

1           **\*b1777/2.1\* SECTION 3127b.** 236.02 (2m) of the statutes is created to read:

2           236.02 (2m) “Correction instrument” means an instrument drafted by a  
3 licensed land surveyor that complies with the requirements of s. 236.295 and that,  
4 upon recording, corrects a subdivision plat or a certified survey map.

5           **\*b1777/2.1\* SECTION 3127bm.** 236.15 (1) (a) of the statutes is amended to read:

6           236.15 (1) (a) The external boundaries of a subdivision shall be monumented  
7 in the field by monuments of concrete containing a ferrous rod one-fourth inch in  
8 diameter or greater imbedded its full length, not less than ~~30~~ 18 inches in length, not  
9 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,  
10 brass plug, iron rod, or other durable material securely embedded; or by iron rods or  
11 pipes at least ~~30~~ 18 inches long and 2 inches in diameter weighing not less than 3.65  
12 pounds per lineal foot. Solid round or square iron bars of equal or greater length or  
13 weight per foot may be used in lieu of pipes wherever pipes are specified in this  
14 section. These monuments shall be placed at all corners, at each end of all curves,  
15 at the point where a curve changes its radius, at all angle points in any line and at  
16 all angle points along the meander line, said points to be not less than 20 feet back  
17 from the ordinary high water mark of the lake or from the bank of the stream, except  
18 that when such corners or points fall within a street, or proposed future street, the  
19 monuments shall be placed in the side line of the street.

20           **\*b1777/2.1\* SECTION 3127c.** 236.15 (1) (c) of the statutes is amended to read:

21           236.15 (1) (c) All lot, outlot, park and public access corners and the corners of  
22 land dedicated to the public shall be monumented in the field by iron pipes at least  
23 ~~24~~ 18 inches long and one inch in diameter, weighing not less than 1.13 pounds per  
24 lineal foot, or by round or square iron bars at least ~~24~~ 18 inches long and weighing  
25 not less than 1.13 pounds per lineal foot.

1           **\*b1777/2.1\* SECTION 3127cm.** 236.15 (1) (d) of the statutes is amended to read:  
2           236.15 (1) (d) The lines of lots, outlots, parks and public access and land  
3 dedicated to the public that extend to lakes or streams shall be monumented in the  
4 field by iron pipes at least 24 18 inches long and one inch in diameter weighing not  
5 less than 1.13 pounds per lineal foot, or by round or square iron bars at least 24 18  
6 inches long and weighing not less than 1.13 pounds per lineal foot. These  
7 monuments shall be placed at the point of intersection of the lake or stream lot line  
8 with a meander line established not less than 20 feet back from the ordinary high  
9 water mark of the lake or from the bank of the stream.

10           **\*b1777/2.1\* SECTION 3127d.** 236.15 (1) (f) of the statutes is amended to read:  
11           236.15 (1) (f) Any durable metal or concrete monuments may be used in lieu  
12 of the iron pipes listed in pars. (c) and (d) provided that they are uniform within the  
13 platted area and have a permanent magnet embedded near the top or bottom or both.

14           **\*b1777/2.1\* SECTION 3127dm.** 236.18 (2) (d) of the statutes is created to read:  
15           236.18 (2) (d) A county coordinate system as approved by the department of  
16 transportation or a coordinate system that is mathematically relatable to a  
17 Wisconsin coordinate system.

18           **\*b1777/2.1\* SECTION 3127e.** 236.20 (1) (b) of the statutes is amended to read:  
19           236.20 (1) (b) For processing under s. 236.12 (6) the original shall be ~~on~~  
20 ~~muslin-backed white paper~~ 22 inches wide by 30 inches long ~~prepared with~~  
21 ~~nonfading black image. These sheets may be provided by the county through the~~  
22 ~~register of deeds on such terms as the county board determines~~ and on any material  
23 that is capable of clearly legible reproduction.

24           **\*b1777/2.1\* SECTION 3127em.** 236.20 (1) (c) of the statutes is amended to read:

1           236.20 (1) (c) For processing under s. 236.12 (2), the original copy of the final  
2 plat ~~may be of any size~~ shall be 22 inches wide by 30 inches long and on any material  
3 that is capable of clearly legible reproduction.

4           **\*b1777/2.1\* SECTION 3127f.** 236.20 (2) (b) of the statutes is amended to read:

5           236.20 (2) (b) All monuments erected, corners, and other points established in  
6 the field in their proper places. The material of which the monuments, corners, or  
7 other points are made shall be noted at the representation thereof or by legend,  
8 except lot, outlot, and meander corners need not be shown. The legend for metal  
9 monuments shall indicate the kind of metal, the outside diameter, length, and weight  
10 per lineal foot of the monuments.

11           **\*b1777/2.1\* SECTION 3127fm.** 236.20 (2) (e) of the statutes is amended to read:

12           236.20 (2) (e) All lots and outlots in each block consecutively numbered within  
13 blocks and the subdivision and throughout numbered additions to the subdivision.

14           **\*b1777/2.1\* SECTION 3127g.** 236.21 (1) (b) of the statutes is amended to read:

15           236.21 (1) (b) A clear and concise description of the land surveyed, divided, and  
16 mapped by government lot, recorded private claim, quarter–quarter section, section,  
17 township, range, and county and by metes and bounds commencing with a  
18 monument at a section or quarter section corner of the quarter section and that is not  
19 at the center of the section, or commencing with a monument at the end of a boundary  
20 line of a recorded private claim or federal reservation in which the subdivision is  
21 located. If the land is located in a recorded subdivision or recorded addition thereto,  
22 the land shall be described by the number or other description of the lot, block or  
23 subdivision thereof, that has previously been tied to a corner marked and established  
24 by the U.S. public land survey.

25           **\*b1777/2.1\* SECTION 3127gm.** 236.25 (2) (b) of the statutes is amended to read:

1           236.25 (2) (b) The plat is offered for record within ~~30 days~~ 6 months after the  
2 date of the last approval of the plat and within 24 months after the first approval;

3           **\*b1777/2.1\* SECTION 3127h.** 236.295 (1) (intro.) of the statutes is amended to  
4 read:

5           236.295 (1) (intro.) Correction instruments ~~may~~ shall be recorded in the office  
6 of the register of deeds in the county in which the plat or certified survey map is  
7 recorded and may include any of the following:

8           **\*b1777/2.1\* SECTION 3127hf.** 236.295 (1) (a) of the statutes is amended to  
9 read:

10           236.295 (1) (a) Affidavits to correct distances, angles, directions, bearings,  
11 chords, block or lot numbers, street names, or other details shown on a recorded plat  
12 or certified survey map. A correction instrument may not be used to reconfigure lots  
13 or outlots.

14           **\*b1777/2.1\* SECTION 3127hm.** 236.295 (2) of the statutes is amended to read:

15           236.295 (2) Each affidavit in sub. (1) (a) correcting a plat ~~shall~~ or certified  
16 survey map that changes areas dedicated to the public or restrictions for the public  
17 benefit must be approved prior to recording by the governing body of the municipality  
18 or town in which the subdivision is located. The register of deeds shall note on the  
19 plat or certified survey map a reference to the page and volume in which the affidavit  
20 or instrument is recorded. The record of the affidavit or instrument, or a certified  
21 copy of the record, is prima facie evidence of the facts stated in the affidavit or  
22 instrument.

23           **\*b1777/2.1\* SECTION 3127im.** 236.34 (1) (intro.) of the statutes is amended to  
24 read:

1           236.34 (1) PREPARATION. (intro.) A certified survey map of not more than 4  
2 parcels of land consisting of lots or outlots may be recorded in the office of the register  
3 of deeds of the county in which the land is situated. A certified survey map may be  
4 used to change the boundaries of lots and outlots within a recorded plat, recorded  
5 assessor's plat under s. 70.27 or recorded, certified survey map if the ~~redivision~~  
6 reconfiguration does not result in a subdivision or violate a local subdivision  
7 regulation. A certified survey map may not alter ~~the exterior boundary of a recorded~~  
8 ~~plat, a recorded assessor's plat,~~ areas previously dedicated to the public or a  
9 restriction placed on the platted land by covenant, by grant of an easement, or by any  
10 other manner. A certified survey map that crosses the exterior boundary of a  
11 recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5  
12 parcels by a single owner, or if no additional parcels are created. Such a certified  
13 survey map must be approved in the same manner as a final plat of a subdivision  
14 must be approved under s. 236.10, must be monumented in accordance with s. 236.15  
15 (1), and shall contain owners' and mortgagees' certificates that are in substantially  
16 the same form as required under s. 236.21 (2) (a). A certified survey must meet the  
17 following requirements:

18           **\*b1777/2.1\* SECTION 3127j.** 236.34 (1) (b) of the statutes is amended to read:

19           236.34 (1) (b) All corners shall be monumented in accordance with s. 236.15 (1)  
20 (c) ~~and~~, (d), and (g).

21           **\*b1777/2.1\* SECTION 3127jm.** 236.34 (1) (c) of the statutes is amended to read:

22           236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
23 (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b) ~~on a~~, (d), and (e) at a graphic scale  
24 of not more than 500 feet to the an inch, which shall be shown on each sheet showing  
25 layout features. The map shall be prepared with a binding margin 1.5 inches wide

1 and a 0.5 inch margin on all other sides on durable white paper 8 1/2 inches wide by  
2 14 inches long with nonfading black image or reproduced with photographic silver  
3 haloid image on double matt polyester film of not less than 4 mil thickness which is  
4 8 1/2 inches wide by 14 inches long. When more than one sheet is used for any map,  
5 each sheet shall be numbered consecutively and shall contain a notation giving the  
6 total number of sheets in the map and showing the relationship of that sheet to the  
7 other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent  
8 letters with the location of the land by government lot, recorded private claim,  
9 quarter-quarter section, section, township, range and county noted. Seals or  
10 signatures reproduced on images complying with this paragraph shall be given the  
11 force and effect of original signatures and seals.

12 \*b1777/2.1\* SECTION 3127k. 236.34 (1) (d) 2. of the statutes is amended to  
13 read:

14 236.34 (1) (d) 2. A clear and concise description of the land surveyed, divided,  
15 and mapped by government lot, recorded private claim, quarter-quarter section,  
16 section, township, range and county; and by metes and bounds commencing with a  
17 monument at a section or quarter section corner of the quarter section ~~or that is not~~  
18 the center of a section, or commencing with a monument at the end of a boundary line  
19 of a recorded private claim or federal reservation in which the ~~certified map land~~ land is  
20 located; or if the land is located in a recorded subdivision or recorded addition to a  
21 recorded subdivision, then by the number or other description of the lot, block or  
22 subdivision, which has previously been tied to a corner marked and established by  
23 the U.S. public land survey.

24 \*b1777/2.1\* SECTION 3127km. 236.34 (1) (f) of the statutes is created to read:

1           236.34 (1) (f) Within 90 days of submitting a certified survey map for approval,  
2 the approving authority, or its agent authorized to approve certified survey maps,  
3 shall take action to approve, approve conditionally, or reject the certified survey map  
4 and shall state in writing any conditions of approval or reasons for rejection, unless  
5 the time is extended by agreement with the subdivider. Failure of the approving  
6 authority or its agent to act within the 90 days, or any extension of that period,  
7 constitutes an approval of the certified survey map and, upon demand, a certificate  
8 to that effect shall be made on the face of the map by the clerk of the authority that  
9 has failed to act.

10           **\*b1777/2.1\* SECTION 3127L.** 236.34 (2) of the statutes is renumbered 236.34  
11 (2) (a).

12           **\*b1777/2.1\* SECTION 3127Lm.** 236.34 (2) (b) of the statutes is created to read:

13           236.34 (2) (b) If the certified survey map is approved by a local unit of  
14 government, the register of deeds may not accept the certified survey map for record  
15 unless all of the following apply:

16           1. The certified survey map is offered for record within 6 months after the date  
17 of the last approval of the map and within 24 months after the first approval of the  
18 map.

19           2. The certified survey map shows on its face all of the certificates and affidavits  
20 required under sub. (1).

21           **\*b1777/2.1\* SECTION 3127m.** 236.45 (2) (a) (intro.) of the statutes is amended  
22 to read:

23           236.45 (2) (a) (intro.) To accomplish the purposes listed in sub. (1), any  
24 municipality, town or county which has established a planning agency may adopt  
25 ordinances governing the subdivision or other division of land which are more

1 restrictive than the provisions of this chapter. Such ordinances may include  
2 provisions regulating divisions of land into parcels larger than 1 1/2 acres or  
3 divisions of land into less than 5 parcels, and may prohibit the division of land in  
4 areas where such prohibition will carry out the purposes of this section. Such  
5 ordinances ~~may~~ shall make applicable to such divisions ~~any~~ all of the provisions of  
6 this chapter, or may provide other surveying, monumenting, mapping and approving  
7 requirements for such division. The governing body of the municipality, town, or  
8 county ~~may~~ shall require that a ~~map, plat or sketch~~ of such division be recorded with  
9 the register of deeds and kept in a book provided for that purpose. “COUNTY PLAT,”  
10 “MUNICIPAL PLAT,” or “TOWN PLAT” shall be printed on the map in prominent  
11 letters with the location of the land by government lot, recorded private claim,  
12 quarter-quarter section, section, township, range, and county noted. When so  
13 recorded, the lots included in the ~~map, plat or sketch~~ shall be described by  
14 reference to it by ~~lot number and by volume and page of the book provided for that~~  
15 ~~use~~ “COUNTY PLAT,” “MUNICIPAL PLAT,” or “TOWN PLAT,” the name of the plat  
16 and the lot and block in the plat, for all purposes, including those of assessment,  
17 taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance,  
18 insofar as it may apply to divisions of less than 5 parcels, shall not apply to.”.

19 \*b1519/2.245\* **1559.** Page 1027, line 24: after that line insert:

20 \*b1519/2.245\* **SECTION 3128ab.** 237.02 (1) (b) of the statutes, as created by  
21 2001 Wisconsin Act .... (this act), is amended to read:

22 237.02 (1) (b) The secretary of ~~natural resources~~ fish, wildlife, parks, and  
23 forestry, or his or her designee.

1           **\*b1519/2.245\* SECTION 3128af.** 237.07 (3) (a) of the statutes, as created by  
2 2001 Wisconsin Act .... (this act), is amended to read:

3           237.07 (3) (a) For each fiscal year, the authority shall submit to the department  
4 of administration an audited financial statement of the funding received by the  
5 authority from the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
6 under s. 237.08 (2) and by the authority from contributions and other funding  
7 accepted by the authority under s. 237.08 (3).

8           **\*b1519/2.245\* SECTION 3128ak.** 237.07 (4) of the statutes, as created by 2001  
9 Wisconsin Act .... (this act), is amended to read:

10           237.07 (4) For each fiscal year in which moneys are to be released to the  
11 authority by the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
12 under s. 237.08, each corporation specified in s. 237.09 shall submit to the authority  
13 an audited financial statement of the amount raised by the corporation under s.  
14 237.09 (2) (b) for that fiscal year.

15           **\*b1519/2.245\* SECTION 3128ap.** 237.08 (2) of the statutes, as created by 2001  
16 Wisconsin Act .... (this act), is amended to read:

17           237.08 (2) STATE FUNDING. From the appropriation under s. 20.370 (5) (cq) and  
18 before applying the percentages under s. 30.92 (4) (b) 6., the department of ~~natural~~  
19 ~~resources~~ fish, wildlife, parks, and forestry shall set aside for the rehabilitation and  
20 repair of the navigational system \$400,000 in each fiscal year to be matched by the  
21 moneys raised under s. 237.09 (2) (b). The funding shall be set aside beginning with  
22 the first fiscal year beginning after the submittal of the initial management plan  
23 submitted under s. 237.07 (1) and shall continue to be set aside in each of the next  
24 6 consecutive fiscal years. From the funding that is set aside, the department shall  
25 release to the authority for each fiscal year an amount equal to the total amount

1 raised by each corporation under s. 237.09 (2) (b) for which matching funding has not  
2 been previously released.

3 \*b1519/2.245\* SECTION 3128as. 237.10 of the statutes, as created by 2001  
4 Wisconsin Act .... (this act), is amended to read:

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

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

16 \*b1519/2.245\* SECTION 3128aw. 237.14 of the statutes, as created by 2001  
17 Wisconsin Act .... (this act), is amended to read:

18 **237.14 Abandonment.** If the authority determines the operation of the  
19 navigational system is no longer feasible, the authority shall submit a plan to the  
20 department of administration and to the department of ~~natural resources~~ fish,  
21 wildlife, parks, and forestry describing the steps the authority will take in  
22 abandoning the navigational system. The navigational system may not be  
23 abandoned unless both the department of administration and the department of  
24 ~~natural resources~~ fish, wildlife, parks, and forestry determine that the plan for

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

3 \*b1519/2.245\* SECTION 3128ay. 237.15 (1) of the statutes, as created by 2001  
4 Wisconsin Act .... (this act), is amended to read:

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

9 \*b1398/3.2\* 1560. Page 1034, line 12: after that line insert:

10 \*b1398/3.2\* “SECTION 3140c. 252.12 (2) (a) 8. of the statutes is amended to  
11 read:

12 252.12 (2) (a) 8. ‘Life care and early intervention services.’ The department  
13 shall award not more than \$1,994,900 in each fiscal year 2001–02 and not more than  
14 \$2,194,900 in each fiscal year thereafter in grants to applying state-designated IIIV  
15 service-organizations for the provision of needs assessments; assistance in procuring  
16 financial, medical, legal, social and pastoral services and housing assistance;  
17 counseling and therapy; homecare services and supplies; advocacy; and case  
18 management services. These services shall include early intervention services. The  
19 department shall also award not more than \$74,000 in each year from the  
20 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The  
21 state share of payment for case management services that are provided under s.  
22 49.45 (25) (be) to recipients of medical assistance shall be paid from the  
23 appropriation under s. 20.435 (5) (am).”.

24 \*b1722/2.2\* 1561. Page 1035, line 2: after that line insert:

1           **\*b1722/2.2\*** “SECTION 3142hb. 253.02 (2m) (intro.) of the statutes is amended  
2 to read:

3           253.02 (2m) (intro.) Nothing in this section authorizes the performance,  
4 promotion, encouragement, or counseling in favor of, or referral either directly or  
5 through an intermediary for, voluntary termination of pregnancy. Nothing in this  
6 section prohibits the providing of nondirective information explaining promotion,  
7 encouragement, or counseling in favor of, or referral either directly or through an  
8 intermediary for, any of the following:

9           **\*b1722/2.2\*** SECTION 3142hc. 253.02 (2m) (c) of the statutes is repealed.”.

10          **\*b1722/2.3\* 1562.** Page 1035, line 8: after that line insert:

11          **\*b1722/2.3\*** “SECTION 3142nd. 253.07 (1) (a) (intro.) of the statutes is amended  
12 to read:

13          253.07 (1) (a) (intro.) “Family planning” means voluntary action by individuals  
14 to prevent or aid conception. “Family planning” does not include the performance,  
15 promotion, encouragement, or counseling in favor of, or referral either directly or  
16 through an intermediary for, voluntary termination of pregnancy, but may include  
17 the providing of nondirective information explaining promotion, encouragement, or  
18 counseling in favor of, or referral either directly or through an intermediary for, any  
19 of the following:

20          **\*b1722/2.3\*** SECTION 3142ne. 253.07 (1) (a) 3. of the statutes is repealed.

21          **\*b1722/2.3\*** SECTION 3142nf. 253.07 (1) (b) (intro.) of the statutes is amended  
22 to read:

23          253.07 (1) (b) (intro.) “Family planning services” ~~mean~~ means counseling by  
24 trained personnel regarding family planning; distribution of information relating to

1 family planning; and referral to licensed nurse practitioners within the scope of their  
2 practice, licensed physicians, or local health departments for consultation,  
3 examination, medical treatment, and prescriptions for the purpose of family  
4 planning. “Family planning” does not include the performance, promotion,  
5 encouragement, or counseling in favor of, or referral either directly or through an  
6 intermediary for, voluntary termination of pregnancy, but may include the ~~providing~~  
7 ~~of nondirective information explaining promotion, encouragement, or counseling in~~  
8 ~~favor of, or referral either directly or through an intermediary for,~~ any of the  
9 following:

10 \*b1722/2.3\* SECTION 3142ng. 253.07 (1) (b) 3. of the statutes is repealed.”

11 \*b1759/2.3\* **1563.** Page 1035, line 8: after that line insert:

12 \*b1759/2.3\* “SECTION 3142p. 253.09 (title) of the statutes is amended to read:  
13 **253.09** (title) ~~Abortion refused~~ **Refusal to participate in certain**  
14 **practices; no liability; no discrimination.**

15 \*b1759/2.3\* SECTION 3142pc. 253.09 (1) of the statutes is renumbered 253.09  
16 (1r) (a) (intro.) and amended to read:

17 253.09 (1r) (a) (intro.) No hospital shall be is required to admit any patient or  
18 to allow the use of the hospital facilities for the purpose of performing a sterilization  
19 procedure or removing a human embryo or fetus. any of the following:

20 (b) A physician or any other person who is a member of or associated with the  
21 staff of a hospital, or any employee of a hospital in which ~~such a procedure~~ the  
22 performance of an activity specified in par. (a) 1. to 7. has been authorized, who shall  
23 ~~state in writing his or her objection to the performance of or providing assistance to~~  
24 such a procedure, in writing, refuses, or states an intention to refuse, to participate

1 in the activity on moral or religious grounds shall not be required to participate in  
2 such medical procedure, and the activity.

3 (c) A physician or any other person who is a member of or associated with the  
4 staff of a hospital, or any employee of a hospital, is immune from liability for any  
5 damage caused by, and may not be subjected to any disciplinary or recriminatory  
6 action based on, the refusal of any such the person to participate therein shall not  
7 form the basis of any claim for damages on account of such refusal or for any  
8 disciplinary or recriminatory action against such person in an activity specified in  
9 par. (a) 1. to 7. on moral or religious grounds.

10 \*b1759/2.3\* SECTION 3142pe. 253.09 (1g) of the statutes is created to read:

11 253.09 (1g) In this section:

12 (a) "Human embryo" includes any organism that is derived by fertilization,  
13 parthenogenesis, cloning, or any other means from one or more human gametes or  
14 human diploid cells.

15 (b) "Participate in" means to perform, assist in, recommend, counsel in favor  
16 of, make referrals for, prescribe, dispense or administer drugs for, or otherwise  
17 promote, encourage, or aid.

18 \*b1759/2.3\* SECTION 3142pf. 253.09 (1r) (a) 1. to 7. of the statutes are created  
19 to read:

20 253.09 (1r) (a) 1. A sterilization procedure.

21 2. A procedure involving a drug or device that may prevent the implantation  
22 of a fertilized human ovum.

23 3. An abortion, as defined in s. 253.10 (2) (a).

24 4. An experiment or medical procedure involving any of the following:

25 a. The destruction of a human embryo.

1           b. A human embryo or unborn child, at any stage of development, in which the  
2 experiment or procedure is not related to the beneficial treatment of the human  
3 embryo or unborn child.

4           5. A procedure, including a transplant procedure, that uses fetal tissue or  
5 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
6 miscarriage.

7           6. The withholding or withdrawal of nutrition or hydration, if the withholding  
8 or withdrawal of nutrition or hydration would result in the patient's death from  
9 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
10 than from the underlying terminal illness or injury, unless the administration of  
11 nutrition or hydration is medically contraindicated.

12           7. An act that intentionally causes or assists in causing the death of an  
13 individual, such as by assisted suicide, euthanasia, or mercy killing.

14           **\*b1759/2.3\* SECTION 3142ph.** 253.09 (2) of the statutes is amended to read:

15           253.09 (2) ~~No A hospital or employee of any a hospital shall be liable for any~~  
16 ~~civil damages resulting from~~ is immune from liability for any damage caused by a  
17 ~~refusal to perform sterilization procedures or remove a human embryo or fetus from~~  
18 ~~a person, if such participate in an activity specified in sub. (1r) (a) 1. to 7., if the~~  
19 ~~refusal is based on religious or moral precepts.~~

20           **\*b1759/2.3\* SECTION 3142pj.** 253.09 (3) of the statutes is amended to read:

21           253.09 (3) No hospital, school, or employer may discriminate against any  
22 person with regard to admission, hiring or firing, tenure, term, condition, or privilege  
23 of employment, student status, or staff status on the ground that the person refuses  
24 ~~to recommend, aid or perform procedures for sterilization or the removal of a human~~  
25 ~~embryo or fetus, or states an intention to refuse, whether or not in writing, to~~

1 participate in an activity specified in sub. (1r)(a) 1. to 7., if the refusal is based on  
2 religious or moral precepts.

3 **\*b1759/2.3\* SECTION 3142pL.** 253.09 (4) (a) of the statutes is amended to read:

4 253.09 (4) (a) Such individual to ~~perform or assist in the performance of any~~  
5 ~~sterilization procedure or removal of a human embryo or fetus~~ participate in an  
6 activity specified in sub. (1r) (a) 1. to 7., if the individual's performance or assistance  
7 participation in the performance of such a procedure would be activity is contrary to  
8 the individual's religious beliefs or moral convictions; or

9 **\*b1759/2.3\* SECTION 3142pn.** 253.09 (4) (b) 1. of the statutes is amended to  
10 read:

11 253.09 (4) (b) 1. ~~Make its facilities available for the performance of any~~  
12 ~~sterilization procedure or removal of a human embryo or fetus~~ an individual to  
13 participate in an activity specified in sub. (1r) (a) 1. to 7., if the performance of such  
14 a procedure in such facilities is prohibited by the entity prohibits the activity from  
15 taking place in the facilities on the basis of religious beliefs or moral convictions; or

16 **\*b1759/2.3\* SECTION 3142pp.** 253.09 (4) (b) 2. of the statutes is amended to  
17 read:

18 253.09 (4) (b) 2. ~~Provide any personnel for the performance or assistance in the~~  
19 ~~performance of any sterilization procedure or assistance to~~ participate in an activity  
20 specified in sub. (1r) (a) 1. to 7., if the performance or assistance in the performance  
21 of such procedure or the removal of a human embryo or fetus by such personnel would  
22 be activity is contrary to the religious beliefs or moral convictions of such the  
23 personnel.

24 **\*b1759/2.3\* SECTION 3142pr.** 253.09 (5) of the statutes is created to read:

1           253.09 (5) A person who is adversely affected by, or who reasonably may be  
2 expected to be adversely affected by, conduct that is in violation of this section may  
3 bring a civil action for injunctive relief, including reinstatement, damages, including  
4 damages for emotional or psychological distress, or both injunctive relief and  
5 damages. In an action under this subsection, the court shall award reasonable  
6 attorney fees, notwithstanding s. 814.04 (1), to a person who obtains injunctive relief,  
7 an award of damages, or both.”.

8           **\*b1519/2.246\* 1564.** Page 1035, line 24: after that line insert:

9           **\*b1519/2.246\*** “SECTION 3143g. 254.02 (3) (a) of the statutes is amended to  
10 read:

11           254.02 (3) (a) The department of agriculture, trade and consumer protection,  
12 the department of corrections, the department of commerce, and the department of  
13 ~~natural resources~~ environmental management shall enter into memoranda of  
14 understanding with the department to establish protocols for the department to  
15 review proposed rules of those state agencies relating to air and water quality,  
16 occupational health and safety, institutional sanitation, toxic substances, indoor air  
17 quality, food protection or waste handling and disposal.”.

18           **\*b1433/2.1\* 1565.** Page 1037, line 12: after that line insert:

19           **\*b1433/2.1\*** “SECTION 3147w. 254.47 (1) of the statutes is amended to read:

20           254.47 (1) Except as provided in sub. (1g) and ss. 250.041 and 254.115, the  
21 department or a local health department granted agent status under s. 254.69 (2)  
22 shall issue permits to and regulate campgrounds and camping resorts, recreational  
23 and educational camps and public swimming pools. No person or state or local  
24 government who has not been issued a permit under this section may conduct,

1 maintain, manage or operate a campground and camping resort, recreational camp  
2 and educational camp or public swimming pool, as defined by departmental rule.

3 \*b1433/2.1\* SECTION 3147x. 254.47 (1g) of the statutes is created to read:

4 254.47 (1g) A campground permit is not required for camping at county or  
5 district fairs at which 4-H Club members exhibit, for the 4 days preceding the county  
6 or district fair, the duration of the county or district fair, and the 4 days following the  
7 county or district fair.”.

8 \*b1519/2.247\* 1566. Page 1038, line 9: after that line insert:

9 \*b1519/2.247\* “SECTION 3150e. 254.51 (2) of the statutes is amended to read:

10 254.51 (2) The department shall enter into memoranda of understanding with  
11 the department of agriculture, trade and consumer protection, the department of  
12 commerce, the department of environmental management, and the department of  
13 natural resources fish, wildlife, parks, and forestry regarding the investigation and  
14 control of animal-borne and vector-borne disease.

15 \*b1519/2.247\* SECTION 3150h. 254.52 (2) (intro.) of the statutes is amended  
16 to read:

17 254.52 (2) (intro.) The department, in consultation with the department of  
18 public instruction, the department of natural resources fish, wildlife, parks, and  
19 forestry and the department of agriculture, trade and consumer protection, shall do  
20 all of the following:”.

21 \*b1519/2.248\* 1567. Page 1043, line 12: after that line insert:

22 \*b1519/2.248\* “SECTION 3160k. Chapter 278 of the statutes is created to read:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CHAPTER 278**  
**DEPARTMENT OF**  
**ENVIRONMENTAL MANAGEMENT**  
**SUBCHAPTER I**  
**GENERAL**

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

(a) “Department” means the department of environmental management.

(b) “Secretary” means the secretary of environmental management.

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

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

STATE OF WISCONSIN

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

To all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the integrity and ability of ....., of the county of ....., we do hereby appoint and constitute .... an environmental warden (or special environmental warden) for the state of Wisconsin, and do authorize and empower .... to execute and fulfill the duties of that office according to law, during good behavior and the faithful performance of the duties of that office.

In testimony whereof, the secretary has hereunto affixed the secretary’s signature and the official seal of the department, at its office in the city of Madison, Wisconsin, this .... day of ....., .... (year)

1 (Seal)

STATE OF WISCONSIN

2 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

3 By .... ..

4 (4) The department shall furnish to each environmental warden at the time of  
5 the environmental warden's appointment, a pocket identification folder in form and  
6 substance as follows: A leather-covered folder, size when folded, 3 by 4 inches; on one  
7 of the inner sides thereof shall be securely fastened a photograph of the appointee  
8 to be furnished by the appointee, and partly on the photograph and partly on the  
9 margin of the folder shall be an impression of the seal of the department. The  
10 appointee shall also affix the appointee's signature below the photograph on such  
11 folder. On the other inner side of the folder shall be securely fastened a miniature  
12 true copy of the commission issued to the appointee, which shall be signed by the  
13 secretary. The appointee shall carry the identification folder on his or her person at  
14 all times that the appointee is on official duty, and the appointee shall on demand  
15 exhibit the folder to any person to whom the appointee may represent himself or  
16 herself as an environmental warden. The cost of the identification folder shall be  
17 charged to the department.

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

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

12           **(2) ADDITIONAL ARREST POWERS.** In addition to the arrest powers under sub. (1),  
13 an environmental warden who has completed a program of law enforcement training  
14 approved by the law enforcement standards board, has been certified as qualified to  
15 be a law enforcement officer under s. 165.85 (4) (b) 1., and has complied with any  
16 applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in uniform or  
17 on duty and upon display of proper credentials may assist another law enforcement  
18 agency, as defined in s. 165.83 (1) (b), including making an arrest at the request of  
19 the agency, may arrest a person pursuant to an arrest warrant concerning the  
20 commission of a felony, or may arrest a person who has committed a crime in the  
21 presence of the environmental warden. If the environmental warden makes an  
22 arrest without the presence of another law enforcement agency, the environmental  
23 warden shall cause the person arrested to be delivered to the chief of police or sheriff  
24 in the jurisdiction where the arrest is made, along with the documents and reports  
25 pertaining to the arrest. The environmental warden shall be available as a witness

1 for the state. An environmental warden may not conduct investigations for  
2 violations of state law except as authorized in sub. (3). An environmental warden  
3 acting under the authority of this subsection is considered an employee of the  
4 department and is subject to its direction, benefits and legal protection. The  
5 authority granted in this subsection does not apply to special environmental  
6 wardens.

7 (3) INVESTIGATIONS. The department and its environmental wardens shall,  
8 upon receiving notice or information of the violation of the laws enumerated in s.  
9 278.51 (1), as soon as possible make a thorough investigation and cause proceedings  
10 to be instituted if the evidence warrants it.

11 (4) SEIZURE. The department and its environmental wardens shall seize and  
12 hold, subject to the order of the court for the county in which the alleged offense was  
13 committed, any vehicle, boat, or object that they have probable cause to believe is  
14 being used in violation of s. 287.81. If it is proven that within 6 months previous to  
15 the seizure the vehicle, boat, or object was used in violation of s. 287.81, it shall be  
16 confiscated if the court directs in its order for judgment.

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

1 (b) Of the remittance from the sales of confiscated vehicles, boats, or objects,  
2 18% shall be paid into the general fund to reimburse it for expenses incurred in  
3 seizure and sale, and the remaining 82% shall be paid into the common school fund.

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

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

15 3. If the holder of a security interest in the confiscated motor vehicle, perfected  
16 by filing, proves to the court, or after judgment of confiscation, to the department,  
17 that the violation that led to the confiscation was not with the knowledge, consent,  
18 or connivance of the holder of the security interest or with that of some person  
19 employed or trusted by the holder of the security interest, the amount due under the  
20 security agreement, together with any other deductions authorized under par. (a),  
21 shall be deducted from the proceeds of the sale of the confiscated motor vehicle and  
22 the amount due shall be paid to the one entitled. If a sufficient amount does not  
23 remain for the full payment of the amount due under the security agreement after  
24 making the other deductions authorized under par. (a), the amount remaining shall  
25 be paid to the one entitled.

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

3 **278.12 Exemption from liability.** Members of the environmental  
4 management board, and each environmental warden, in the performance of official  
5 duties, are exempt from liability to any person for acts done or permitted or property  
6 destroyed by authority of law. No taxable costs or attorney fees shall be allowed to  
7 either party in an action against a member of the environmental management board  
8 or an environmental warden.

9 **278.13 Resisting an environmental warden.** Any person who assaults or  
10 otherwise resists or obstructs any environmental warden in the performance of duty  
11 is subject to the penalty specified in s. 939.51 (3) (a).

12 **278.14 False impersonation of environmental warden.** Any person who  
13 falsely represents himself or herself to be an environmental warden or who assumes  
14 to act as an environmental warden without having been first duly appointed is  
15 subject to the penalty specified in s. 939.51 (3) (a).

16 **278.16 Periodicals.** (1) PUBLICATION. The department may produce, issue,  
17 or reprint magazines or other periodicals, on a periodic basis as it determines,  
18 pertaining to environmental quality and other similar subjects of general  
19 information. The department may distribute its magazines and periodicals by  
20 subscription. The department shall charge a fee for any of its magazines or  
21 periodicals.

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

1           **(3) SUBSCRIBER LISTS.** The department may refuse to reveal names and  
2 addresses of persons on any magazine or periodical subscriber list. The department  
3 may charge a fee to recover the actual costs for providing or for the use of any  
4 magazine or periodical subscriber list. The department may not reveal names and  
5 addresses of persons as prohibited under s. 278.45 (4). No person who obtains or uses  
6 any magazine or periodical subscriber list from the department may refer to the  
7 department, the magazine, or the periodical as the source of names or addresses  
8 unless the person clearly states that the provision of, or permission to use, the  
9 subscriber list in no way indicates any of the following:

10           (a) The department's involvement or connection with the person or the person's  
11 activities.

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

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

18           **(5) USE OF MONEYS.** The department shall use the moneys collected under this  
19 section for the costs specified in sub. (4). If the moneys collected under this section  
20 exceed the amount necessary for the costs specified in sub. (4), the department shall  
21 use the excess for educational and informational activities concerning the  
22 environment.

23           **278.165 Promotional activities; other publications. (1) PUBLICATIONS.**  
24 The department may produce, issue, reprint, and sell publications not published on

1 a periodic basis that pertain to environmental quality and other similar subjects of  
2 general information.

3 (1m) PHOTOGRAPHS, SLIDES, VIDEOTAPES, ARTWORK. The department may  
4 produce, issue, reprint, and sell photographs, slides, videotapes, and artwork if they  
5 pertain to environmental quality and other similar subjects of general information.

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

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

13 (4) SUBSCRIBER LISTS. The department may refuse to reveal names and  
14 addresses of persons on any publication subscriber list. The department may not  
15 reveal names and addresses as prohibited under s. 278.45 (5). The department may  
16 charge a fee to recover the actual costs for providing or for the use of a publication  
17 subscriber list. No person who obtains or uses a publication subscriber list from the  
18 department may refer to the department or the publication as the source of names  
19 or addresses unless the person clearly states that the provision of, or permission to  
20 use, the subscriber list in no way indicates any of the following:

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

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

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

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

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

15           **278.322 Fees for computer accessible water resource management**  
16 **information.** The department may charge a fee for providing any information that  
17 it maintains in a format that may be accessed by computer concerning the waters of  
18 this state, including maps and other water resource management information.

19           **278.40 Environmental impact report and statement.** (1) DETERMINATION  
20 IF ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED. Any person who files an application  
21 for a permit, license, or approval granted or issued by the department, shall submit  
22 with the application a statement of the estimated cost of the project or proposed  
23 action for which the person seeks a permit, license, or approval. The department may  
24 seek such further information as it considers necessary to determine whether it must  
25 prepare an environmental impact statement under s. 1.11.

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

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

6           (b) The department shall indicate the estimated environmental impact  
7 statement fee.

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

11           (b) The amount of the environmental impact statement fee shall equal the full  
12 cost of the preparation of the environmental impact statement and the full cost of any  
13 preapplication services if the department enters into a preapplication service  
14 agreement. These costs shall include the cost of authorized consultant services and  
15 the costs of printing and postage.

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

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

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

1           (4) PREAPPLICATION SERVICE AGREEMENT. The department may enter into an  
2 agreement to provide preapplication services necessary to evaluate the  
3 environmental impact of a project or proposed activity, monitor major developments,  
4 and expedite the anticipated preparation of an environmental impact statement if  
5 the project or proposed activity is large, complex, or environmentally sensitive and  
6 if the person planning the project or proposed activity agrees in writing even though  
7 that person has not filed an application for any permit, license, or approval granted  
8 or issued by the department, and no environmental impact statement has been  
9 prepared. Preapplication services include preliminary environmental reviews, field  
10 studies and investigations, laboratory studies and investigations, and advisory  
11 services.

12           (5) AUTHORIZED ENVIRONMENTAL CONSULTANT SERVICES. The department may  
13 enter into contracts for environmental consultant services under s. 278.41 to assist  
14 in the preparation of an environmental impact statement or to provide  
15 preapplication services.

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

18           **278.41 Construction and service contracts. (1)** In this section:

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

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

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

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

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

10          (5) Each contract for construction work entered into by the department under  
11 this section shall be awarded on the basis of bids or competitive sealed proposals in  
12 accordance with procedures established by the department. Each contract for  
13 construction work shall be awarded to the lowest responsible bidder or the person  
14 submitting the most advantageous competitive sealed proposal as determined by the  
15 department. If the bid of the lowest responsible bidder or the proposal of the person  
16 submitting the most advantageous competitive sealed proposal is determined by the  
17 department to be in excess of the estimated reasonable value of the work or not in  
18 the public interest, the department may reject all bids or competitive sealed  
19 proposals. Every such contract is exempted from ss. 16.70 to 16.75, 16.755, 16.76,  
20 16.767 to 16.82, 16.855, 16.87, and 16.89, but ss. 16.528, 16.754, and 16.765 apply  
21 to the contract. Every such contract involving an expenditure of \$60,000 or more is  
22 not valid until the contract is approved by the governor.

23          (5m) If the governor or the governor's designee determines that it is in the best  
24 interest of this state, he or she may waive the requirement under sub. (5) for bids or  
25 competitive sealed proposals under any of the following circumstances:

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

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

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

10 **278.45 Nondisclosure of certain personal information.** (1) In this  
11 section:

12 (a) “Approval” means any type of approval or authorization issued by the  
13 department including a license, permit, or certificate.

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

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

18 (2) If a form that the department requires an individual to complete to obtain  
19 an approval or other privilege from the department or to obtain a product or service  
20 from the department requires the individual to provide any of the individual’s  
21 personal identifiers, the form shall include a place for the individual to declare that  
22 the individual’s personal identifiers obtained by the department from the  
23 information on the form may not be disclosed on any list that the department  
24 furnishes to another person.

1           (3) If the department requires an individual to provide, by telephone or other  
2 electronic means, any of the individual's personal identifiers to obtain an approval  
3 or other privilege from the department or to obtain a product or service from the  
4 department, the department shall ask the individual at the time that the individual  
5 provides the information if the individual wants to declare that the individual's  
6 personal identifiers obtained by telephone or other electronic means may not be  
7 disclosed on any list that the department furnishes to another person.

8           (4) The department shall provide to an individual upon request a form that  
9 includes a place for the individual to declare that the individual's personal identifiers  
10 obtained by the department may not be disclosed on any list that the department  
11 furnishes to another person.

12           (5) (a) The department may not disclose on any list that it furnishes to another  
13 person a personal identifier of any individual who has made a declaration under sub.  
14 (2), (3), or (4).

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

21           **278.49 Credit card use charges.** The department shall certify to the state  
22 treasurer the amount of charges associated with the use of credit cards that is  
23 assessed to the department on deposits accepted under s. 278.66 (1m) by  
24 environmental wardens, and the state treasurer shall pay the charges from moneys

1 received under s. 59.25 (3) (j) and (k) that are reserved for payment of the charges  
2 under s. 14.58 (21).

3 SUBCHAPTER II  
4 ENFORCEMENT OF CERTAIN  
5 ENVIRONMENTAL LAWS

6 **278.50 Words and phrases defined.** In ss. 278.50 to 278.90 the following  
7 words and phrases have the designated meanings unless the context clearly  
8 indicates a different meaning:

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

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

14 (2L) "Corporation" includes a limited liability company.

15 (2p) "Crime laboratories and drug law enforcement assessment" means the  
16 assessment imposed under s. 165.755.

17 (3) "Enforcing officer" means peace officer as defined by s. 939.22 (22), or a  
18 person who has authority to act pursuant to a specific statute.

19 (3c) "Environmental assessment" means the assessment imposed under s.  
20 299.93.

21 (3m) "Jail assessment" means the assessment imposed by s. 302.46 (1).

22 (6) "Penalty assessment" means the penalty assessment imposed by s. 757.05.

23 (7) "Summons" means an order to appear in court at a particular time and  
24 place.

1           **278.51 Procedure in forfeiture actions.** (1) The procedure in this  
2 subchapter applies to all actions in circuit court to recover forfeitures, penalty  
3 assessments, jail assessments, crime laboratories and drug law enforcement  
4 assessments, and applicable environmental assessments for violations of ss. 281.48  
5 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08, 287.81, and  
6 299.64 (2), subchs. I to III of ch. 30, and ch. 31, and any administrative rules  
7 promulgated thereunder, and for violations specified under s. 285.86.

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

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

12           **278.52 Two forms of action.** Actions under this subchapter may be  
13 commenced by a citation, or by a complaint and summons.

14           **278.53 Use of citation.** (1) If an action under this subchapter is commenced  
15 by a citation, the citation form under s. 278.54 shall be used, except that the uniform  
16 traffic citation created under s. 345.11 may be used by an officer of a law enforcement  
17 agency of a municipality or county or a traffic officer employed under s. 110.07 in  
18 enforcing s. 287.81.

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

22           **278.54 Citation form.** (1) The citation form for actions under this subchapter  
23 shall contain a complaint, a case history, and a report of court action on the case.

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

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

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

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

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

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

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

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

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

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

20           (i) Notice that if the defendant makes a deposit and fails to appear in court at  
21 the time fixed in the citation, the defendant will be considered to have tendered a plea  
22 of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment,  
23 a crime laboratories and drug law enforcement assessment, and any applicable  
24 environmental assessment, plus costs, including any applicable fees prescribed in

1 ch. 814, not to exceed the amount of the deposit. The notice shall also state that the  
2 court may decide to summon the defendant rather than accept the deposit and plea.

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

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

15 (L) Any other pertinent information.

16 **278.55 Complaint and summons forms. (1) COMPLAINT.** If an action under  
17 this subchapter is commenced by a complaint and summons, it must appear on the  
18 face of the complaint that there is probable cause to believe that a violation has been  
19 committed and that the defendant has committed it. The complaint shall accompany  
20 the summons and shall contain the information set forth in s. 278.54 (3) (a) to (d) and  
21 all of the following:

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

24 (b) A plain and concise statement of the violation identifying the event or  
25 occurrence from which the violation arose and showing that the plaintiff is entitled

1 to relief, the statute upon which the cause of action is based and a demand for a  
2 forfeiture, the amount of which may not exceed the maximum set by the statute  
3 involved, a penalty assessment, a jail assessment, a crime laboratories and drug law  
4 enforcement assessment, any applicable environmental assessment, and any other  
5 relief that is sought by the plaintiff.

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

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

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

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

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

18 **278.56 Arrest with a warrant. (1)** A person may be arrested for a violation  
19 specified in s. 278.51 (1) after a warrant that substantially complies with s. 968.04  
20 has been issued. Except as provided in sub. (2), the person arrested shall be brought  
21 without unreasonable delay before a court having jurisdiction to try the action.

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

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

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

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

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

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

12           **278.58 Temporary questioning without arrest.** After having identified  
13 himself or herself as an enforcing officer, an enforcing officer may stop a person in  
14 a public place for a reasonable period of time when the enforcing officer reasonably  
15 suspects that the person is committing, is about to commit, or has committed a  
16 violation specified in s. 278.51 (1). Such a stop may be made only where the enforcing  
17 officer has proper authority to make an arrest for the violation. The enforcing officer  
18 may demand the name and address of the person and an explanation of the person's  
19 conduct. The detention and temporary questioning shall be conducted in the vicinity  
20 where the person was stopped.

21           **278.59 Search during temporary questioning.** When an enforcing officer  
22 has stopped a person for temporary questioning under s. 278.58 and reasonably  
23 suspects that the enforcing officer or another is in danger of physical injury, the  
24 enforcing officer may search the person for weapons or any instrument, article, or  
25 substance readily capable of causing physical injury and of a sort not ordinarily

1 carried in public places by law abiding persons. If the enforcing officer finds such a  
2 weapon or instrument, or any other property possession of which he or she  
3 reasonably believes may constitute the commission of a violation specified in s.  
4 278.51 (1) or that may constitute a threat to his or her safety, the enforcing officer  
5 may take it and keep it until the completion of the questioning, at which time he or  
6 she shall return it, if lawfully possessed, arrest the person so questioned for  
7 possession of the weapon, instrument, article, or substance, if he or she has the  
8 authority to do so, or detain the person until a proper arrest can be made by  
9 appropriate authorities. Searches during temporary questioning as provided under  
10 this section may only be conducted by those enforcing officers who have the authority  
11 to make arrests for crimes.

12 **278.60 Search incident to the issuance of a lawfully issued citation.** If  
13 the enforcing officer has stopped a person to issue a citation under s. 278.62 and  
14 reasonably suspects that the enforcing officer or another is in danger of physical  
15 injury, the officer may search the person for weapons or any instrument, article, or  
16 substance readily capable of causing physical injury and of a sort not ordinarily  
17 carried in public places by law abiding persons. If the officer finds such a weapon or  
18 instrument, or any other property possession of which he or she reasonably believes  
19 may constitute the commission of a violation specified in s. 278.51 (1), or that may  
20 constitute a threat to his or her safety, the officer may take it and keep it until he or  
21 she has completed issuing the citation, at which time the officer shall return it, if  
22 lawfully possessed, arrest the person for possession of the weapon, instrument,  
23 article, or substance, if he or she has the authority to do so, or detain the person until  
24 a proper arrest can be made by appropriate authorities.

1           **278.61 Search and seizure; when authorized.** Under this subchapter, a  
2 search of a person, object, or place may be made and things may be seized when the  
3 search is made as follows:

4           (1) Incident to a lawful arrest.

5           (2) With consent.

6           (3) Pursuant to a valid search warrant.

7           (4) With the authority and within the scope of a right of lawful inspection.

8           (5) Incident to the issuance of a lawfully issued citation in accordance with s.  
9 278.60.

10          (6) During an authorized temporary questioning under s. 278.59.

11          (7) As otherwise authorized by law.

12           **278.62 Issuance of a citation.** (1) Whenever an enforcing officer has  
13 probable cause to believe that a person subject to his or her authority is committing  
14 or has committed a violation of those statutes specified in s. 278.51 (1), the officer  
15 may proceed in the following manner:

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

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

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

22           (2) A citation under this subchapter may be issued or served anywhere in the  
23 state by delivering a copy to the defendant personally, by leaving a copy at the  
24 defendant's usual place of abode with a person of discretion residing therein, or by

1 mailing a copy to the defendant's last-known address. The citation shall be issued  
2 or served by a law enforcement officer.

3 **278.63 Officer's action after issuance of citation.** (1) After an enforcing  
4 officer has issued a citation under this subchapter, the officer shall release the  
5 defendant if he or she makes a deposit under s. 278.66 or a deposit and stipulation  
6 of no contest under s. 278.67.

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

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

11 **278.64 Deposit after release.** A person who is released under s. 278.63 (2)  
12 may make a deposit any time prior to the court appearance date. The person shall  
13 make the deposit with the clerk of the circuit court of the county in which the  
14 violation occurred.

15 **278.65 Issuance of complaint and summons.** (1) When it appears to the  
16 district attorney that a violation specified in s. 278.51 (1) has been committed the  
17 district attorney may proceed by complaint and summons.

18 (2) The complaint shall be prepared in the form specified in s. 278.55. After  
19 a complaint is prepared, it shall be filed with the judge and a summons shall be  
20 issued or the complaint shall be dismissed pursuant to s. 968.03. The filing  
21 commences the action.

22 (3) If a district attorney refuses or is unavailable to issue a complaint, a circuit  
23 judge, after conducting a hearing, may permit the filing of a complaint if he or she  
24 finds there is probable cause to believe that the person charged has committed a

1 violation specified in s. 278.51 (1) or a rule promulgated thereunder. The district  
2 attorney shall be informed of the hearing and may attend.

3 **278.66 Deposit. (1)** If under the procedure in s. 278.62 a person is cited or  
4 arrested, the person may make a deposit as follows:

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

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

18 **(1m)** The enforcing officer or the person receiving the deposit may allow the  
19 alleged violator to submit a check, share draft, or other draft for the amount of the  
20 deposit or make the deposit by use of a credit card.

21 **(2)** The person receiving the deposit shall prepare a receipt in triplicate  
22 showing the purpose for which the deposit is made, stating that the defendant may  
23 inquire at the office of the clerk of circuit court regarding the disposition of the  
24 deposit, and notifying the defendant that if he or she fails to appear in court at the  
25 time fixed in the citation he or she will be considered to have tendered a plea of no

1 contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
2 crime laboratories and drug law enforcement assessment, and any applicable  
3 environmental assessment, plus costs, including any applicable fees prescribed in  
4 ch. 814, not to exceed the amount of the deposit that the court may accept. The  
5 original of the receipt shall be delivered to the defendant in person or by mail. If the  
6 defendant pays by check, share draft, or other draft, the check, share draft, or other  
7 draft or a microfilm copy of the check, share draft, or other draft shall be considered  
8 a receipt. If the defendant makes the deposit by use of a credit card, the credit charge  
9 receipt shall be considered a receipt.

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

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

20 **278.67 Deposit and stipulation of no contest.** (1) If under s. 278.62 a  
21 person is cited or arrested, the person may make a deposit and stipulation of no  
22 contest, and submit them in the same manner as the deposit in s. 278.66.

23 (2) The deposit and stipulation of no contest may be made at any time prior to  
24 the court appearance date. By signing the stipulation, the defendant is considered  
25 to have tendered a plea of no contest and submitted to a forfeiture, a penalty

1 assessment, a jail assessment, a crime laboratories and drug law enforcement  
2 assessment, and any applicable environmental assessment, plus costs, including  
3 any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.

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

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

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

20 **278.68 Pleading.** The citation or complaint issued under s. 278.62 or 278.65  
21 may serve as the initial pleading and is adequate process to give the appropriate  
22 court jurisdiction over the person upon the filing of the citation or complaint with the  
23 court.

24 **278.69 Motions.** In a case under this subchapter, any motion that is capable  
25 of determination without the trial of the general issue shall be made before trial.

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

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

8           **278.71 Not guilty plea; immediate trial.** Under this subchapter, if a  
9 defendant pleads not guilty, states that he or she waives the right to jury trial, and  
10 wishes an immediate trial and, if the state consents, the case may be tried  
11 immediately.

12           **278.72 Not guilty plea.** Under this subchapter, if a defendant pleads not  
13 guilty and the trial is not held under s. 278.71, the court shall set a date for trial or  
14 advise the defendant that he or she will be notified of the date set for trial. The  
15 defendant shall be released upon payment of a deposit as set forth in s. 278.66, or the  
16 court may release the defendant on his or her own recognizance. If a defendant fails  
17 to appear at the date set under this section, the court may issue a warrant under ch.  
18 968 and, if the defendant has posted a deposit for appearance at that date, the court  
19 may order the deposit forfeited.

20           **278.73 Discovery.** In a case under this subchapter, neither party is entitled  
21 to pretrial discovery except that if the defendant moves within 10 days after the  
22 alleged violation and shows cause therefor, the court may order that the defendant  
23 be allowed to inspect and test, under any conditions that the court prescribes, any  
24 devices used by the plaintiff to determine whether a violation has been committed  
25 and may inspect the reports of experts relating to those devices.

1           **278.74 Mode of trial.** In a case under this subchapter, all of the following  
2 apply:

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

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

7           **278.75 Proceedings in court.** In a case under this subchapter, all of the  
8 following apply:

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

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

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

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

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

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

18           (c) If the defendant has made a deposit and stipulation of no contest, the  
19 citation may serve as the initial pleading and the defendant shall be considered to  
20 have tendered a plea of no contest and submitted to a forfeiture, a penalty  
21 assessment, a jail assessment, a crime laboratories and drug law enforcement  
22 assessment, any applicable environmental assessment, plus any applicable fees  
23 prescribed in ch. 814, not exceeding the amount of the deposit. The court may either  
24 accept the plea of no contest and enter judgment accordingly, or reject the plea and  
25 issue a summons. If the defendant fails to appear in response to the summons, the

1 court shall issue an arrest warrant. After signing a stipulation of no contest, the  
2 defendant may, at any time prior to or at the time of the court appearance date, move  
3 the court for relief from the effect of the stipulation. The court may act on the motion,  
4 with or without notice, for cause shown by affidavit and upon just terms, and relieve  
5 the defendant from the stipulation and the effects of the stipulation. If the defendant  
6 is relieved from the stipulation of no contest, the court may order a citation or  
7 complaint to be filed and set the matter for trial. After trial the costs and fees shall  
8 be taxed as provided by law.

9 (4) If a citation or summons is issued to a defendant and he or she is unable  
10 to appear in court on the day specified, the defendant may enter a plea of not guilty  
11 by mailing to the judge at the address indicated on the citation or summons a letter  
12 stating that plea. The letter must show the defendant's return address. The letter  
13 may include a request for trial during normal daytime business hours. Upon receipt  
14 of the letter, the judge shall reply by letter to the defendant's address setting forth  
15 a time and place for trial, the time to be during normal business hours if so requested.  
16 The date of the trial shall be at least 10 days after the mailing by the judge. Nothing  
17 in this subsection forbids the setting of the trial at any time convenient to all parties  
18 concerned.

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

20 **278.76 Burden of proof.** In all actions under this subchapter, the state must  
21 convince the trier of fact to a reasonable certainty of every element of the offense by  
22 evidence that is clear, satisfactory, and convincing.

23 **278.77 Jury trial.** (1) If in an action under this subchapter either party files  
24 a written demand for a jury trial within 20 days after the court appearance date and  
25 immediately pays the fee prescribed in s. 814.61 (4), the court shall place the case on

1 the jury calendar. The number of jurors shall be determined under s. 756.06 (2) (b).  
2 If no party demands a trial by jury, the right to trial by jury is permanently waived.

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

5 **278.78 Verdict.** A verdict is an action under this subchapter is valid if agreed  
6 to by five-sixths of the jury. If a verdict relates to more than one count, it shall be  
7 valid as to any count if any five-sixths of the jury agree on that count. The form of  
8 the verdict shall be guilty or not guilty. The court shall state the amount of the  
9 forfeiture after a finding of guilty.

10 **278.79 Judgment.** In an action under this subchapter, all of the following  
11 apply:

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

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

22 (3) In addition to any monetary penalties, the court may order the defendant  
23 to perform or refrain from performing any acts that may be necessary to fully protect  
24 and effectuate the public interest. The court may order abatement of a nuisance,

1 restoration of a natural resource, or other appropriate action designed to eliminate  
2 or minimize any environmental damage caused by the defendant.

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

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

7 **278.795 Nonpayment of judgments.** If a defendant fails to timely pay a  
8 judgment entered under s. 278.75 (3) (a) 2. or 278.79, the court may issue an arrest  
9 warrant or a summons ordering the defendant to appear in court or both. If the  
10 defendant appears before the court pursuant to a warrant or summons or the  
11 defendant otherwise notifies the court that he or she is unable to pay the judgment,  
12 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, the  
13 court shall determine if the defendant is unable to pay the amount specified in the  
14 judgment for good cause or because of the defendant's indigence. If the court  
15 determines that the failure of the defendant to comply with the judgment is for good  
16 cause or because of the defendant's indigence, the court may order that the amount  
17 of the judgment be modified, suspended, or permanently stayed. If the defendant  
18 fails to appear before the court for a hearing under this subsection or if the court  
19 determines at the hearing that the failure of a defendant to pay the judgment is not  
20 for good cause or not because of the defendant's indigence, the court shall order one  
21 of the following:

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

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

1           **278.80 Judgment against a corporation or municipality.** In a case under  
2 this subchapter, all of the following apply:

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

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

11           **278.81 Effect of plea of no contest.** Forfeiture of deposit under s. 278.75 (3)  
12 (b), an accepted plea of no contest under s. 278.70, or a stipulation of no contest under  
13 s. 278.75 (3) (c) to a charge of violation is not admissible in evidence as an admission  
14 against interest in any action or proceeding arising out of the same occurrence.

15           **278.82 Fees.** Fees in forfeiture actions under this subchapter are prescribed  
16 in s. 814.63.

17           **278.83 Appeal.** In a case under this subchapter, all of the following apply:

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

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

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

1           **278.84 Forfeitures and assessments collected; to whom paid.** All  
2 moneys collected in favor of the state under this subchapter for forfeiture, penalty  
3 assessment, jail assessment, crime laboratories and drug law enforcement  
4 assessment, and applicable environmental assessment shall be paid by the officer  
5 who collects the moneys to the appropriate county treasurer within 20 days after its  
6 receipt by the officer. In case of any failure in the payment, the county treasurer may  
7 collect the payment from the officer by an action in the treasurer's name of office and  
8 upon the official bond of the officer, with interest at the rate of 12% per year from the  
9 time when it should have been paid.

10           **278.85 Statement to county board; payment to state.** Every county  
11 treasurer shall, on the first day of the annual meeting of the county board of  
12 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,  
13 jail assessments, crime laboratories and drug law enforcement assessments, and  
14 environmental assessments received under this subchapter during the previous  
15 year. The county clerk shall deduct all expenses incurred by the county in recovering  
16 those forfeitures, penalty assessments, crime laboratories and drug law enforcement  
17 assessments, and environmental assessments from the aggregate amount so  
18 received, and shall immediately certify the amount of clear proceeds of those  
19 forfeitures, penalty assessments, crime laboratories and drug law enforcement  
20 assessments, and environmental assessments to the county treasurer, who shall pay  
21 the proceeds to the state treasurer as provided in s. 59.25 (3). Jail assessments shall  
22 be treated separately as provided in s. 302.46.

23           **278.90 Place of trial.** In cases under this subchapter, all of the following  
24 apply:

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

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

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

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

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

15           **\*b1519/2.248\* SECTION 3160km.** 278.32 (2) (d) of the statutes, as affected by  
16 2001 Wisconsin Act ... (this act), is repealed.

17           **\*b1519/2.248\* SECTION 3160L.** 280.01 (1) of the statutes is amended to read:  
18 280.01 (1) “Department” means the department of ~~natural resources~~  
19 environmental management.

20           **\*b1519/2.248\* SECTION 3160n.** 281.01 (3) of the statutes is amended to read:  
21 281.01 (3) “Department” means the department of ~~natural resources~~  
22 environmental management.

23           **\*b1519/2.248\* SECTION 3160p.** 281.01 (12) of the statutes is amended to read:  
24 281.01 (12) “Secretary” means the secretary of ~~natural resources~~  
25 environmental management.

1           **\*b1519/2.248\* SECTION 3160q.** 281.15 (1) of the statutes is amended to read:

2           281.15 (1) The department, in consultation with the department of fish,  
3 wildlife, parks, and forestry, shall promulgate rules setting standards of water  
4 quality to be applicable to the waters of the state, recognizing that different  
5 standards may be required for different waters or portions thereof. Water quality  
6 standards shall consist of the designated uses of the waters or portions thereof and  
7 the water quality criteria for those waters based upon the designated use. Water  
8 quality standards shall protect the public interest, which include the protection of  
9 the public health and welfare and the present and prospective future use of such  
10 waters for public and private water systems, propagation of fish and aquatic life and  
11 wildlife, domestic and recreational purposes and agricultural, commercial,  
12 industrial and other legitimate uses. In all cases where the potential uses of water  
13 are in conflict, water quality standards shall be interpreted to protect the general  
14 public interest.

15           **\*b1519/2.248\* SECTION 3160r.** 281.16 (3) (a) (intro.) of the statutes is amended  
16 to read:

17           281.16 (3) (a) (intro.) The department of ~~natural resources~~ environmental  
18 management in consultation with the department of agriculture, trade and  
19 consumer protection, shall promulgate rules prescribing performance standards and  
20 prohibitions for agricultural facilities and agricultural practices that are nonpoint  
21 sources. The performance standards and prohibitions shall be designed to achieve  
22 water quality standards by limiting nonpoint source water pollution. At a minimum,  
23 the prohibitions shall include all of the following:

24           **\*b1519/2.248\* SECTION 3160s.** 281.16 (3) (b) of the statutes is amended to  
25 read:

1           281.16 (3) (b) The department of agriculture, trade and consumer protection,  
2 in consultation with the department of ~~natural resources~~ environmental  
3 management, shall promulgate rules prescribing conservation practices to  
4 implement the performance standards and prohibitions under par. (a) and specifying  
5 a process for the development and dissemination of technical standards to  
6 implement the performance standards and prohibitions under par. (a).

7           **\*b1519/2.248\* SECTION 3160t.** 281.16 (3) (e) of the statutes is amended to read:

8           281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
9 is in existence before October 14, 1997, may not be required by this state or a  
10 municipality to comply with the performance standards, prohibitions, conservation  
11 practices, or technical standards under this subsection unless cost-sharing is  
12 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
13 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), 92.15 (4),  
14 and 823.08 (3) (c) 2., the department of ~~natural resources~~ environmental  
15 management shall promulgate rules that specify criteria for determining whether  
16 cost-sharing is available under s. 281.65 and the department of agriculture, trade  
17 and consumer protection shall promulgate rules that specify criteria for determining  
18 whether cost-sharing is available under s. 92.14 or from any other source. The rules  
19 may not allow a determination that cost-sharing is available to meet local  
20 regulations under s. 92.07 (2), 92.105 (1), or 92.15 that are consistent with or that  
21 exceed the performance standards, prohibitions, conservation practices, or technical  
22 standards under this subsection unless the cost-sharing is at least 70% of the cost  
23 of compliance or is from 70% to 90% of the cost of compliance in cases of economic  
24 hardship, as defined in the rules.”.

1           **\*b1638/2.1\* 1568.** Page 1043, line 13: delete the material beginning with  
2 that line and ending with page 1045, line 2, and substitute:

3           **\*b1638/2.1\* “SECTION 3160tb.** 281.17 (1) of the statutes is amended to read:

4           281.17 (1) No wells shall may be constructed, installed, or operated to  
5 withdraw water from underground sources for any purpose where the capacity and  
6 rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day  
7 without first obtaining the approval of the department. If s. 281.35 applies to the  
8 proposed construction, the application shall comply with s. 281.35 (5) (a). If the  
9 department finds that the proposed withdrawal will adversely affect or reduce the  
10 availability of water to any public utility in furnishing water to or for the public or  
11 does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable,  
12 it shall either withhold its approval or grant a limited approval under which it  
13 imposes such conditions as to location, depth, pumping capacity, rate of flow, and  
14 ultimate use so that the water supply of any public utility engaged in furnishing  
15 water to or for the public will not be impaired, and the withdrawal will conform to  
16 the requirements of s. 281.35, if applicable. If the proposed withdrawal is for a  
17 purpose other than an agricultural purpose, and the department finds that the  
18 proposed withdrawal will adversely affect waters of the state, it may withhold its  
19 approval or grant a limited approval under which it imposes conditions that will  
20 protect the waters of the state. The department shall require each person issued an  
21 approval under this subsection to report that person’s volume and rate of  
22 withdrawal, as defined under s. 281.35 (1) (m), and that person’s volume and rate of  
23 water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times  
24 specified by the department. The department may issue general or special orders it

1 considers necessary to ensure prompt and effective administration of this  
2 subsection.”.

3 \*b1488/3.8\* **1569.** Page 1045, line 11: after that line insert:

4 \*b1488/3.8\* “SECTION 3161c. 281.36 (4) (e) (intro.) of the statutes, as created  
5 by 2001 Wisconsin Act 6, is amended to read:

6 281.36 (4) (e) (intro.) Construction or maintenance of farm roads, forest roads,  
7 or temporary mining roads that is performed in accordance with best management  
8 practices, ~~as determined by the department,~~ to ensure all of the following:

9 \*b1488/3.8\* SECTION 3161g. 281.36 (4) (e) 3. of the statutes, as created by 2001  
10 Wisconsin Act 6, is amended to read:

11 281.36 (4) (e) 3. That any adverse effect on the aquatic environment of the  
12 affected nonfederal wetland is minimized ~~to the degree required by the department.~~

13 \*b1488/3.8\* SECTION 3161j. 281.36 (6) (a) 1. of the statutes, as created by 2001  
14 Wisconsin Act 6, is amended to read:

15 281.36 (6) (a) 1. Make the rules ~~consistent with~~ identical to existing federal law.

16 \*b1488/3.8\* SECTION 3161m. 281.36 (6) (b) of the statutes, as created by 2001  
17 Wisconsin Act 6, is amended to read:

18 281.36 (6) (b) ~~Whenever an~~ Any additional federal law or interpretation is  
19 initially that is incorporated into the rules, the department may modify under this  
20 subsection shall be identical to the additional federal law or interpretation as it  
21 ~~determines is necessary, but the.~~ The department may not otherwise amend or  
22 modify any of the rules promulgated under this subsection.

23 \*b1488/3.8\* SECTION 3161p. 281.36 (8) (bn) 1. of the statutes, as created by  
24 2001 Wisconsin Act 6, is amended to read:

1           281.36 (8) (bn) 1. The department shall issue general water quality  
2           certifications that are ~~consistent with~~ identical to all of the general permits issued  
3           under 33 USC 1344 (e) that applied on January 8, 2001, to nonfederal wetlands  
4           located in this state.

5           **\*b1488/3.8\* SECTION 3161s.** 281.36 (8) (bn) 2. of the statutes, as created by  
6           2001 Wisconsin Act 6, is amended to read:

7           281.36 (8) (bn) 2. If a general permit as specified in subd. 1. is amended or  
8           modified after January 8, 2001, the department shall incorporate the amendments  
9           or modifications into the general water quality certification issued under subd. 1.  
10          and so that the general water quality certification continues to be identical to the  
11          general permit. The department may not otherwise amend or modify the general  
12          water quality certification.”.

13          **\*b1519/2.249\* 1570.** Page 1045, line 11: after that line insert:

14          **\*b1519/2.249\* “SECTION 3161c.** 281.17 (3) of the statutes is amended to read:

15          281.17 (3) The department shall promulgate rules establishing an examining  
16          program for the certification of operators of water systems, wastewater treatment  
17          plants, and septage servicing vehicles operated under a license issued under s.  
18          281.48 (3), setting such standards as the department finds necessary to accomplish  
19          the purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
20          continuing education. The department may charge applicants a fee for certification.  
21          All moneys collected under this subsection for the certification of operators of water  
22          systems, wastewater treatment plants, and septage servicing vehicles shall be  
23          credited to the appropriation under s. ~~20.370~~ 20.375 (4) (bL). No person may operate  
24          a water ~~systems~~ system, wastewater treatment plant, or septage servicing vehicle

1 without a valid certificate issued under this subsection. The department may  
2 suspend or revoke a certificate issued under this subsection for a violation of any  
3 statute or rule relating to the operation of a water system or wastewater treatment  
4 plant or to septage servicing, for failure to fulfill the continuing education  
5 requirements, or as provided under s. 145.245 (3). The owner of any wastewater  
6 treatment plant shall be, or shall employ, an operator certified under this subsection  
7 who shall be responsible for plant operations, unless the department by rule provides  
8 otherwise. In this subsection, “wastewater treatment plant” means a system or plant  
9 used to treat industrial wastewater, domestic wastewater, or any combination of  
10 industrial wastewater and domestic wastewater.

11 **\*b1519/2.249\* SECTION 3161f.** 281.33 (2) of the statutes is amended to read:

12 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in  
13 consultation with the department of commerce, shall promulgate by rule a state  
14 storm water management plan. This state plan is applicable to activities contracted  
15 for or conducted by any agency, as defined under s. 227.01 (1), but also including the  
16 office of district attorney, unless that agency enters into a memorandum of  
17 understanding with the department of natural resources in which that agency  
18 agrees to regulate activities related to storm water management. The department  
19 shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm  
20 water management and make recommendations to these agencies concerning  
21 activities related to storm water management.

22 **\*b1519/2.249\* SECTION 3161k.** 281.35 (8) (intro.) of the statutes is amended  
23 to read:

24 281.35 (8) PREPARATION OF WATER QUANTITY RESOURCES PLAN. (intro.) The  
25 ~~natural resources board~~ department shall, ~~before August 1, 1988~~ in consultation

1 with the department of fish, wildlife, parks, and forestry, adopt and submit to the  
2 chief clerk of each house of the legislature, for distribution to the legislature under  
3 s. 13.172 (2), a long-term state water quantity resources plan for the protection,  
4 conservation, and management of the waters of the state. The plan shall include, but  
5 need not be limited to, the following:

6 **\*b1519/2.249\* SECTION 3161L.** 281.37 (1) (a) 3. of the statutes, as affected by  
7 2001 Wisconsin Act 6, is amended to read:

8 281.37 (1) (a) 3. A wild and scenic river designated under 16 USC 1271 to 1287,  
9 a wild river designated under s. ~~30.26~~ 23.43, the Lower Wisconsin State Riverway  
10 or a scenic urban waterway designated under s. ~~30.275~~ 23.434.

11 **\*b1519/2.249\* SECTION 3161p.** 281.43 (1) of the statutes is amended to read:

12 281.43 (1) The department of ~~natural resources~~ may require the sewerage  
13 system, or sewage or refuse disposal plant of any governmental unit including any  
14 town, village, or city, to be so planned and constructed that it may be connected with  
15 that of any other town, village, or city, and may, after hearing, upon due notice to the  
16 governmental units order the proper connections to be made or a group of  
17 governmental units including cities, villages, town sanitary districts, or town utility  
18 districts may construct and operate a joint sewerage system under this statute  
19 without being so required by order of the department of ~~natural resources~~ but  
20 following hearing and approval of the department.

21 **\*b1519/2.249\* SECTION 3161s.** 281.48 (5s) of the statutes is amended to read:

22 281.48 (5s) (a) The department may follow the procedures for the issuance of  
23 a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for a violation  
24 of subs. (2) to (5).