~water pollution control act~~ Water Pollution Control Act amendments of 1972, P.L.  
18 92–500, shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (my).

19          **SECTION 3244g.** 292.255 of the statutes is amended to read:

20          **292.255 Report on brownfield efforts.** The department of ~~natural~~  
21 ~~resources~~ environmental management, the department of administration, and the  
22 department of commerce shall submit a report evaluating the effectiveness of this  
23 state’s efforts to remedy the contamination of, and to redevelop, brownfields, as  
24 defined in s. 560.60 (1v).

25          **SECTION 3257b.** 292.31 (4) of the statutes is amended to read:

1           292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY  
2 MUNICIPALITIES. Notwithstanding the inventory, analysis, and hazard ranking under  
3 sub. (1), the environmental response plan prepared under sub. (2), or the  
4 environmental repair authority, remedial action sequence, and emergency response  
5 requirements under sub. (3), the department shall pay that portion of the cost of any  
6 monitoring requirement ~~which~~ that is to be paid under s. 289.31 (7) (f) from the  
7 appropriation under s. ~~20.370~~ 20.375 (2) (dv) prior to making other payments from  
8 that appropriation.

9           **SECTION 3258b.** 292.31 (5) of the statutes is amended to read:

10           292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the inventory,  
11 analysis, and hazard ranking under sub. (1), the environmental response plan  
12 prepared under sub. (2), the environmental repair authority, remedial action  
13 sequence, and emergency response requirements under sub. (3), or the monitoring  
14 costs under sub. (4), the department shall pay the cost incurred by a municipality  
15 after June 30, 1986, and before January 30, 1988, for testing required to determine  
16 whether the ash from a municipally owned incinerator is hazardous. The  
17 department shall make payments under this subsection from the appropriation  
18 under s. ~~20.370~~ 20.375 (2) (dv) prior to making other payments from that  
19 appropriation.”.

20           **264.** Page 1060, line 6: after that line insert:

21           **“SECTION 3259d.** 292.31 (7) (b) of the statutes is amended to read:

22           292.31 (7) (b) The department may expend moneys from the appropriations  
23 under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601,  
24 et seq. The department shall promulgate by rule criteria for the expenditure of

1 moneys from the appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg).  
2 The criteria shall include consideration of the amount of moneys available in the  
3 appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg), the moneys  
4 available from other sources for the required sharing of costs, the differences  
5 between public and private sites or facilities, the *potential for cost recovery from*  
6 responsible parties, and any other appropriate factors.

7 **SECTION 3259p.** 292.33 (6) of the statutes is amended to read:

8 292.33 (6) EXCEPTION. A local governmental unit may not recover costs under  
9 this section for remedial activities conducted on a property or portion of a property  
10 with respect to a discharge after the department of ~~natural resources~~ environmental  
11 management, the department of commerce, or the department of agriculture, trade  
12 and consumer protection has indicated that no further remedial activities are  
13 necessary on the property or portion of the property with respect to the discharge.

14 **SECTION 3287d.** 292.41 (6) (a) of the statutes is amended to read:

15 292.41 (6) (a) The department may utilize moneys appropriated under s.  
16 ~~20.370~~ 20.375 (2) (dv) and (my) in taking action under sub. (4). The department shall  
17 utilize these moneys to provide for the procurement, maintenance, and storage of  
18 necessary equipment and supplies, personnel training, and expenses incurred in  
19 locating, identifying, removing, and disposing of abandoned containers.

20 **SECTION 3287h.** 292.41 (6) (b) of the statutes is amended to read:

21 292.41 (6) (b) No more than 25% of the total of all moneys available under the  
22 appropriation under s. ~~20.370~~ 20.375 (2) (dv) and (my) may be used annually for the  
23 procurement and maintenance of necessary equipment during that fiscal year.

24 **SECTION 3287p.** 292.55 (2) of the statutes is amended to read:



1           292.55 (2) The department may assess and collect fees from a person to offset  
2 the costs of providing assistance under sub. (1). The department shall promulgate  
3 rules for the assessment and collection of fees under this subsection. Fees collected  
4 under this subsection shall be credited to the appropriation account under s. ~~20.370~~  
5 20.375 (2) (dh).

6           **SECTION 3287t.** 292.57 (2) (b) of the statutes is amended to read:

7           292.57 (2) (b) Any moneys collected under this subsection shall be credited to  
8 the appropriation account under s. ~~20.370~~ 20.375 (2) (mi).”.

9           **265.** Page 1061, line 10: after that line insert:

10          **“SECTION 3293p.** 292.65 (3) (c) of the statutes is amended to read:

11          292.65 (3) (c) The department shall allocate 9.7% of the funds appropriated  
12 under s. ~~20.370~~ 20.375 (6) (eq) in each fiscal year for awards for immediate action  
13 activities and applications that exceed the amount anticipated.”.

14          **266.** Page 1066, line 10: after that line insert:

15          **“SECTION 3320b.** 292.65 (11) of the statutes, as affected by 2001 Wisconsin Act  
16 ... (this act), is amended to read:

17          292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends  
18 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because  
19 of a discharge of dry cleaning product at a dry cleaning facility, the department shall  
20 transfer from the appropriation account under s. ~~20.370~~ 20.375 (6) (eq) to the  
21 environmental fund an amount equal to the amount expended under s. 292.11 (7) (a)  
22 or 292.31 (3) (b). The department shall make transfers under this subsection when  
23 the department determines that sufficient funds are available in the appropriation  
24 account under s. ~~20.370~~ 20.375 (6) (eq).”.

1           **267.** Page 1066, line 16: after that line insert:

2           “**SECTION 3322k.** 292.70 (7) of the statutes is amended to read:

3           292.70 (7) REVIEW AND PAYMENT. If a claim is filed under an agreement under  
4 sub. (2) or (3), the department shall review the claim to determine whether it is valid.  
5 A valid claim shall be paid from the appropriation under s. 20.370 20.375 (2) (fq).”.

6           **268.** Page 1066, line 22: after that line insert:

7           “**SECTION 3323d.** 292.75 (2) (a) of the statutes is amended to read:

8           292.75 (2) (a) The department shall administer a program to award brownfield  
9 site assessment grants from the appropriation under s. ~~20.370~~ 20.375 (6) (et) to local  
10 governmental units for the purposes of conducting any of the eligible activities under  
11 sub. (3).”.

12           **269.** Page 1066, line 25: after that line insert:

13           “**SECTION 3323g.** 292.75 (6) of the statutes is amended to read:

14           292.75 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a  
15 local governmental unit in a fiscal year under this section shall be limited to an  
16 amount equal to 15% of the available funds appropriated under s. ~~20.370~~ 20.375 (6)  
17 (et) for the fiscal year.”.

18           **270.** Page 1068, line 2: after that line insert:

19           “**SECTION 3325c.** 293.01 (3) of the statutes is amended to read:

20           293.01 (3) “Department” means the department of ~~natural resources~~  
21 environmental management.

22           **SECTION 3325d.** 293.01 (28) (a) of the statutes is amended to read:

23           293.01 (28) (a) Habitat required for survival of species of vegetation or wildlife  
24 designated as endangered through prior inclusion in rules adopted by the

1 department of fish, wildlife, parks, and forestry, if such endangered species cannot  
2 be firmly reestablished elsewhere.

3 **SECTION 3325e.** 293.01 (28) (b) (intro.) of the statutes is amended to read:

4 293.01 (28) (b) (intro.) Unique features of the land, as determined by state or  
5 federal designation and incorporated in rules adopted by the department or the  
6 department of fish, wildlife, parks, and forestry, as any of the following, which cannot  
7 have their unique characteristic preserved by relocation or replacement elsewhere:

8 **SECTION 3325j.** 293.25 (6) of the statutes is amended to read:

9 293.25 (6) ENVIRONMENTAL IMPACT. Radioactive waste site exploration may  
10 constitute a major action significantly affecting the quality of the human  
11 environment. No person may engage in radioactive waste site exploration unless the  
12 person complies with the requirements under s. 1.11. Notwithstanding s. ~~23.40~~  
13 278.40, the state may charge actual and reasonable costs associated with field  
14 investigation, verification, monitoring, preapplication services and preparation of  
15 an environmental impact statement.

16 **SECTION 3325n.** 295.11 (1) of the statutes is amended to read:

17 295.11 (1) “Department” means the department of ~~natural resources~~  
18 environmental management.

19 **SECTION 3325p.** 295.31 (1) of the statutes is amended to read:

20 295.31 (1) “Department” means the department of ~~natural resources~~  
21 environmental management.

22 **SECTION 3325s.** 299.01 (3) of the statutes is amended to read:

23 299.01 (3) “Department” means the department of ~~natural resources~~  
24 environmental management.

25 **SECTION 3325t.** 299.23 of the statutes is amended to read:

1           **299.23 Financial interest prohibited.** The secretary of natural resources  
2           environmental management and any other person in a position of administrative  
3           responsibility in the department may not have a financial interest in any enterprise  
4           which that might profit by weak or preferential administration or enforcement of the  
5           powers and duties of the department.

6           **SECTION 3325u.** 299.64 (3) of the statutes is amended to read:

7           299.64 (3) CITATIONS. The department may follow the procedures for the  
8           issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture  
9           for a violation of sub. (2).

10          **SECTION 3325v.** 299.80 (16) (a) of the statutes is amended to read:

11          299.80 (16) (a) Beginning not later than November 1, 1998, the secretary of  
12          natural resources environmental management shall submit an annual progress  
13          report on the program under this section to the governor and, under s. 13.172 (3), the  
14          standing committees of the legislature with jurisdiction over environmental  
15          matters.

16          **SECTION 3325w.** 299.80 (16) (b) of the statutes is amended to read:

17          299.80 (16) (b) Not later than October 1, 2001, the secretary of natural  
18          resources environmental management shall submit a report to the governor and,  
19          under s. 13.172 (2), the legislature on the success of the program under this section.  
20          The report shall include recommendations concerning the continuation of the  
21          program under this section and any changes that should be made to the program.

22          **SECTION 3326g.** 299.95 of the statutes <sup>as affected by 2001 Wisconsin Act 6,</sup> is amended to read:

23          **299.95 Enforcement; duty of department of justice; expenses.** The  
24          attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except  
25          ss. 281.48, 285.57, 285.59, <sup>plan comma</sup> and 299.64, and all rules, special orders, licenses, plan

plan comma and water quality certifications

1 approvals, ~~and~~ permits of the department, except those promulgated or issued under  
 2 ss. 281.48, 285.57, 285.59, plan comma and 299.64 and except as provided in s. 285.86. The circuit  
 3 court for Dane ~~county~~ County or for any other county where a violation occurred in  
 4 whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this  
 5 chapter or the rule, special order, license, plan comma or certification, ~~or~~ permit by injunctive  
 6 and other relief appropriate for enforcement. For purposes of this proceeding where  
 7 chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan  
 8 approval, plan comma or certification, ~~or~~ permit prohibits in whole or in part any pollution, a violation is  
 9 considered a public nuisance. The department of ~~natural resources~~ environmental  
 10 management may enter into agreements with the department of justice to assist  
 11 with the administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds  
 12 paid to the department of justice under these agreements shall be credited to the  
 13 appropriation account under s. 20.455 (1) (k).”

**271.** Page 1090, line 18: after that line insert:

“SECTION 3389j. 303.04 of the statutes is amended to read:

**303.04 Correctional farms.** The board of commissioners of public lands, the department of ~~natural resources~~ fish, wildlife, parks, and forestry and the department may select from the state forest reserves a quantity of land not to exceed 5,000 acres and convert the same into farms for the state prisons.”

**272.** Page 1094, line 6: after that line insert:

“SECTION 3390v. 340.01 (3) (b) of the statutes is amended to read:

340.01 (3) (b) Conservation wardens’ vehicles, environmental wardens’ vehicles, or foresters’ trucks, whether publicly or privately owned.

SECTION 3390x. 341.05 (20) of the statutes is amended to read:

1           341.05 (20) The vehicle is an amphibious motor vehicle capable of carrying 10  
2 or more passengers when used for sight-seeing purposes, registered as a boat with  
3 the department of ~~natural resources~~ fish, wildlife, parks, and forestry and operated  
4 upon a highway for a distance not to exceed 2 miles.”.

5           **273.** Page 1103, line 4: after that line insert:

6           “SECTION 3406eb. 341.14 (6r) (c) of the statutes, as affected by 2001 Wisconsin  
7 Act .... (this act), is amended to read:

8           341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the  
9 name of the applicable authorized special group, a symbol representing the special  
10 group, not exceeding one position, and identifying letters or numbers or both, not  
11 exceeding 6 positions and not less than one position. The department shall specify  
12 the design for special group plates, but the department shall consult the president  
13 of the University of Wisconsin System before specifying the word or symbol used to  
14 identify the special groups under par. (f) 35. to 47., the secretary of ~~natural resources~~  
15 fish, wildlife, parks, and forestry before specifying the word or symbol used to  
16 identify the special group under par. (f) 50., the chief executive officer of the  
17 professional football team and an authorized representative of the league of  
18 professional football teams described in s. 229.823 to which that team belongs before  
19 specifying the design for the applicable special group plate under par. (f) 55., and the  
20 executive secretary of the arts board before specifying the word or symbol used to  
21 identify the special group under par. (f) 56. Special group plates under par. (f) 50.  
22 shall be as similar as possible to regular registration plates in color and design.”.

23           **274.** Page 1118, line 21: after that line insert:

24           “SECTION 3427v. 345.20 (2) (g) of the statutes is amended to read:

1           345.20 (2) (g) Sections ~~23.50 to 23.85~~ 278.50 to 278.90 apply to actions in circuit  
2 court to recover forfeitures for violations of s. 287.81. No points may be assessed  
3 against the driving record of a person convicted of a violation of s. 287.81. The report  
4 of conviction and abstract of court record copy of the citation form shall be forwarded  
5 to the department.”.

6           **275.** Page 1129, line 6: after that line insert:

7           “**SECTION 3445c.** 346.71 (1) of the statutes is amended to read:

8           346.71 (1) Every coroner or medical examiner shall, on or before the 10th day  
9 of each month, report in writing any accident involving a motor vehicle occurring  
10 within the coroner’s or medical examiner’s jurisdiction resulting in the death of any  
11 person during the preceding calendar month. If the accident involved an all-terrain  
12 vehicle, the report shall be made to the department of ~~natural resources~~ fish, wildlife,  
13 parks, and forestry and shall include the information specified by that department.  
14 If the accident involved any other motor vehicle, the report shall be made to the  
15 department and shall include the information specified by the department. The  
16 coroner or medical examiner of the county where the death occurs, if the accident  
17 occurred in another jurisdiction, shall, immediately upon learning of the death,  
18 report it to the coroner or medical examiner of the county where the accident  
19 occurred, as provided in s. 979.01 (1).

20           **SECTION 3445d.** 346.71 (2) of the statutes is amended to read:

21           346.71 (2) In cases of death involving a motor vehicle in which the decedent was  
22 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle  
23 operator 14 years of age or older and who died within 6 hours of the time of the  
24 accident, the coroner or medical examiner of the county where the death occurred

1 shall require that a blood specimen of at least 10 cc. be withdrawn from the body of  
2 the decedent within 12 hours after his or her death, by the coroner or medical  
3 examiner or by a physician so designated by the coroner or medical examiner or by  
4 a qualified person at the direction of the physician. All funeral directors shall obtain  
5 a release from the coroner or medical examiner of the county where the accident  
6 occurred as provided in s. 979.01 (4) prior to proceeding with embalming any body  
7 coming under the scope of this section. The blood so drawn shall be forwarded to a  
8 laboratory approved by the department of health and family services for analysis of  
9 the alcoholic content of the blood specimen. The coroner or medical examiner causing  
10 the blood to be withdrawn shall be notified of the results of each analysis made and  
11 shall forward the results of each such analysis to the department of health and family  
12 services. If the death involved a motor vehicle, the department shall keep a record  
13 of all such examinations to be used for statistical purposes only and the department  
14 shall disseminate and make public the cumulative results of the examinations  
15 without identifying the individuals involved. If the death involved an all-terrain  
16 vehicle, the department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
17 keep a record of all such examinations to be used for statistical purposes only, and  
18 the department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
19 disseminate and make public the cumulative results of the examinations without  
20 identifying the individuals involved.

21 **SECTION 3445e.** 347.06 (4) of the statutes is amended to read:

22 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), or an  
23 environmental warden appointed under s. 278.10 may operate a vehicle owned or  
24 leased by the department of ~~natural resources~~ fish, wildlife, parks, and forestry or  
25 the department of environmental management upon a highway during hours of



1 darkness without lighted headlamps, tail lamps or clearance lamps in the  
2 performance of the warden's duties under s. 29.924 (2).”.

3 **276.** Page 1134, line 22: after that line insert:

4 “SECTION 3456r. 349.235 (2) of the statutes is amended to read:

5 349.235 (2) The department of ~~natural resources~~ fish, wildlife, parks, and  
6 forestry may promulgate rules designating roadways under its jurisdiction upon  
7 which in-line skates may be used, except that no rule may permit a person using  
8 in-line skates to attach the skates or himself or herself to any vehicle upon a  
9 roadway.

10 SECTION 3456v. 350.01 (1r) of the statutes is amended to read:

11 350.01 (1r) “Board” means the ~~natural resources~~ fish, wildlife, parks, and  
12 forestry board.

13 SECTION 3456x. 350.01 (3) of the statutes is amended to read:

14 350.01 (3) “Department” means the department of ~~natural resources~~ fish,  
15 wildlife, parks, and forestry.”.

16 **277.** Page 1139, line 19: after that line insert:

17 “SECTION 3478b. 350.12 (3h) (g) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is amended to read:

19 350.12 (3h) (g) *Receipt of fees.* All fees remitted to or collected by the  
20 department under par. (ar) shall be credited to the appropriation account under s.  
21 20.370 (9) ~~(hu)~~ (1) (hw).”.

22 **278.** Page 1140, line 4: after that line insert:

23 “SECTION 3481b. 350.12 (4) (a) (intro.) of the statutes is amended to read:

1           350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The  
2 moneys appropriated from s. 20.370 ~~(3)~~ (ak) and, (aq), (tu), and (tw) and (5) (es) and  
3 ~~(9) (mu) and (mw)~~ may be used for the following:

4           **“SECTION 3481s.** 350.12 (4) (a) 3m. of the statutes is amended to read:

5           350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated  
6 under s. 20.370 ~~(3)~~ (1) (ak) and (aq); and

7           **SECTION 3482n.** 350.12 (4) (am) of the statutes is amended to read:

8           350.12 (4) (am) *Enforcement aids to department.* Of the amounts appropriated  
9 under s. 20.370 ~~(3)~~ (1) (ak) and (aq), the department shall allocate \$26,000 in each  
10 fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry  
11 snowmobiles, or both, to be used in state law enforcement efforts.”.

12           **279.** Page 1141, line 4: after that line insert:

13           **“SECTION 3485e.** 350.12 (4) (c) 1. of the statutes is amended to read:

14           350.12 (4) (c) 1. Any moneys appropriated under s. 20.370 (1) (aq), (mq), or (tw)  
15 ~~(3) (aq) or (9) (mw)~~ that lapse shall revert to the snowmobile account in the  
16 conservation fund.

17           **SECTION 3485f.** 350.12 (4) (c) 2. of the statutes is amended to read:

18           350.12 (4) (c) 2. If any moneys appropriated under s. 20.370 ~~(9) (mu)~~ (1) (tu)  
19 lapse, a portion of those moneys shall revert to the snowmobile account in the  
20 conservation fund. The department shall calculate that portion by multiplying the  
21 total amount lapsing from the appropriation by the same percentage the department  
22 used for the fiscal year to determine the amount to be expended under the  
23 appropriation for snowmobile registration.”.

24           **280.** Page 1143, line 2: after that line insert:

1           **“SECTION 3491c.** 350.13 of the statutes is amended to read:

2           **350.13 Uniform trail signs and standards.** The department of ~~natural~~  
3           ~~resources~~ fish, wildlife, parks, and forestry in cooperation with the department of  
4           transportation, after public hearing, shall promulgate rules to establish uniform  
5           trail and route signs and standards relating to operation thereon as authorized by  
6           law. The authority in charge of the maintenance of the highway may place signs on  
7           highways under its jurisdiction where authorized snowmobile trails cross. These  
8           signs must be of a type approved by the department of ~~natural resources~~ fish,  
9           wildlife, parks, and forestry and the department of transportation.

10          **SECTION 3491e.** 350.14 (1) of the statutes is amended to read:

11          350.14 (1) The snowmobile recreational council shall carry out studies and  
12          make recommendations to the legislature, governor, department of ~~natural~~  
13          ~~resources~~ fish, wildlife, parks, and forestry and department of transportation on all  
14          matters related to this chapter or otherwise affecting snowmobiles and  
15          snowmobiling.

16          **SECTION 3491h.** 350.145 (3) (a) 2. of the statutes is amended to read:

17          350.145 (3) (a) 2. A member of the snowmobile recreational council may submit  
18          before August 1 of the even-numbered year his or her written comments on the  
19          proposed changes specified in subd. 1. to the secretary of ~~natural resources~~ fish,  
20          wildlife, parks, and forestry.

21          **SECTION 3491j.** 350.145 (3) (b) of the statutes is amended to read:

22          350.145 (3) (b) The secretary of ~~natural resources~~ fish, wildlife, parks, and  
23          forestry shall submit any written comments that the secretary receives under par.  
24          (a) 2. to the ~~natural resources~~ fish, wildlife, parks, and forestry board and to the

1 secretary of administration with the department's submission of its budget report  
2 under s. 16.42.

3 **SECTION 3491k.** 350.145 (3) (c) of the statutes is amended to read:

4 350.145 (3) (c) Before March 1 of each odd-numbered year, the snowmobile  
5 recreational council shall meet and review the provisions that are included in the  
6 executive bill or bills and that affect snowmobiles and snowmobiling. A member of  
7 the snowmobile recreational council may submit his or her written comments on  
8 these provisions to the secretary of ~~natural resources~~ fish, wildlife, parks, and  
9 forestry before March 10 of each odd-numbered year.”.

10 **281.** Page 1156, line 6: after that line insert:

11 “**SECTION 3608h.** 480.02 (2) (h) of the statutes is amended to read:

12 480.02 (2) (h) Fur auctions and fur auctioneers licensed by the department of  
13 ~~natural resources~~ fish, wildlife, parks, and forestry under ch. 29.”.

14 **282.** Page 1156, line 7: after that line insert:

15 “**SECTION 3623n.** 560.11 (1) (a) of the statutes is amended to read:

16 560.11 (1) (a) Advise the department of ~~natural resources~~ environmental  
17 management concerning the effectiveness of the small business stationary source  
18 technical and environmental compliance assistance program under s. 285.79,  
19 difficulties encountered by small business stationary sources, as defined in s. 285.79  
20 (1), in complying with s. 299.15 and ch. 285 and the degree and severity of  
21 enforcement of s. 299.15 and ch. 285 against small business stationary sources.

22 **SECTION 3623p.** 560.11 (1) (b) of the statutes is amended to read:

23 560.11 (1) (b) Periodically report to the department of ~~natural resources~~  
24 environmental management and to the administrator of the federal environmental

1 protection agency concerning the compliance of the state small business stationary  
2 source technical and environmental compliance assistance program with the federal  
3 ~~paperwork reduction act~~ Paperwork Reduction Act, 44 USC 3501 to 3520, the federal  
4 ~~regulatory flexibility act~~ Regulatory Flexibility Act, 5 USC 601 to 612, and the  
5 federal ~~equal access to justice act~~ Equal Access to Justice, 5 USC 504.

6 **SECTION 3623r.** 560.11 (2) of the statutes is amended to read:

7 560.11 (2) The employees of the department of commerce who staff the small  
8 business ombudsman clearinghouse under s. 560.03 (9) and the employees of the  
9 department of ~~natural resources~~ environmental management who staff the small  
10 business stationary source technical and environmental compliance assistance  
11 program under s. 285.79 shall provide the small business environmental council  
12 with the assistance necessary to comply with sub. (1).”

13 **283.** Page 1157, line 9: after that line insert:

14 “**SECTION 3630b.** 560.13 (2) (a) 1m. of the statutes, as created by 2001  
15 Wisconsin Act .... (this act), is amended to read:

16 560.13 (2) (a) 1m. The recipient does not use the grant proceeds to pay lien  
17 claims of the department of ~~natural resources~~ environmental management or the  
18 federal environmental protection agency based on investigation or remediation  
19 activities of the department of ~~natural resources~~ environmental management or the  
20 federal environmental protection agency or to pay delinquent real estate taxes or  
21 interest or penalties that relate to those taxes.”

22 **284.** Page 1157, line 14: after that line insert:

23 “**SECTION 3632c.** 560.13 (5) of the statutes is amended to read:

1           560.13 (5) Before the department awards a grant under this section, the  
2 department shall consider the recommendations of the department of  
3 administration and the department of ~~natural resources~~ environmental  
4 management.”.

5           **285.** Page 1171, line 11: after that line insert:

6           “**SECTION 3691e.** 560.19 (3) of the statutes is amended to read:

7           560.19 (3) In coordination with the solid and hazardous waste education center  
8 under s. 36.25 (30) and the department of ~~natural resources~~ environmental  
9 management, the department shall conduct an education, environmental  
10 management and technical assistance program to promote pollution prevention  
11 among businesses in the state.”.

12           **286.** Page 1191, line 25: after that line insert:

13           “**SECTION 3793b.** 767.30 (4) of the statutes is amended to read:

14           767.30 (4) Upon the request of a county, the department of ~~natural resources~~  
15 fish, wildlife, parks, and forestry shall provide the county with a list of the names and  
16 addresses of all of the owners of boats that have a valid certificate of number or  
17 registration that has been issued by the department under s. 30.52. The department  
18 shall prepare the list annually before May 31 of each year.”.

19           **287.** Page 1198, line 16: after that line insert:

20           “**SECTION 3798v.** 778.104 (title) of the statutes is amended to read:

21           **778.104 (title) Department of ~~natural resources~~ fish, wildlife, parks**  
22 **and forestry and department of environmental management forfeitures;**  
23 **how recovered.**

1           **SECTION 3798w.** 778.104 of the statutes is renumbered 778.104 (1) and  
2 amended to read:

3           778.104 (1) If there is a conflict with this chapter, the procedure in ss. 23.50 to  
4 23.85 shall be followed in actions to recover forfeitures for the violation of those  
5 ~~natural resources~~ laws enumerated in s. 23.50.

6           **SECTION 3798x.** 778.104 (2) of the statutes is created to read:

7           778.104 (2) If there is a conflict with this chapter, the procedure in ss. 278.50  
8 to 278.90 shall be followed in actions to recover forfeitures for the violation of the laws  
9 enumerated in s. 278.51 (1).”.

10           **288.** Page 1200, line 8: after that line insert:

11           “**SECTION 3816f.** 778.30 (1) (intro.) of the statutes is amended to read:

12           778.30 (1) (intro.) In addition to the procedures under s. 23.795, 278.795, or  
13 345.47 or under this chapter for the collection of forfeitures, costs, assessments,  
14 surcharges or restitution payments if a defendant fails to pay the forfeiture, costs,  
15 assessment, surcharge or restitution payment within the period specified by the  
16 circuit court, the court may do any of the following:”.

17           **289.** Page 1209, line 3: after that line insert:

18           “**SECTION 3838sg.** 823.08 (3) (c) 1. of the statutes is amended to read:

19           823.08 (3) (c) 1. Subject to subd. 2., if a court requests the department of  
20 agriculture, trade and consumer protection or the department of ~~natural resources~~  
21 environmental management for suggestions under par. (b) 2. a., the department of  
22 agriculture, trade and consumer protection or the department of ~~natural resources~~  
23 environmental management shall advise the court concerning the relevant

1 provisions of the performance standards, prohibitions, conservation practices and  
2 technical standards under s. 281.16 (3).

3 **SECTION 3836sj.** 823.085 (2) (intro.) of the statutes is amended to read:

4 823.085 (2) (intro.) In any action finding a solid waste facility or the operation  
5 of a solid waste facility to be a public or private nuisance, if the solid waste facility  
6 was licensed under s. 289.31 (1) and was operated in substantial compliance with the  
7 license, the plan of operation for the solid waste facility approved by the department  
8 of ~~natural resources~~ environmental management and the rules promulgated under  
9 s. 289.05 (1) that apply to the facility, then all of the following apply:

10 **SECTION 3836sk.** 823.085 (2) (b) of the statutes is amended to read:

11 823.085 (2) (b) The department of ~~natural resources~~ environmental  
12 management shall comply with a request by the court to provide suggestions for  
13 practices to reduce the offensive aspects of the nuisance.”

14 **290.** Page 1214, line 15: after that line insert:

15 “**SECTION 3862bp.** 891.04 of the statutes is amended to read:

16 **891.04 Certificate as to public lands.** The certificate of the executive  
17 secretary appointed under s. 24.55 under the official seal, that any specified piece or  
18 tract of land belongs to or is mortgaged to the state, or that the state has any interest,  
19 legal or equitable, in that land shall be presumptive evidence of the facts so stated.  
20 The certificate of the secretary of ~~natural resources~~ fish, wildlife, parks, and forestry  
21 under the official seal of the department that authority has been given to any person,  
22 naming the person, to seize timber or other materials specified in ch. 26 shall be  
23 presumptive evidence of the fact so stated.”

24 **291.** Page 1218, line 8: after that line insert:



1           **“SECTION 3862y.** 893.73 (2) (a) of the statutes is amended to read:

2           893.73 (2) (a) An action under s. 60.73 contesting an act of a town board or the  
3 department of ~~natural resources~~ environmental management in the establishment  
4 of a town sanitary district.”.

5           **292.** Page 1219, line 4: after that line insert:

6           **“SECTION 3867c.** 895.52 (3) (b) of the statutes is amended to read:

7           895.52 (3) (b) A death or injury caused by a malicious act or by a malicious  
8 failure to warn against an unsafe condition of which an officer, employee or agent  
9 knew, which occurs on property designated by the department of ~~natural resources~~  
10 fish, wildlife, parks, and forestry under s. 23.115 or designated by another state  
11 agency for a recreational activity.

12           **SECTION 3867f.** 895.53 (1) (a) of the statutes is amended to read:

13           895.53 (1) (a) “Conservation warden” means a person appointed as a  
14 conservation warden by the department of ~~natural resources~~ fish, wildlife, parks,  
15 and forestry under s. 23.10 (1).

16           **SECTION 3867k.** 895.55 (2) (b) of the statutes is amended to read:

17           895.55 (2) (b) The assistance, advice or care was consistent with the national  
18 contingency plan or the state contingency plan or was otherwise directed by the  
19 federal on–scene coordinator or the secretary of ~~natural resources~~ environmental  
20 management.

21           **SECTION 3867p.** 895.56 (2) (c) of the statutes is amended to read:

22           895.56 (2) (c) The acts or omissions involving petroleum–contaminated soil on  
23 the property were required by reasonably precise specifications in the contract  
24 entered into under s. 84.06 (2), and the acts or omissions conformed to those

1 specifications, or were otherwise directed by the department of transportation or by  
2 the department of ~~natural resources~~ environmental management.

3 **SECTION 3867s.** 895.56 (3) (c) of the statutes is amended to read:

4 895.56 (3) (c) The person fails to warn the department of transportation or the  
5 department of ~~natural resources~~ environmental management about the presence of  
6 petroleum-contaminated soil encountered at the site, if the  
7 petroleum-contaminated soil was reasonably known to the person but not to the  
8 department of transportation or to the department of ~~natural resources~~  
9 environmental management.

10 **SECTION 3867w.** 895.57 (3) of the statutes is amended to read:

11 895.57 (3) Subsection (2) does not apply to any humane officer, local health  
12 officer, peace officer, employee of the department of ~~natural resources~~ fish, wildlife,  
13 parks, and forestry while on any land licensed under s. 29.865, 29.867, 29.869 or  
14 29.871 or designated as a wildlife refuge under s. 29.621 (1) or employee of the  
15 department of agriculture, trade and consumer protection if the officer's or  
16 employee's acts are in good faith and in an apparently authorized and reasonable  
17 fulfillment of his or her duties.

18 **SECTION 3867y.** 895.58 (1) (a) of the statutes is amended to read:

19 895.58 (1) (a) "Department" means the department of ~~natural resources~~  
20 environmental management.

21 **SECTION 3869b.** 895.58 (1) (d) of the statutes is amended to read:

22 895.58 (1) (d) "Special waste" means any solid waste that is characterized for  
23 beneficial use in public works projects by the department of ~~natural resources~~  
24 environmental management."

1           **293.** Page 1223, line 20: after that line insert:

2           “SECTION 3888w. 938.237 (1) of the statutes is amended to read:

3           938.237 (1) The citation forms under s. 23.54, 66.0113, 278.54, 778.25, 778.26  
4 or 800.02 may be used to commence an action for a violation of civil laws and  
5 ordinances in the court.

6           **SECTION 3889b.** 938.237 (2) of the statutes is amended to read:

7           938.237 (2) The procedures for issuance and filing of a citation, and for  
8 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), ~~66.0113~~  
9 66.0114, 278.50 to 278.67, 278.75 (3) and (4), 778.25, 778.26 and 800.01 to 800.04  
10 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall  
11 be used as appropriate, except that this chapter shall govern taking and holding a  
12 juvenile in custody, s. 938.37 shall govern costs, penalty assessments and jail  
13 assessments, and a capias shall be substituted for an arrest warrant. Sections  
14 66.0113 (3) (c) and (d), ~~66.0317~~ 66.0114 (1) and 778.10 as they relate to collection of  
15 forfeitures do not apply.”.

16           **294.** Page 1236, line 23: after that line insert:

17           “SECTION 3938v. 943.01 (5) of the statutes is amended to read:

18           943.01 (5) The department of ~~natural resources~~ fish, wildlife, parks, and  
19 forestry shall maintain a registry of prominent features in the landscape of  
20 state-owned land. To be included on the registry, a feature must have significant  
21 value to the people of this state.”.

22           **295.** Page 1241, line 18: after that line insert:

23           “SECTION 3951g. 943.75 (3) of the statutes is amended to read:

1           943.75 (3) Subsections (2) and (2m) do not apply to any humane officer, local  
2 health officer, peace officer, employee of the department of ~~natural resources~~ fish,  
3 wildlife, parks, and forestry while on any land licensed under s. 29.865, 29.867,  
4 29.869 or 29.871 or designated as a wildlife refuge under s. 29.621 (1) or employee  
5 of the department of agriculture, trade and consumer protection if the officer's or  
6 employee's acts are in good faith and in an apparently authorized and reasonable  
7 fulfillment of his or her duties. This subsection does not limit any other person from  
8 claiming the defense of privilege under s. 939.45 (3).”

9           **296.** Page 1256, line 4: after that line insert:

10           **“SECTION 3998g.** 968.20 (3) (a) of the statutes is amended to read:

11           968.20 (3) (a) First class cities shall dispose of dangerous weapons or  
12 ammunition seized 12 months after taking possession of them if the owner,  
13 authorized under sub. (1m), has not requested their return and if the dangerous  
14 weapon or ammunition is not required for evidence or use in further investigation  
15 and has not been disposed of pursuant to a court order at the completion of a criminal  
16 action or proceeding. Disposition procedures shall be established by ordinance or  
17 resolution and may include provisions authorizing an attempt to return to the  
18 rightful owner any dangerous weapons or ammunition which appear to be stolen or  
19 are reported stolen. If enacted, any such provision shall include a presumption that  
20 if the dangerous weapons or ammunition appear to be or are reported stolen an  
21 attempt will be made to return the dangerous weapons or ammunition to the  
22 authorized rightful owner. If the return of a seized dangerous weapon other than a  
23 firearm is not requested by its rightful owner under sub. (1) and is not returned by  
24 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,

1 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor  
2 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement  
3 agency to retain and use the motor vehicle. If the return of a seized firearm or  
4 ammunition is not requested by its authorized rightful owner under sub. (1) and is  
5 not returned by the officer under sub. (2), the seized firearm or ammunition shall be  
6 shipped to and become property of the state crime laboratories. A person designated  
7 by the department of justice may destroy any material for which the laboratory has  
8 no use or arrange for the exchange of material with other public agencies. In lieu of  
9 destruction, shoulder weapons for which the laboratories have no use shall be turned  
10 over to the department of ~~natural resources~~ fish, wildlife, parks, and forestry for sale  
11 and distribution of proceeds under s. 29.934.

12 **SECTION 3998h.** 968.20 (3) (b) of the statutes is amended to read:

13 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,  
14 town or county or other custodian of a seized dangerous weapon or ammunition, if  
15 the dangerous weapon or ammunition is not required for evidence or use in further  
16 investigation and has not been disposed of pursuant to a court order at the  
17 completion of a criminal action or proceeding, shall make reasonable efforts to notify  
18 all persons who have or may have an authorized rightful interest in the dangerous  
19 weapon or ammunition of the application requirements under sub. (1). If, within 30  
20 days after the notice, an application under sub. (1) is not made and the seized  
21 dangerous weapon or ammunition is not returned by the officer under sub. (2), the  
22 city, village, town or county or other custodian may retain the dangerous weapon or  
23 ammunition and authorize its use by a law enforcement agency, except that a  
24 dangerous weapon used in the commission of a homicide or a handgun, as defined  
25 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm

1 is not so retained, the city, village, town or county or other custodian shall safely  
2 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as  
3 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.  
4 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or  
5 county or other custodian shall ship it to the state crime laboratories and it is then  
6 the property of the laboratories. A person designated by the department of justice  
7 may destroy any material for which the laboratories have no use or arrange for the  
8 exchange of material with other public agencies. In lieu of destruction, shoulder  
9 weapons for which the laboratory has no use shall be turned over to the department  
10 of ~~natural resources~~ fish, wildlife, parks, and forestry for sale and distribution of  
11 proceeds under s. 29.934.”

12 **297.** Page 1258, line 7: after that line insert:

13 “SECTION 4002k. 971.19 (10) of the statutes is amended to read:

14 971.19 (10) In an action under s. 30.547 for intentionally falsifying an  
15 application for a certificate of number, a registration or a certificate of title, the  
16 defendant may be tried in the defendant’s county of residence at the time that the  
17 complaint is filed, in the county where the defendant purchased the boat if purchased  
18 from a dealer or the county where the department of ~~natural resources~~ fish, wildlife,  
19 parks, and forestry received the application.”

20 **298.** Page 1348, line 6: after that line insert:

21 “(8nL) TRANSFERS TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

22 (a) *Assets and liabilities.* On July 1, 2002, the following assets and liabilities  
23 of the department of natural resources shall become the assets and liabilities of the  
24 department of environmental management:

↓ Insert  
333-19

1           1. The assets and liabilities that are primarily related to the functions of the  
2 division of air and waste.

3           2. The assets and liabilities that are primarily related to the functions of the  
4 bureaus of watershed management, drinking water and groundwater, and  
5 cooperative environmental assistance.

6           3. The assets and liabilities that are primarily related to those functions of the  
7 bureau of fisheries management and habitat protection that relate to dams and to  
8 lake, river, and wetlands protection.

9           4. The assets and liabilities that are primarily related to those functions of the  
10 divisions of enforcement and science, administration and technology, and customer  
11 assistance and external relations, other than the bureau of cooperative  
12 environmental assistance, that are assigned to the department of environmental  
13 management by this act.

14           5. Any other assets and liabilities related to the administrative functions of the  
15 department of natural resources that the secretary of natural resources determines  
16 should be transferred.

17           (b) *Employee transfers.* On July 1, 2002, all of the following classified positions  
18 in the department of natural resources and the incumbents in the positions are  
19 transferred to the department of environmental management:

20           1. The classified positions and the incumbents in the positions in the division  
21 of air and waste.

22           2. The classified positions and the incumbents in the positions in the bureaus  
23 of watershed management, drinking water and groundwater, and cooperative  
24 environmental assistance.

1           3. The classified positions and the incumbents in the positions in the bureau  
2 of fisheries management and habitat protection that are primarily related to dams  
3 and to lake, river, and wetlands protection.

4           4. The classified positions and the incumbents in the positions that are  
5 primarily related to those functions of the divisions of enforcement and science,  
6 administration and technology, and customer assistance and external relations,  
7 other than the bureau of cooperative environmental assistance, that are assigned to  
8 the department of environmental management by this act.

9           5. Any other classified positions and the incumbents in the positions related  
10 to the administrative functions of the department of natural resources that the  
11 secretary of natural resources determines should be transferred.

12           (c) *Employee status.* Employees transferred under paragraph (b) shall have the  
13 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
14 statutes in the department of environmental management that they enjoyed in the  
15 department of natural resources immediately before the transfer. Notwithstanding  
16 section 230.28 (4) of the statutes, no employee so transferred who has attained  
17 permanent status in class is required to serve a probationary period.

18           (d) *Tangible personal property.* On July 1, 2002, all of the following tangible  
19 personal property, including records, of the department of natural resources shall be  
20 transferred to the department of environmental management:

21           1. The tangible personal property, including records, primarily related to the  
22 functions of the division of air and waste.

23           2. The tangible personal property, including records, primarily related to the  
24 functions of the bureaus of watershed management, drinking water and  
25 groundwater, and cooperative environmental assistance.



1           3. The tangible personal property, including records, primarily related to those  
2 functions of the bureau of fisheries management and habitat protection that relate  
3 to dams and to lake, river, and wetlands protection.

4           4. The tangible personal property, including records, primarily related to those  
5 functions of the divisions of enforcement and science, administration and technology,  
6 and customer assistance and external relations, other than the bureau of cooperative  
7 environmental assistance, that are assigned to the department of environmental  
8 management by this act.

9           5. Any other tangible personal property related to the administrative functions  
10 of the department of natural resources that the secretary of natural resources  
11 determines should be transferred.

12           (e) *Contracts transferred.* The following contracts entered into by the  
13 department of natural resources in effect on July 1, 2002, remain in effect and are  
14 transferred to the department of environmental management on July 1, 2002:

15           1. Contracts that are primarily related to the functions of the division of air and  
16 waste.

17           2. Contracts that are primarily related to the functions of the bureaus of  
18 watershed management, drinking water and groundwater, and cooperative  
19 environmental assistance.

20           3. Contracts that are primarily related to those functions of the bureau of  
21 fisheries management and habitat protection that relate to dams and to lake, river,  
22 and wetlands protection.

23           4. Contracts that are primarily related to those functions of the divisions of  
24 enforcement and science, administration and technology, and customer assistance  
25 and external relations, other than the bureau of cooperative environmental

1 assistance, that are assigned to the department of environmental management by  
2 this act.

3 5. Any other contracts related to the administrative functions of the  
4 department of natural resources that the secretary of natural resources determines  
5 should be transferred.

6 (f) *Contracts carried out.* The department of environmental management shall  
7 carry out the obligations in a contract under paragraph (e) except to the extent that  
8 the contract is modified or rescinded by the department of environmental  
9 management in a manner allowed under the contract.

10 (g) *Rules and orders.*

11 1. The following rules promulgated and orders issued by the department of  
12 natural resources that are in effect on June 30, 2002, shall be considered rules and  
13 orders of the department of environmental management and shall remain in effect  
14 until their specified effective dates or until modified, repealed, or rescinded by the  
15 department of environmental management:

16 a. The rules and orders that are primarily related to the functions of the  
17 division of air and waste.

18 b. The rules and orders that are primarily related to the functions of the  
19 bureaus of watershed management, drinking water and groundwater, and  
20 cooperative environmental assistance.

21 c. The rules and orders that are primarily related to those functions of the  
22 bureau of fisheries management and habitat protection that relate to dams and to  
23 lake, river, and wetlands protection.

24 d. The rules and orders that are primarily related to those functions of the  
25 divisions of enforcement and science, administration and technology, and customer

1 assistance and external relations, other than the bureau of cooperative  
2 environmental assistance, that are assigned to the department of environmental  
3 management by this act.

4 2. In the rules and orders under subdivision 1., references to the secretary or  
5 department of natural resources or to an officer or employee of the department of  
6 natural resources transferred under this act to the department of environmental  
7 management shall be treated as references to the secretary or department of  
8 environmental management or to an officer or employee of the department of  
9 environmental management.

10 (h) *Pending matters.* The following matters pending with the department of  
11 natural resources on June 30, 2002, are transferred to the department of  
12 environmental management on July 1, 2002, and all materials submitted to or  
13 actions taken by the department of natural resources with respect to the following  
14 pending matters are considered as having been submitted to or taken by the  
15 department of environmental management:

16 1. Pending matters that are primarily related to the functions of the division  
17 of air and waste.

18 2. Pending matters that are primarily related to the functions of the bureaus  
19 of watershed management, drinking water and groundwater, and cooperative  
20 environmental assistance.

21 3. Pending matters that are primarily related to those functions of the bureau  
22 of fisheries management and habitat protection that relate to dams and to lake, river,  
23 and wetlands protection.

24 4. Pending matters that are primarily related to those functions of the divisions  
25 of enforcement and science, administration and technology, and customer assistance

1 and external relations, other than the bureau of cooperative environmental  
2 assistance, that are assigned to the department of environmental management by  
3 this act.

4 5. Any other pending matters relating to the administration of the department  
5 that the secretary of natural resources determines should be transferred.

6 (i) *Dispute resolution.* The secretary of environmental management or the  
7 secretary of fish, wildlife, parks, and forestry may, after July 1, 2002, and before July  
8 1, 2003, request the joint committee on finance to modify the transfers provided  
9 under paragraphs (a), (b), (d), (e), and (h). The committee may make those transfers  
10 as requested or as modified by the committee.

11 (8nm) APPROPRIATION TRANSFERS.

12 (a) *Plan.* The legislative fiscal bureau shall, no later than February 1, 2002,  
13 submit to the cochairpersons of the joint committee on finance a plan to take effect  
14 on July 1, 2002, for transferring within the department of fish, wildlife, parks, and  
15 forestry and to the department of environmental management funds appropriated  
16 under section 20.370 of the statutes for fiscal year 2002–03<sup>and for allocating the reductions</sup>. The legislative fiscal  
17 bureau shall formulate the plan in accordance with the appropriation structure  
18 created by this act and with the following table, adjusted to reflect the amounts  
19 actually appropriated under the 2001–03 this act:

2002–03 Agency Funding				
	<u>DFWPF</u>		<u>DEM</u>	
	<i>Funding</i>	<i>Positions</i>	<i>Funding</i>	<i>Positions</i>
<b>Department of fish, wildlife, parks, and forestry</b>				
<i>State parks and trails</i>				
State parks and trails	\$15,033,800	165.50		

under Section 9(59)(1)(a) for the department of natural resources  
between the departments for fiscal year 2002-03

Southern forests	4,372,900	46.75		
Administration and technology	3,511,300	27.10		
Customer service and education	1,276,800	18.33		
<i>Forestry</i>				
Forestry	34,640,300	412.44		
Administration and technology	8,167,200	78.02		
Customer service and education	2,767,600	29.91		
<i>Fish, wildlife, and recreation</i>				
Facilities and lands management	14,239,100	144.70		
Fisheries management	20,539,100	266.82		
Wildlife management	15,455,500	147.50		
Endangered resources	2,436,400	21.50		
Law enforcement and integrated science services	30,127,000	271.67		
Administration and technology	14,656,900	128.46		
Customer service and licensing	13,582,500	140.80		
<i>Conservation aids and development</i>				
Debt service and development	44,164,500			
Conservation aids	32,366,600			
<b>Department of environmental management</b>				
<i>Air and waste</i>				
Air management			\$15,931,300	175.50
Waste management			7,060,700	100.61
Remediation and redevelopment			12,265,100	105.00
Air and waste program management			815,900	7.00

Law enforcement and integrated science services			5,824,700	67.83
Administration and technology			7,951,200	41.29
Customer service and external relations			2,595,800	30.64
<i>Water</i>				
Watershed management and regulation			27,376,500	332.96
Drinking water and groundwater			9,794,600	105.75
Administration and technology			7,726,600	54.18
Customer service and external relations			3,068,100	38.74
<i>Environmental aids and development</i>				
Debt service and development			86,330,800	
Environmental aids			25,445,700	
<b>Total</b>	\$257,337,500	1,899.52	\$212,187,000	1,059.50
<b>Total by Fund Source</b>				
GPR	51,246,700	149.00	122,091,700	377.28
FED	23,560,500	173.53	21,433,600	275.43
PR	10,182,300	36.12	23,240,100	237.51
SEG	172,348,000	1,540.87	45,421,600	169.27
<b>Total — All Funds</b>	\$257,337,500	1,899.52	\$212,187,000	1,059.50

1           (b) *Implementation.* The joint committee on finance may implement the plan  
2 under paragraph (a) as submitted by the legislative fiscal bureau or may modify the  
3 plan and implement it as modified.

4           (8nn) APPOINTMENT OF BOARDS AND SECRETARIES.

5           (a) *Early appointment.* Notwithstanding the effective dates of the treatments  
6 of sections 15.33 and 15.34 of the statutes by this act, the governor may nominate and

1 with the advice and consent of the senate appoint members of the environmental  
2 management board and of the fish, wildlife, parks, and forestry board beginning on  
3 January 1, 2002. The board members appointed under this paragraph may advise  
4 the secretary of natural resources, the department of administration, and the joint  
5 committee on finance concerning the issues under subsections (1) and (2).  
6 Notwithstanding the effective date of the treatment of section 15.05 (1) (b), (c), and  
7 (e) of the statutes by this act, before July 1, 2002, the members of the environmental  
8 management board appointed under this paragraph may nominate and with the  
9 approval of the governor appoint the secretary of environmental management to  
10 take office on July 1, 2002, and the members of the fish, wildlife, parks, and forestry  
11 board appointed under this paragraph may nominate and with the approval of the  
12 governor appoint the secretary of fish, wildlife, parks, and forestry to take office on  
13 July 1, 2002.

14 (b) *Terms of initial members of environmental management board.*

15 Notwithstanding the lengths of terms specified in section 15.33 of the statutes, as  
16 created by this act, the terms of the initial members of the environmental  
17 management board shall be appointed for terms that expire as follows:

- 18 1. Two members for terms that expire on May 1, 2003.
- 19 2. Two members for terms that expire on May 1, 2005.
- 20 3. Two members for terms that expire on May 1, 2007.

21 (c) *Terms of initial members of fish, wildlife, parks, and forestry board.*

22 Notwithstanding the lengths of terms specified in section 15.34 of the statutes, as  
23 affected by this act, the terms of the initial members of the fish, wildlife, parks, and  
24 forestry board shall be appointed for terms that expire as follows:

- 25 1. Two members for terms that expire on May 1, 2003.

