

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

5 *b1519/2.249* SECTION 3161w. 281.55 (2) of the statutes is amended to read:

6 281.55 (2) In order that the construction of pollution prevention and abatement
7 facilities necessary to the protection of state waters be encouraged, a state program
8 of assistance to municipalities and school districts for the financing of such facilities
9 is established and a program of state advances in anticipation of federal aid
10 reimbursement is established to meet the state's water quality standards. These
11 state programs shall be administered by the department of ~~natural resources~~ and the
12 department shall make such rules as are necessary for the proper execution of the
13 state program.

14 *b1519/2.249* SECTION 3161y. 281.55 (6) (b) 1. of the statutes is amended to
15 read:

16 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
17 in conjunction with the state program of advancement in anticipation of federal
18 reimbursement under sub. (2). To provide for the financing of pollution prevention
19 and abatement facilities, the ~~natural resources board~~ department, with the approval
20 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt
21 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
22 shall be contracted for in the manner and form as the legislature hereafter
23 prescribes.

24 *b1519/2.249* SECTION 3162v. 281.58 (9) (ae) of the statutes is amended to
25 read:

1 281.58 (9) (ae) A municipality that submits an application under par. (a)
2 without design plans and specifications may obtain an initial determination of
3 financial eligibility from the department of administration. The department of
4 ~~natural resources~~ environmental management may not approve a municipality's
5 application until the municipality submits approvable design plans and
6 specifications.”.

7 ***b1639/2.2* 1571.** Page 1045, line 11: after that line insert:

8 ***b1639/2.2* “SECTION 3161u.** 281.57 (10e) of the statutes is created to read:
9 281.57 (10e) LOAN FOR WATER TOWER IN THE VILLAGE OF ATHENS.
10 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,
11 the department shall provide a loan of \$320,000 to the village of Athens for
12 construction of a water tower and related costs, if the village applies for a loan. The
13 department may not charge any interest on the loan.

14 ***b1639/2.2* SECTION 3161uc.** 281.57 (10f) of the statutes is created to read:
15 281.57 (10f) LOAN FOR WATER TOWER IN THE VILLAGE OF WESTON.
16 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,
17 the department shall provide a loan of \$400,000 to the village of Weston for
18 construction of a water tower and related costs, if the village applies for a loan. The
19 department may not charge any interest on the loan.”.

20 ***b1519/2.250* 1572.** Page 1045, line 24: after that line insert:

21 ***b1519/2.250* “SECTION 3163b.** 281.58 (9) (e) of the statutes, as affected by
22 2001 Wisconsin Act (this act), is amended to read:

23 281.58 (9) (e) If the department of ~~natural resources~~ environmental
24 management and the department of administration determine that the governor's

1 recommendation, as set forth in the executive budget bill, for the amount under s.
2 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc) or the amount available
3 under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for all projects
4 for which applications will be approved during that biennium, the department shall
5 inform municipalities that, if the governor's recommendations are approved, clean
6 water fund program assistance during a fiscal year of that biennium will only be
7 available to municipalities that submit financial assistance applications by the June
8 30 preceding that fiscal year.”

9 *b1519/2.251* **1573.** Page 1046, line 8: after that line insert:

10 *b1519/2.251* “**SECTION 3164b.** 281.58 (9m) (f) (intro.) of the statutes is
11 amended to read:

12 281.58 (9m) (f) (intro.) If the department of ~~natural resources~~ environmental
13 management and the department of administration determines that the amount
14 approved under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc) or the
15 amount available under s. 281.59 (4) (f) for a biennium is insufficient to provide
16 funding for all projects for which applications will be approved during that biennium,
17 all of the following apply:

18 *b1519/2.251* **SECTION 3164g.** 281.58 (11) (b) of the statutes is amended to
19 read:

20 281.58 (11) (b) For municipalities meeting the financial hardship assistance
21 requirements under sub. (13), the department of ~~natural resources~~ environmental
22 management may approve financial hardship assistance.”

23 *b1519/2.252* **1574.** Page 1047, line 11: after that line insert:

1 ***b1519/2.252*** **SECTION 3168g.** 281.59 (11) (a) of the statutes is amended to
2 read:

3 281.59 (11) (a) The department of ~~natural resources~~ environmental
4 management and the department of administration may enter into a financial
5 assistance agreement with an applicant for which the department of administration
6 has allocated subsidy under s. 281.58 (9m), 281.60 (8), or 281.61 (8) if the applicant
7 meets the conditions under sub. (9) and the other requirements under this section
8 and s. 281.58, 281.60, or 281.61.

9 ***b1519/2.252*** **SECTION 3168h.** 281.59 (11) (c) of the statutes is amended to
10 read:

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

17 ***b1519/2.252*** **SECTION 3168j.** 281.59 (12) of the statutes is amended to read:

18 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
19 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or
20 purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
21 department of administration and the department of ~~natural resources~~
22 environmental management approve the financial assistance under this section and
23 s. 281.58.”.

24 ***b1519/2.253*** **1575.** Page 1049, line 2: after that line insert:

1 ***b1519/2.253*** “SECTION 3170g. 281.625 (4) of the statutes is amended to read:
2 281.625 (4) With the approval of the department of administration, the
3 department of ~~natural resources~~ environmental management may transfer funds
4 from the appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin
5 drinking water reserve fund under s. 234.933 to guarantee loans under s. 234.86.

6 ***b1519/2.253*** SECTION 3170t. 281.65 (3) (at) of the statutes is amended to
7 read:

8 281.65 (3) (at) Review rules drafted under this section and make
9 recommendations regarding the rules before final approval of the rules by the
10 ~~natural resources~~ environmental management board.”

11 ***b1635/2.1* 1576.** Page 1049, line 20: after that line insert:

12 ***b1635/2.1*** “SECTION 3173j. 281.65 (4e) of the statutes is created to read:

13 281.65 (4e) If the department issues a notice of discharge under ch. 283 to an
14 animal feeding operation, the department shall provide a cost-sharing grant for the
15 costs of measures needed to correct the unacceptable practices identified in the notice
16 of discharge. Notwithstanding sub. (8) (f), the department may provide a
17 cost-sharing grant under this subsection that exceeds 70% of the cost of the
18 corrective measures in cases of economic hardship, as defined by the department by
19 rule. If the department provides funds for a cost-sharing grant under this subsection
20 from the appropriation account under s. 20.866 (2) (te), the department shall pay the
21 grant to another governmental unit. If the department provides funds for a
22 cost-sharing grant under this subsection from the appropriation account under s.
23 20.370 (6) (aa), (ag), or (aq), the department may pay the funds to the landowner or
24 operator or to another governmental unit.”

1 ***b1519/2.254* 1577.** Page 1050, line 3: after that line insert:

2 ***b1519/2.254*** “SECTION 3174b. 281.65 (4g) of the statutes, as affected by 2001
3 Wisconsin Act (this act), is amended to read:

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

11 ***b1519/2.254* SECTION 3174n.** 281.65 (4m) (c) of the statutes is amended to
12 read:

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

22 ***b1519/2.255* 1578.** Page 1050, line 14: after that line insert:

23 ***b1519/2.255*** “SECTION 3176g. 281.65 (7) (b) of the statutes is amended to
24 read:

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1 281.65 (7) (b) The owner or operator of a site designated as a critical site in a
2 priority watershed or priority lake plan under sub. (5m) or in a modification to such
3 a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review
4 of the decision of a county land conservation committee under par. (a) 2. by filing a
5 written request with the land and water conservation board within 60 days after
6 receiving the decision of the county land conservation committee.”.

7 ***b1636/1.1* 1579.** Page 1050, line 17: substitute “2005” for “2006”.

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8 ***b1636/1.2* 1580.** Page 1051, line 4: substitute “2005” for “2006”.

9 ***b1648/1.1* 1581.** Page 1054, line 12: after that line insert:

10 ***b1648/1.1* “SECTION 3200m.** 281.69 (1b) (bn) of the statutes is created to
11 read:

12 281.69 (1b) (bn) “Nonprofit conservation organization” has the meaning given
13 in s. 23.0955 (1).”.

14 ***b1519/2.256* 1582.** Page 1054, line 17: after that line insert:

15 ***b1519/2.256* “SECTION 3202b.** 281.69 (1b) (d) of the statutes, as created by
16 2001 Wisconsin Act (this act), is amended to read:

17 281.69 (1b) (d) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).”.

18 ***b1648/1.2* 1583.** Page 1054, line 20: delete “as defined in s. 23.0955 (1),”
19 and substitute “~~as defined in s. 23.0955 (1),~~”.

20 ***b1519/2.257* 1584.** Page 1055, line 6: after that line insert:

21 ***b1519/2.257* “SECTION 3207g.** 281.695 (5) of the statutes is amended to read:

22 281.695 (5) Any municipality may participate in the state financial assistance
23 program for soil and water resources protection established under s. 281.55, 281.57,
24 or 281.65 and may enter into agreements with the department of ~~natural resources~~

1 environmental management for that purpose. Any municipality may participate in
2 the clean water fund program under ss. 281.58 and 281.59 and may enter into
3 agreements with the department of administration and the department of ~~natural~~
4 ~~resources~~ environmental management for that purpose. Any county may participate
5 in the state financial assistance program for soil and water resources protection
6 established under s. 92.14 and may enter into agreements with the department of
7 agriculture, trade and consumer protection for that purpose.

8 *b1519/2.257* SECTION 3207h. 281.695 (6) of the statutes is amended to read:

9 281.695 (6) Any municipality is authorized to enter into contracts with a
10 nonprofit-sharing corporation for the municipality to design and construct the
11 projects it will sublease from the department of ~~natural resources~~ environmental
12 management pursuant to s. 281.55 (6) (b).”.

13 *b1648/1.3* 1585. Page 1055, line 6: after that line insert:

14 *b1648/1.3* SECTION 3206m. 281.69 (3) (b) 5. of the statutes is created to read:

15 281.69 (3) (b) 5. A wetland enhancement or restoration project under sub. (3m).

16 *b1648/1.3* SECTION 3206r. 281.69 (3m) of the statutes is created to read:

17 281.69 (3m) GRANTS FOR WETLANDS. (a) The department shall provide grants
18 of \$10,000 each from the appropriation under s. 20.370 (6) (ar) for lake management
19 projects to eligible recipients, other than nonprofit conservation organizations, that
20 have completed a comprehensive land use plan that includes a wetland
21 enhancement or restoration project. The grant shall be used for the implementation
22 of the wetland enhancement or restoration project. The 75% limitation under s.
23 281.69 (2) (a) does not apply to these grants.

1 (b) The department shall provide up to 25 grants per fiscal year during fiscal
2 years 2001–02 and 2002–03. The department shall award the grants to eligible
3 recipients who qualify for the grants in the order in which the grant applications are
4 received by the department.

5 (c) If the project site is located within a drainage district, or near to a drainage
6 district which will be affected by the project, the application must be approved by the
7 drainage district board for that district.”.

8 *b1519/2.258* **1586.** Page 1055, line 8: after that line insert:

9 *b1519/2.258* “**SECTION 3208d.** 281.75 (5) (f) of the statutes is amended to
10 read:

11 281.75 (5) (f) The department shall allocate money for the payment of claims
12 according to the order in which completed claims are received. The department may
13 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~
14 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money
15 for the payment of a claim which is conditionally approved as soon as funds become
16 available.

17 *b1519/2.258* **SECTION 3208g.** 281.85 (intro.) of the statutes is amended to
18 read:

19 **281.85 Great Lakes protection fund share.** (intro.) The department may
20 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the
21 following purposes:

22 *b1519/2.258* **SECTION 3208k.** 281.96 of the statutes is amended to read:

23 **281.96 Visitorial powers of department.** Every owner of an industrial
24 establishment shall furnish to the department all information required by it in the

1 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any member of
2 the ~~natural resources~~ environmental management board or any employee of the
3 department may enter any industrial establishment for the purpose of collecting
4 such information, and no owner of an industrial establishment shall refuse to admit
5 such member or employee. The department shall make such inspections at frequent
6 intervals. The secretary and all members of the board shall have power for all
7 purposes falling within the department's jurisdiction to administer oaths, issue
8 subpoenas, compel the attendance of witnesses and the production of necessary or
9 essential data.

10 *b1519/2.258* SECTION 3208r. 283.001 (2) of the statutes is amended to read:

11 283.001 (2) The purpose of this chapter is to grant to the department of ~~natural~~
12 ~~resources~~ all authority necessary to establish, administer, and maintain a state
13 pollutant discharge elimination system to effectuate the policy set forth under sub.
14 (1) and consistent with all the requirements of the federal water pollution control act
15 amendments of 1972, P.L. 92-500; 86 Stat. 816.

16 *b1519/2.258* SECTION 3208t. 283.01 (3) of the statutes is amended to read:

17 283.01 (3) "Department" means the department of ~~natural resources~~
18 environmental management.

19 *b1519/2.258* SECTION 3208v. 283.01 (16) of the statutes is amended to read:

20 283.01 (16) "Secretary" means the secretary of ~~natural resources~~
21 environmental management or his or her designee."

22 *b1637/2.1* 1587. Page 1055, line 8: after that line insert:

23 *b1637/2.1* "SECTION 3210s. 283.31 (4m) of the statutes is created to read:

1 283.31 (4m) The department may not, in the permit for a publicly owned
2 treatment work, authorize the discharge of untreated wastewater resulting from a
3 temporary power interruption.”.

4 ***b1519/2.259* 1588.** Page 1056, line 22: after that line insert:

5 ***b1519/2.259*** “SECTION 3217d. 283.33 (9) (c) of the statutes is amended to
6 read:

7 283.33 (9) (c) All moneys collected under par. (a) shall be credited to the
8 appropriation under s. ~~20.370~~ 20.375 (4) (bj).”.

9 ***b1519/2.260* 1589.** Page 1057, line 2: after that line insert:

10 ***b1519/2.260*** “SECTION 3218n. 283.87 (1) of the statutes is amended to read:

11 283.87 (1) DEPARTMENT MAY RECOVER COSTS. In an action against any person who
12 violates this chapter or any provision of s. ~~29.601~~ or ~~chs. 30, subchs. I to III of ch. 30~~
13 or ~~chs. 31, 281, 285 or 289 to 299~~, except s. 281.48, relating to water quality the
14 department may recover the cost of removing, terminating or remedying the adverse
15 effects upon the water environment resulting from the unlawful discharge or deposit
16 of pollutants into the waters of the state, including the cost of replacing fish or other
17 wildlife destroyed by the discharge or deposit. All moneys recovered under this
18 section shall be deposited into the environmental fund.”.

19 ***b1637/2.2* 1590.** Page 1057, line 2: after that line insert:

20 ***b1637/2.2*** “SECTION 3218m. 283.86 of the statutes is created to read:

21 **283.86 Certain discharges prohibited.** No owner or operator of a publicly
22 owned treatment work may intentionally discharge untreated wastewater unless all
23 of the following apply:

24 (1) The discharge does not cause any effluent limitation to be exceeded.

1 (2) The discharge is necessary to prevent personal injury, loss of life, or severe
2 property damage.

3 (3) There is no feasible alternative to the discharge.

4 (4) The owner or operator provides any required notification of the discharge.”.

5 ***b1281/1.4* 1591.** Page 1057, line 7: after that line insert:

6 ***b1281/1.4* SECTION 3219L.** 285.30 (5) (c) of the statutes is amended to read:

7 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
8 that a motor vehicle owned by the United States is not exempt unless it comes under
9 par. (a), (b), (d), (e), (f), (g) ~~or~~, (h), or (j).

10 ***b1281/1.4* SECTION 3219v.** 285.30 (5) (j) of the statutes is created to read:

11 285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).”.

12 ***b1466/1.1* 1592.** Page 1057, line 7: after that line insert:

13 ***b1466/1.1* SECTION 3219u.** 285.18 of the statutes is created to read:

14 **285.18 Air quality testing.** The department may not operate an air quality
15 testing facility within one mile of Lake Michigan.”.

16 ***b1519/2.261* 1593.** Page 1057, line 7: after that line insert:

17 ***b1519/2.261* SECTION 3219b.** 283.89 (2m) of the statutes, as created by 2001
18 Wisconsin Act ... (this act), is amended to read:

19 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
20 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a
21 citation and, if the department does issue a citation, and the procedures in ss. ~~23.50~~
22 ~~to 23.99~~ 278.50 to 278.90 apply.

23 ***b1519/2.261* SECTION 3219e.** 285.01 (13) of the statutes is amended to read:

1 285.01 (13) “Department” means the department of ~~natural resources~~
2 environmental management.

3 ***b1519/2.261* SECTION 3219g.** 285.01 (38) of the statutes is amended to read:

4 285.01 (38) “Secretary” means the secretary of ~~natural resources~~
5 environmental management.

6 ***b1519/2.261* SECTION 3219k.** 285.11 (6) (intro.) of the statutes is amended
7 to read:

8 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for
9 the prevention, abatement, and control of air pollution in this state. The department
10 thereafter shall be responsible for the revision and implementation of the plans. The
11 rules or control strategies submitted to the federal environmental protection agency
12 under the federal ~~clean air act~~ Clean Air Act for control of atmospheric ozone shall
13 conform with the federal ~~clean air act~~ Clean Air Act unless, based on the
14 recommendation of the ~~natural resources~~ environmental management board or the
15 head of the department, as defined in s. 15.01 (8), of any other department, as defined
16 in s. 15.01 (5), that promulgates a rule or establishes a control strategy, the governor
17 determines that measures beyond those required by the federal ~~clean air act~~ Clean
18 Air Act meet any of the following criteria:

19 ***b1519/2.261* SECTION 3219p.** 285.48 (2) of the statutes is amended to read:

20 285.48 (2) APPLICABILITY. This section applies if the department of ~~natural~~
21 ~~resources~~ environmental management, pursuant to a call, issues a state
22 implementation plan that requires electric generating facilities in the midcontinent
23 area of this state to comply with nitrogen oxide emission reduction requirements.
24 If the department of ~~natural resources~~ environmental management issues such a
25 plan, the department of ~~natural resources~~ environmental management shall notify

1 the department of administration and the public service commission. The notice
2 shall specify the date on which electric generating facilities in the midcontinent area
3 of this state are required to comply with the initial nitrogen oxide emission reduction
4 requirements.

5 ***b1519/2.261* SECTION 3210q.** 285.48 (3) (d) (intro.) of the statutes is
6 amended to read:

7 285.48 (3) (d) (intro.) If the department of ~~natural resources~~ environmental
8 management implements a state implementation plan specified in sub. (2) in a
9 manner that requires reductions in nitrogen oxide emissions that are lower than the
10 reductions set forth in the call published on October 27, 1998, the department of
11 ~~natural resources~~ environmental management shall do each of the following:

12 ***b1519/2.261* SECTION 3219t.** 285.57 (4) of the statutes is amended to read:

13 285.57 (4) CITATIONS. The department may follow the procedures for the
14 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
15 for a violation of sub. (2).”.

16 ***b1519/2.262* 1594.** Page 1057, line 16: after that line insert:

17 ***b1519/2.262* “SECTION 3220g.** 285.59 (7) of the statutes is amended to read:

18 285.59 (7) CITATIONS. The department may follow the procedures for the
19 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
20 for a violation of sub. (2), (3) (c) or (4).”.

21 ***b1632/1.1* 1595.** Page 1057, line 16: after that line insert:

22 ***b1632/1.1* “SECTION 3221.** 285.60 (2m) of the statutes is created to read:

23 285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,
24 specify types of stationary sources that may obtain general construction permits. A

1 general construction permit may cover numerous similar stationary sources. A
2 general construction permit shall require any stationary source that is covered by
3 the general construction permit to comply with ss. 285.61 to 285.69. The department
4 shall issue a general construction permit using the procedures and criteria in ss.
5 285.61, 285.63, 285.65, 285.66, and 285.69.”.

6 *b1519/2.263* **1596.** Page 1057, line 21: after that line insert:

7 *b1519/2.263* “SECTION 3222c. 285.69 (2) (c) (intro.) of the statutes is
8 amended to read:

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

12 *b1519/2.263* SECTION 3222e. 285.69 (3) of the statutes is amended to read:

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

20 *b1519/2.263* SECTION 3222g. 285.69 (7) of the statutes is amended to read:

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

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

3 ***b1519/2.263* SECTION 3222k.** 285.85 (1) of the statutes is amended to read:

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

13 ***b1519/2.263* SECTION 3222n.** 285.86 (1) of the statutes is amended to read:

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

17 ***b1519/2.263* SECTION 3222t.** 287.01 (1) of the statutes is amended to read:

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

20 ***b1627/3.1* 1597.** Page 1057, line 21: after that line insert:

21 ***b1627/3.1* "SECTION 3222d.** 287.09 (2) (a) of the statutes is amended to read:

22 287.09 (2) (a) Develop and implement a recycling or other program to manage
23 the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~

1 and (2), with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4),
2 and with the priorities under s. 287.05 (12).

3 ***b1627/3.1* SECTION 3222g.** 287.11 (2) (a) of the statutes is amended to read:
4 287.11 (2) (a) A public education component to inform residents of the region
5 of the reasons to recycle, local opportunities to recycle and the ~~prohibitions in s.~~
6 ~~287.07 (3) and (4) materials that residents are required to recycle under the program~~
7 under par. (b).

8 ***b1627/3.1* SECTION 3222h.** 287.11 (2) (b) of the statutes is renumbered
9 287.11 (2) (b) 1.

10 ***b1627/3.1* SECTION 3222i.** 287.11 (2) (b) (intro.) of the statutes is created to
11 read:

12 287.11 (2) (b) (intro.) One of the following:

13 ***b1627/3.1* SECTION 3222j.** 287.11 (2) (b) 2. of the statutes is created to read:
14 287.11 (2) (b) 2. A program that the department determines complies with the
15 rules promulgated under sub. (4).

16 ***b1627/3.1* SECTION 3222k.** 287.11 (2) (cr) of the statutes is amended to read:
17 287.11 (2) (er) A prohibition on disposing of in a solid waste disposal facility or
18 burning in a solid waste treatment facility any material ~~identified under s. 287.07~~
19 ~~(3) and (4) that is required to be separated for recycling under the program under par.~~
20 (b) and that is separated for recycling as part of the program.

21 ***b1627/3.1* SECTION 3222L.** 287.11 (2) (i) of the statutes is amended to read:
22 287.11 (2) (i) A reasonable effort, through the implementation of pars. (a) to (h),
23 as applicable, to reduce to the maximum extent feasible the amount, by weight, of
24 each material ~~specified in s. 287.07 (3) and (4) of a type that is recycled in the program~~
25 under par. (b) that is generated as solid waste within the region and disposed of in

1 a solid waste disposal facility or converted into fuel or burned without energy
2 recovery in a solid waste treatment facility.

3 *b1627/3.1* SECTION 3222m. 287.11 (4) of the statutes is created to read:

4 287.11 (4) ALTERNATE METHOD OF COMPLIANCE. The department shall
5 promulgate rules that do all of the following:

6 (a) Set goals for amounts of materials to be recycled as a percentage of solid
7 waste generated in the geographic area served by a responsible unit.

8 (b) Include a list of recyclable materials, including the materials identified
9 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection
10 to require to be separated for recycling under its recycling program.

11 (c) Specify a procedure for a responsible unit to identify the materials that it
12 will require to be separated for recycling under its recycling program.

13 (d) Specify a procedure to be used by the department to determine whether a
14 responsible unit has achieved the goals under par. (a).

15 *b1627/3.1* SECTION 3222p. 287.23 (2) of the statutes is amended to read:

16 287.23 (2) DEPARTMENT POWERS AND DUTIES. The department shall develop,
17 implement and administer a program to provide financial assistance to responsible
18 units. The department shall develop criteria for reporting on and evaluating the
19 program. Each year the department shall audit review at least 5% of the recipients
20 of grants in the previous year to ensure that the recycling programs and activities
21 funded by grants under this section meet the requirements of this section of the
22 recipients are effective recycling programs.

23 *b1627/3.1* SECTION 3222q. 287.23 (3) (am) (intro.) and 1. of the statutes are
24 consolidated, renumbered 287.23 (3) (am) and amended to read:

1 287.23 (3) (am) The department may withhold all or a portion of the assistance
2 for a responsible unit for one year if the department determines any of the following:
3 ~~1. That that~~ the responsible unit has not maintained an effective recycling program
4 following approval of the recycling program under s. 287.11.

5 ***b1627/3.1* SECTION 3222r.** 287.23 (3) (am) 2. of the statutes is repealed.

6 ***b1627/3.1* SECTION 3222s.** 287.23 (3) (b) of the statutes is repealed.

7 ***b1627/3.1* SECTION 3223b.** 287.23 (4) (intro.) of the statutes is amended to
8 read:

9 287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under
10 the program shall submit an application to the department. ~~To qualify for a full~~
11 ~~grant, the responsible unit must submit the application no later than October 1 in~~
12 ~~the year preceding the year for which the assistance is sought. For the purpose of~~
13 ~~this subsection and sub. (5p), if an application is postmarked, it is considered to be~~
14 ~~submitted on the date that it is postmarked. An application shall include all of the~~
15 following:

16 ***b1627/3.1* SECTION 3323p.** 287.23 (5) (intro.) of the statutes is amended to
17 read:

18 287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) For years before 2000,
19 the department shall award a grant under this subsection to each eligible
20 responsible unit that submits a complete grant application under sub. (4) for
21 expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ Except as provided under
22 ~~s. 287.23 (5p), 1999 stats., or sub. (5m) or (5p),~~ the amount of the grant under this
23 subsection shall be determined as follows:".

24 ***b1627/3.2* 1598.** Page 1058, line 2: after that line insert:

1 ***b1627/3.2*** “SECTION 3225e. 287.23 (5b) (intro.) of the statutes is amended to
2 read:

3 287.23 (5b) GRANT AWARD FOR 2000 AND 2001. (intro.) ~~The For grants for 2000 and~~
4 2001, the department shall award a grant under this subsection to each eligible
5 responsible unit that submits a complete grant application under sub. (4) for
6 expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ The department shall
7 determine the amount of the grants under this subsection as follows:

8 ***b1627/3.2*** SECTION 3225h. 287.23 (5b) (a) of the statutes is amended to read:
9 287.23 (5b) (a) Determine the total amount that would have been awarded
10 under this section for 1999 if no grants had been reduced under ~~sub. s. 287.23 (5p),~~
11 1999 stats.

12 ***b1627/3.2*** SECTION 3225k. 287.23 (5c) of the statutes is created to read:
13 287.23 (5c) GRANT AWARD FOR YEARS AFTER 2001. The department shall
14 promulgate rules that specify a method for determining the amount of a grant under
15 this section for years after 2001 based on the population of the responsible unit. The
16 department shall specify different per capita grant amounts for responsible units
17 that the department requires to provide collection of recyclable materials from
18 residential properties and for other responsible units. The department may not
19 restrict the amount of a grant to the costs of operating an effective recycling
20 program.”.

21 ***b1519/2.264* 1599.** Page 1058, line 6: after that line insert:

22 ***b1519/2.264*** “SECTION 3227c. 287.25 (5) (a) of the statutes is amended to
23 read:

1 287.25 (5) (a) The department may enter into agreements with eligible
2 applicants to make demonstration grants from the appropriation under s. ~~20.370~~
3 20.375 (6) (br).

4 ***b1519/2.264* SECTION 3227e.** 287.91 (4) of the statutes is amended to read:

5 287.91 (4) The department of ~~natural resources~~ environmental management
6 shall reimburse the department of justice for the expenses incurred in enforcing this
7 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

8 ***b1519/2.264* SECTION 3227f.** 287.95 (4) of the statutes is amended to read:

9 287.95 (4) The department may follow the procedures for the issuance of a
10 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the
11 violations under subs. (1), (2) (b) and (3) (b).

12 ***b1519/2.264* SECTION 3227g.** 289.01 (7) of the statutes is amended to read:

13 289.01 (7) “Department” means the department of ~~natural resources~~
14 environmental management.

15 ***b1519/2.264* SECTION 3227h.** 289.01 (31) of the statutes is amended to read:

16 289.01 (31) “Secretary” means the secretary of ~~natural resources~~
17 environmental management.

18 ***b1519/2.264* SECTION 3227i.** 289.09 (2) (d) of the statutes is amended to read:

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

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

13 *b1519/2.264* SECTION 3227j. 289.25 (1) of the statutes is amended to read:

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

24 *b1519/2.264* SECTION 3227k. 289.29 (1) (c) of the statutes is amended to
25 read:

1 289.29 (1) (c) The department may receive into evidence at a hearing conducted
2 under s. 289.26 or 289.27 any environmental impact assessment or environmental
3 impact statement for the facility prepared under s. 1.11 and any environmental
4 impact report prepared under s. ~~23.11 (5)~~ 278.40 (1m). The adequacy of the
5 environmental impact assessment, environmental impact statement or
6 environmental impact report is not subject to challenge at that hearing.

7 ***b1519/2.264* SECTION 3227L.** 289.31 (7) (f) of the statutes is amended to
8 read:

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

18 ***b1627/3.3* 1600.** Page 1058, line 6: after that line insert:

19 ***b1627/3.3* “SECTION 3226e.** 287.23 (5p) of the statutes is repealed.”

20 ***b1628/1.4* 1601.** Page 1058, line 6: after that line insert:

21 ***b1628/1.4* “SECTION 3227f.** 287.26 of the statutes is created to read:

22 **287.26 Wheelchair recycling project.** From the appropriation under s.
23 20.370 (6) (bv), the department shall provide funding to the Wheelchair Recycling
24 Project, of the Madison Chapter of the National Spinal Cord Injury Association, to

1 provide recycled wheelchairs and other medical equipment to individuals and
2 programs in need and for costs of equipment, parts, maintenance, and distribution.”

3 *b1629/1.1* **1602.** Page 1058, line 6: after that line insert:

4 *b1629/1.1* “SECTION 3227f. 287.31 (3) (c) 2m. of the statutes is amended to
5 read:

6 287.31 (3) (c) 2m. 1998 through 2000 and thereafter, 33%.

7 *b1629/1.1* SECTION 3227fc. 287.31 (3) (c) 3. and 4. of the statutes are
8 repealed.”.

9 *b1519/2.265* **1603.** Page 1059, line 9: after that line insert:

10 *b1519/2.265* “SECTION 3227sp. 289.43 (7) (c) of the statutes is amended to
11 read:

12 289.43 (7) (c) The department shall approve the requester’s exemption
13 proposal if the department finds that the proposal, as approved, will comply with this
14 chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, ~~23.40~~, 59.692, 59.693, 60.627,
15 61.351, 61.354, 62.231, 62.234 ~~and~~, 87.30, and 278.40. If the proposal does not
16 comply with one or more of the requirements specified in this paragraph, the
17 department shall provide a written statement describing how the proposal fails to
18 comply with those requirements. The department shall respond to an application for
19 an exemption under this subsection within 90 days.

20 *b1519/2.265* SECTION 3227sq. 289.43 (7) (e) 3. of the statutes is amended to
21 read:

22 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the
23 appropriations under s. ~~20.370~~ 20.375 (2) (dg) and ~~(9) (mj)~~ (tj).

24 *b1519/2.265* SECTION 3228c. 289.64 (6) of the statutes is amended to read:

1 289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected
2 under sub. (2) shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (eg)
3 for transfer to the appropriation under s. 20.505 (4) (k).

4 ***b1519/2.265* SECTION 3228de.** 289.68 (1) of the statutes is amended to read:

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

13 ***b1519/2.265* SECTION 3228dg.** 289.68 (3) of the statutes is amended to read:

14 289.68 (3) PAYMENTS FOR LONG-TERM CARE AFTER TERMINATION OF PROOF OF
15 FINANCIAL RESPONSIBILITY. The department may spend moneys appropriated under
16 s. ~~20.370~~ 20.375 (2) (dq) for the costs of long-term care of an approved facility for
17 which the plan of operation was approved under s. 289.30 (6) before August 9, 1989,
18 that accrue after the requirement to provide proof of financial responsibility expires
19 under s. 289.41 (1m) (b) or (f) as authorized under s. 289.41 (11) (b) 2.

20 ***b1519/2.265* SECTION 3228dj.** 289.68 (4) of the statutes is amended to read:

21 289.68 (4) PAYMENT OF CLOSURE AND LONG-TERM CARE COSTS; FORFEITED BONDS AND
22 SIMILAR MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~
23 20.375 (2) (dt) for the payment of costs associated with compliance with closure and
24 long-term care requirements under s. 289.41 (11) (b) 1.

25 ***b1519/2.265* SECTION 3228dk.** 289.68 (5) of the statutes is amended to read:

1 289.68 (5) PREVENTION OF IMMINENT HAZARD. The department may utilize
2 moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the payment of costs
3 associated with imminent hazards as authorized under s. 289.41 (11) (c) and (cm).

4 ***b1519/2.265* SECTION 3228dL.** 289.68 (6) of the statutes is amended to read:

5 289.68 (6) PAYMENT OF CORRECTIVE ACTION, FORFEITED BONDS AND RECOVERED
6 MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~ 20.375
7 (2) (dy) and (dz) for the payment of costs of corrective action under s. 289.41 (11) (bm).

8 ***b1519/2.265* SECTION 3228dm.** 289.68 (7) of the statutes is amended to read:

9 289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget
10 request to the department of administration under s. 16.42, the ~~natural resources~~
11 environmental management board shall include a report on the fiscal status of the
12 waste management fund and an estimate of the receipts by and expenditures from
13 the fund in the current fiscal year and in the future.”.

14 ***b1519/2.266* 1604.** Page 1059, line 16: after that line insert:

15 ***b1519/2.266* “SECTION 3228L.** 291.01 (2) of the statutes is amended to read:

16 291.01 (2) “Department” means the department of ~~natural resources~~
17 environmental management.

18 ***b1519/2.266* SECTION 3228n.** 292.01 (2) of the statutes is amended to read:

19 292.01 (2) “Department” means the department of ~~natural resources~~
20 environmental management.

21 ***b1519/2.266* SECTION 3228p.** 292.01 (17) of the statutes is amended to read:

22 292.01 (17) “Secretary” means the secretary of ~~natural resources~~
23 environmental management.

24 ***b1519/2.266* SECTION 3228s.** 292.11 (6) (a) of the statutes is amended to read:

1 292.11 (6) (a) *Contingency plan; activities resulting from discharges.* The
2 department may utilize moneys appropriated under s. ~~20.370~~ 20.375 (2) (dv) and
3 (my) in implementing and carrying out the contingency plan developed under sub.
4 (5) and to provide for the procurement, maintenance, and storage of necessary
5 equipment and supplies, personnel training, and expenses incurred in identifying,
6 locating, monitoring, containing, removing, and disposing of discharged substances.

7 ***b1519/2.266* SECTION 3828t.** 292.11 (6) (b) of the statutes is amended to read:

8 292.11 (6) (b) *Limitation on equipment expenses.* No more than 25% of the
9 moneys available under the appropriation under s. ~~20.370~~ 20.375 (2) (dv) or (my)
10 during any fiscal year may be used for the procurement and maintenance of
11 necessary equipment during that fiscal year.

12 ***b1519/2.266* SECTION 3228v.** 292.11 (6) (c) 2. of the statutes is amended to
13 read:

14 292.11 (6) (c) 2. Reimbursements to the department under section 311, federal
15 ~~water pollution control act~~ Water Pollution Control Act amendments of 1972, P.L.
16 92–500, shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (my).

17 ***b1519/2.266* SECTION 3244g.** 292.255 of the statutes is amended to read:

18 **292.255 Report on brownfield efforts.** The department of ~~natural~~
19 ~~resources~~ environmental management, the department of administration, and the
20 department of commerce shall submit a report evaluating the effectiveness of this
21 state's efforts to remedy the contamination of, and to redevelop, brownfields, as
22 defined in s. 560.60 (1v).

23 ***b1519/2.266* SECTION 3257b.** 292.31 (4) of the statutes is amended to read:

24 **292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY**
25 **MUNICIPALITIES.** Notwithstanding the inventory, analysis, and hazard ranking under

1 sub. (1), the environmental response plan prepared under sub. (2), or the
2 environmental repair authority, remedial action sequence, and emergency response
3 requirements under sub. (3), the department shall pay that portion of the cost of any
4 monitoring requirement ~~which~~ that is to be paid under s. 289.31 (7) (f) from the
5 appropriation under s. ~~20.370~~ 20.375 (2) (dv) prior to making other payments from
6 that appropriation.

7 *b1519/2.266* SECTION 3258b. 292.31 (5) of the statutes is amended to read:

8 292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the inventory,
9 analysis, and hazard ranking under sub. (1), the environmental response plan
10 prepared under sub. (2), the environmental repair authority, remedial action
11 sequence, and emergency response requirements under sub. (3), or the monitoring
12 costs under sub. (4), the department shall pay the cost incurred by a municipality
13 after June 30, 1986, and before January 30, 1988, for testing required to determine
14 whether the ash from a municipally owned incinerator is hazardous. The
15 department shall make payments under this subsection from the appropriation
16 under s. ~~20.370~~ 20.375 (2) (dv) prior to making other payments from that
17 appropriation.”.

18 *b1640/1.1* 1605. Page 1059, line 16: after that line insert:

19 *b1640/1.1* “SECTION 3229. 292.11 (9) (e) 1m. f. of the statutes is amended to
20 read:

21 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
22 funds appropriated under s. 20.866 (2) (ta) or (tz).

23 *b1640/1.1* SECTION 3230. 292.13 (1m) (intro.) of the statutes is amended to
24 read:

1 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
2 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence
3 of a hazardous substance in the soil, including sediments, on property possessed or
4 controlled by the person if all of the following apply:

5 ***b1640/1.1* SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

6 292.15 (2) (a) 4. The If the voluntary party owns or controls the property, the
7 voluntary party maintains and monitors the property as required under rules
8 promulgated by the department and any contract entered into under those rules.

9 ***b1640/1.1* SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

10 292.15 (2) (ae) 4. The If the voluntary party owns or controls the property, the
11 voluntary party maintains and monitors the property as required under rules
12 promulgated by the department and any contract entered into under those rules.

13 ***b1640/1.1* SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

14 292.15 (2) (ag) *Property affected by off-site discharge.* (intro.) Except as
15 provided in sub. (6) or (7), for a property on which there exists a hazardous substance
16 for which a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a
17 voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42
18 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and
19 292.31 (8), and rules promulgated under those provisions, with respect to discharges
20 of hazardous substances on or originating from the property, if the release of those
21 hazardous substances occurred prior to the date on which the department approves
22 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.
23 to 6. apply and all of the following occur at any time before or after the date of
24 acquisition:

1 1. The environment is restored to the extent practicable with respect to the
2 discharges and the harmful effects from the discharges are minimized in accordance
3 with rules promulgated by the department and any contract entered into under those
4 rules, except that this requirement does not apply with respect to the hazardous
5 substance for which the voluntary party is exempt from liability under s. 292.13 (1)
6 or (1m).

7 2. The voluntary party obtains a certificate of completion from the department
8 stating that the environment has been satisfactorily restored to the extent
9 practicable with respect to the discharges and that the harmful effects from the
10 discharges have been minimized, except with respect to the hazardous substance for
11 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

12 3. The voluntary party obtains a written determination from the department
13 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
14 party is exempt from liability under s 292.13 (1) or (1m).

15 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
16 (d) to (g) or (1m) (d) to (g).

17 ***b1640/1.1* SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

18 292.15 (2) (b) 4. If the voluntary party does not own or control the property, the
19 person who owns or controls the property fails to maintain and monitor the property
20 as required under rules promulgated by the department or any contract entered into
21 under those rules.”.

22 ***b1519/2.267* 1606.** Page 1060, line 6: after that line insert:

23 ***b1519/2.267* “SECTION 3259d.** 292.31 (7) (b) of the statutes is amended to
24 read:

1 292.31 (7) (b) The department may expend moneys from the appropriations
2 under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601,
3 et seq. The department shall promulgate by rule criteria for the expenditure of
4 moneys from the appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg).
5 The criteria shall include consideration of the amount of moneys available in the
6 appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg), the moneys
7 available from other sources for the required sharing of costs, the differences
8 between public and private sites or facilities, the potential for cost recovery from
9 responsible parties, and any other appropriate factors.

10 ***b1519/2.267* SECTION 3259p.** 292.33 (6) of the statutes is amended to read:

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

17 ***b1519/2.267* SECTION 3287d.** 292.41 (6) (a) of the statutes is amended to
18 read:

19 292.41 (6) (a) The department may utilize moneys appropriated under s.
20 ~~20.370~~ 20.375 (2) (dv) and (my) in taking action under sub. (4). The department shall
21 utilize these moneys to provide for the procurement, maintenance, and storage of
22 necessary equipment and supplies, personnel training, and expenses incurred in
23 locating, identifying, removing, and disposing of abandoned containers.

24 ***b1519/2.267* SECTION 3287h.** 292.41 (6) (b) of the statutes is amended to
25 read:

1 292.41 (6) (b) No more than 25% of the total of all moneys available under the
2 appropriation under s. ~~20.370~~ 20.375 (2) (dv) and (my) may be used annually for the
3 procurement and maintenance of necessary equipment during that fiscal year.

4 ***b1519/2.267* SECTION 3287p.** 292.55 (2) of the statutes is amended to read:

5 292.55 (2) The department may assess and collect fees from a person to offset
6 the costs of providing assistance under sub. (1). The department shall promulgate
7 rules for the assessment and collection of fees under this subsection. Fees collected
8 under this subsection shall be credited to the appropriation account under s. ~~20.370~~
9 20.375 (2) (dh).

10 ***b1519/2.267* SECTION 3287t.** 292.57 (2) (b) of the statutes is amended to read:

11 292.57 (2) (b) Any moneys collected under this subsection shall be credited to
12 the appropriation account under s. ~~20.370~~ 20.375 (2) (mi).”.

13 ***b1641/1.1* 1607.** Page 1060, line 6: after that line insert:

14 ***b1641/1.1* “SECTION 3260b.** 292.35 (1) (am) of the statutes is created to read:

15 292.35 (1) (am) “Financial assistance” means money, other than a loan,
16 provided by a governmental unit that is not a responsible party to pay a portion of
17 the cost of investigation and remedial action for a site or facility.

18 ***b1641/1.1* SECTION 3262b.** 292.35 (2) of the statutes is renumbered 292.35
19 (2) (intro.) and amended to read:

20 292.35 (2) APPLICABILITY. (intro.) This section only applies to a site or facility
21 if the one of the following criteria is satisfied:

22 (a) The site or facility is owned by a local governmental unit. This section does
23 not apply to a landfill until January 1, 1996.

24 ***b1641/1.1* SECTION 3263b.** 292.35 (2) (b) of the statutes is created to read:

1 292.35 (2) (b) A local governmental unit that owns a portion of the site or
2 facility commits itself, by resolution of its governing body, to paying more than 50%
3 of the amount equal to the difference between the cost of investigation and remedial
4 action for the site or facility and any financial assistance received for the site or
5 facility.”.

6 ***b1519/2.268* 1608.** Page 1061, line 10: after that line insert:

7 ***b1519/2.268* “SECTION 3293p.** 292.65 (3) (c) of the statutes is amended to
8 read:

9 292.65 (3) (c) The department shall allocate 9.7% of the funds appropriated
10 under s. ~~20.370~~ 20.375 (6) (eq) in each fiscal year for awards for immediate action
11 activities and applications that exceed the amount anticipated.”.

12 ***b1519/2.269* 1609.** Page 1066, line 10: after that line insert:

13 ***b1519/2.269* “SECTION 3320b.** 292.65 (11) of the statutes, as affected by 2001
14 Wisconsin Act (this act), is amended to read:

15 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
16 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
17 of a discharge of dry cleaning product at a dry cleaning facility, the department shall
18 transfer from the appropriation account under s. ~~20.370~~ 20.375 (6) (eq) to the
19 environmental fund an amount equal to the amount expended under s. 292.11 (7) (a)
20 or 292.31 (3) (b). The department shall make transfers under this subsection when
21 the department determines that sufficient funds are available in the appropriation
22 account under s. ~~20.370~~ 20.375 (6) (eq).”.

23 ***b1519/2.270* 1610.** Page 1066, line 16: after that line insert:

24 ***b1519/2.270* “SECTION 3322k.** 292.70 (7) of the statutes is amended to read:

1 292.70 (7) REVIEW AND PAYMENT. If a claim is filed under an agreement under
2 sub. (2) or (3), the department shall review the claim to determine whether it is valid.
3 A valid claim shall be paid from the appropriation under s. ~~20.370~~ 20.375 (2) (fq).”.

4 ***b1519/2.271* 1611.** Page 1066, line 22: after that line insert:

5 ***b1519/2.271* “SECTION 3323d.** 292.75 (2) (a) of the statutes is amended to
6 read:

7 292.75 (2) (a) The department shall administer a program to award brownfield
8 site assessment grants from the appropriation under s. ~~20.370~~ 20.375 (6) (et) to local
9 governmental units for the purposes of conducting any of the eligible activities under
10 sub. (3).”.

11 ***b1519/2.272* 1612.** Page 1066, line 25: after that line insert:

12 ***b1519/2.272* “SECTION 3323g.** 292.75 (6) of the statutes is amended to read:

13 292.75 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a
14 local governmental unit in a fiscal year under this section shall be limited to an
15 amount equal to 15% of the available funds appropriated under s. ~~20.370~~ 20.375 (6)
16 (et) for the fiscal year.”.

17 ***b1642/1.1* 1613.** Page 1067, line 7: delete “municipalities” and substitute
18 “the city of Platteville, the city of Fond du Lac and other municipalities that are”.

19 ***b1642/1.2* 1614.** Page 1067, line 14: delete that line and substitute:

20 ***b1642/1.2* “SECTION 3324db.** 292.77 (4) of the statutes is repealed and
21 recreated to read:

22 292.77 (4) During the 2001–03 fiscal biennium, the department shall make
23 \$150,000 available to the City of Platteville and \$250,000 available to the City of
24 Fond du Lac under sub. (2).”.

1 ***b1312/2.17* 1615.** Page 1068, line 2: after that line insert:

2 ***b1312/2.17* “SECTION 3327j.** 301.03 (2t) of the statutes is created to read:

3 301.03 (2t) Promote efficient use of resources for alcohol and other drug abuse
4 intervention and treatment services by doing all of the following:

5 (a) Developing one or more methods to evaluate the effectiveness of, and
6 developing performance standards for, alcohol and other drug abuse intervention
7 and treatment services that are administered by the department.

8 (b) Adopting policies to ensure that, to the extent possible under state and
9 federal law, funding for alcohol and other drug abuse intervention and treatment
10 services that are administered by the department is distributed giving primary
11 consideration to the effectiveness of the services in meeting department performance
12 standards for alcohol and other drug abuse services.

13 (c) Requiring every application for funding from the department for alcohol and
14 other drug abuse intervention or treatment services to include a plan for the
15 evaluation of the effectiveness of the services in reducing alcohol and other drug
16 abuse by recipients of the services.

17 (d) Requiring every person receiving funding from the department for alcohol
18 and other drug abuse intervention or treatment services to provide the department
19 the results of the evaluation conducted under par. (c).”.

20 ***b1519/2.273* 1616.** Page 1068, line 2: after that line insert:

21 ***b1519/2.273* “SECTION 3325c.** 293.01 (3) of the statutes is amended to read:

22 293.01 (3) “Department” means the department of ~~natural resources~~
23 environmental management.

1 ***b1519/2.273* SECTION 3325d.** 293.01 (28) (a) of the statutes is amended to
2 read:

3 293.01 (28) (a) Habitat required for survival of species of vegetation or wildlife
4 designated as endangered through prior inclusion in rules adopted by the
5 department of fish, wildlife, parks, and forestry, if such endangered species cannot
6 be firmly reestablished elsewhere.

7 ***b1519/2.273* SECTION 3325e.** 293.01 (28) (b) (intro.) of the statutes is
8 amended to read:

9 293.01 (28) (b) (intro.) Unique features of the land, as determined by state or
10 federal designation and incorporated in rules adopted by the department or the
11 department of fish, wildlife, parks, and forestry, as any of the following, which cannot
12 have their unique characteristic preserved by relocation or replacement elsewhere:

13 ***b1519/2.273* SECTION 3325j.** 293.25 (6) of the statutes is amended to read:

14 293.25 (6) ENVIRONMENTAL IMPACT. Radioactive waste site exploration may
15 constitute a major action significantly affecting the quality of the human
16 environment. No person may engage in radioactive waste site exploration unless the
17 person complies with the requirements under s. 1.11. Notwithstanding s. ~~23.40~~
18 278.40, the state may charge actual and reasonable costs associated with field
19 investigation, verification, monitoring, preapplication services and preparation of
20 an environmental impact statement.

21 ***b1519/2.273* SECTION 3325n.** 295.11 (1) of the statutes is amended to read:

22 295.11 (1) “Department” means the department of ~~natural resources~~
23 environmental management.

24 ***b1519/2.273* SECTION 3325p.** 295.31 (1) of the statutes is amended to read:

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

3 ***b1519/2.273* SECTION 3325s.** 299.01 (3) of the statutes is amended to read:

4 299.01 (3) “Department” means the department of ~~natural resources~~
5 environmental management.

6 ***b1519/2.273* SECTION 3325t.** 299.23 of the statutes is amended to read:

7 **299.23 Financial interest prohibited.** The secretary of ~~natural resources~~
8 environmental management and any other person in a position of administrative
9 responsibility in the department may not have a financial interest in any enterprise
10 ~~which that~~ might profit by weak or preferential administration or enforcement of the
11 powers and duties of the department.

12 ***b1519/2.273* SECTION 3325u.** 299.64 (3) of the statutes is amended to read:

13 299.64 (3) CITATIONS. The department may follow the procedures for the
14 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
15 for a violation of sub. (2).

16 ***b1519/2.273* SECTION 3325v.** 299.80 (16) (a) of the statutes is amended to
17 read:

18 299.80 (16) (a) Beginning not later than November 1, 1998, the secretary of
19 ~~natural resources~~ environmental management shall submit an annual progress
20 report on the program under this section to the governor and, under s. 13.172 (3), the
21 standing committees of the legislature with jurisdiction over environmental
22 matters.

23 ***b1519/2.273* SECTION 3325w.** 299.80 (16) (b) of the statutes is amended to
24 read:

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

6 ***b1519/2.273* SECTION 3326g.** 299.95 of the statutes, as affected by 2001
7 Wisconsin Act 6, is amended to read:

8 **299.95 Enforcement; duty of department of justice; expenses.** The
9 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
10 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan
11 approvals, permits, and water quality certifications of the department, except those
12 promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except as
13 provided in s. 285.86. The circuit court for Dane ~~county~~ County or for any other
14 county where a violation occurred in whole or in part has jurisdiction to enforce chs.
15 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan
16 approval, permit, or certification by injunctive and other relief appropriate for
17 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295
18 or this chapter or the rule, special order, license, plan approval, permit or
19 certification prohibits in whole or in part any pollution, a violation is considered a
20 public nuisance. The department of ~~natural resources~~ environmental management
21 may enter into agreements with the department of justice to assist with the
22 administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid
23 to the department of justice under these agreements shall be credited to the
24 appropriation account under s. 20.455 (1) (k).”.

1 ***b1630/1.1* 1617.** Page 1068, line 2: after that line insert:

2 ***b1630/1.1* “SECTION 3325ne.** 295.11 (11) of the statutes is created to read:

3 295.11 (11) “Topsoil” means the surface layer of soil that is generally more
4 fertile than the underlying soil layers, that is the natural medium for plant growth,
5 and that can provide the plant growth, soil stability, and other attributes necessary
6 to meet the standards specified in an approved reclamation plan.

7 ***b1630/1.1* SECTION 3325nj.** 295.16 (4) (k) of the statutes is created to read:

8 295.16 (4) (k) Removal of topsoil, other than soil taken from the bed of a
9 navigable water, from an area the size of which does not exceed the size determined
10 by dividing the total acreage of the contiguous land under common ownership on
11 which the area is located by 40 and multiplying the result by 3, if no other material
12 is removed from the area.

13 ***b1630/1.1* SECTION 3325nL.** 295.18 (4) of the statutes is renumbered 295.18
14 (4) (a) and amended to read:

15 295.18 (4) (a) If the department issues a written decision under sub. (2) that
16 a county is not in compliance with this subchapter and rules promulgated under this
17 subchapter, the department shall administer the nonmetallic mining reclamation
18 program in that county, including the collection of fees, review and approval of plans,
19 inspection of nonmetallic mining sites and enforcement, except that the department
20 may not administer the nonmetallic mining reclamation program in a city, village or
21 town that enacted an ordinance that complies with s. 295.14 before the department
22 made its determination under sub. (2) and is administering that ordinance. For
23 annual fees due on or before December 31, 2003, if the department administers the
24 nonmetallic program in a county, the department may not charge an annual fee of

1 more than \$100 for a nonmetallic mining site with one to 5 acres that have not been
2 reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement
3 project, or an annual fee of more \$300 for any other nonmetallic mining site with one
4 to 5 acres that have not been reclaimed.

5 (b) The county may apply to the department at any time to resume
6 administration of the nonmetallic mining reclamation program. The department,
7 after a hearing, may approve the county request to administer the nonmetallic
8 mining reclamation program if the county demonstrates the capacity to comply with
9 this subchapter and rules promulgated under this subchapter. No city, village or
10 town may enact an ordinance for and begin to implement a nonmetallic mining
11 reclamation program during the time that the department administers the
12 nonmetallic mining reclamation program in the county in which the city, village or
13 town is located.”.

14 *b1643/1.1* **1618.** Page 1068, line 2: after that line insert:

15 *b1643/1.1* “SECTION 3326. 299.85 of the statutes is created to read:

16 **299.85 Environmental improvement program. (1) DEFINITIONS.** In this
17 section:

18 (a) “Environmental management system” means an organized set of
19 procedures implemented by the owner or operator of a facility to evaluate the
20 environmental performance of the facility and to achieve measurable or noticeable
21 improvements in that environmental performance through planning and changes in
22 the facility’s operations.

23 (am) “Environmental performance” means the effects of a facility on air, water,
24 land, natural resources, and human health.

1 (b) “Environmental performance evaluation” means a systematic, documented,
2 and objective review, conducted by or on behalf of the owner or operator of a facility,
3 of the environmental performance of the facility, including an evaluation of
4 compliance with one or more environmental requirements.

5 (c) “Environmental requirement” means a requirement in any of the following:

6 1. Chapters 160 or 280 to 299, a rule promulgated under one of those chapters,
7 or a permit, license, other approval, or order issued by the department under one of
8 those chapters.

9 2. An ordinance or other legally binding requirement of a local governmental
10 unit enacted under authority granted by a state law relating to environmental
11 protection.

12 (d) “Facility” means all buildings, equipment, and structures located on a
13 single parcel or on adjacent parcels that are owned or operated by the same person.

14 (e) “Local governmental unit” means a city, village, town, county, town sanitary
15 district, or metropolitan sewerage district.

16 (f) “Regulated entity” means a public or private entity that is subject to
17 environmental requirements.

18 **(2) REQUIREMENTS FOR PARTICIPATION.** A regulated entity qualifies for
19 participation in the environmental improvement program with respect to a facility
20 owned or operated by the regulated entity if all of the following apply:

21 (a) The regulated entity conducts an environmental performance evaluation of
22 the facility or submits findings from the facility’s environmental management
23 system.

24 (b) If the regulated entity conducts an environmental performance evaluation,
25 the regulated entity notified the department in writing, no fewer than 30 days before

1 beginning an environmental performance evaluation, of the date on which the
2 environmental performance evaluation would begin, the site or facility or the
3 operations or practices at a site or facility to be reviewed, and the general scope of
4 the environmental performance evaluation.

5 (c) If the regulated entity conducts an environmental performance evaluation,
6 the environmental performance evaluation complies with sub. (4).

7 (d) If the regulated entity submits findings from the facility's environmental
8 management system, the environmental management system complies with sub. (5).

9 (e) The regulated entity submits a report as required under sub. (3).

10 (f) At the time of submitting a report under sub. (3), the department of justice
11 has not, within 2 years, filed a suit to enforce an environmental requirement, and the
12 department or a local governmental unit has not, within 2 years, issued a citation
13 to enforce an environmental requirement, because of a violation of an environmental
14 requirement involving the facility.

15 (3) REPORT. To participate in the environmental improvement program with
16 respect to a facility, a regulated entity that owns or operates the facility shall submit
17 a report to the department within 45 days after the date of the final written report
18 of findings of an environmental performance evaluation of the facility or within 45
19 days after the date of findings from the facility's environmental management system
20 if the findings identify a violation of an environmental requirement. The report shall
21 include all of the following:

22 (a) 1. If the regulated entity conducted an environmental performance
23 evaluation, a description of the environmental performance evaluation, including
24 who conducted the environmental performance evaluation, when it was completed,

1 what activities and operations were examined, and what was revealed by the
2 environmental performance evaluation.

3 2. If the regulated entity submits findings from an environmental management
4 system, a description of the environmental management system, of the activities and
5 operations covered by the environmental management system, and of who made the
6 findings and when the findings were made.

7 (b) A description of all violations of environmental requirements revealed by
8 the environmental performance evaluation or the environmental management
9 system and of the length of time that the violations may have continued.

10 (c) A description of actions taken or proposed to be taken to correct the
11 violations of environmental requirements.

12 (d) A commitment to correct the violations of environmental requirements
13 within 90 days of submitting the report or according to a compliance schedule
14 approved by the department.

15 (e) If the regulated entity proposes to take more than 90 days to correct the
16 violations of environmental requirements, a proposed compliance schedule that
17 contains the shortest reasonable periods for correcting the violations of
18 environmental requirements, a statement that justifies the proposed compliance
19 schedule, and a description of measures that the regulated entity will take to
20 minimize the effects of the violations of environmental requirements during the
21 period of the compliance schedule.

22 (em) If the regulated entity proposes to take more than 90 days to correct the
23 violations of environmental requirements, the proposed stipulated penalties to be
24 imposed if the regulated entity violates the compliance schedule under par. (e).

1 (f) A description of the measures that the regulated entity has taken or will take
2 to prevent future violations of environmental requirements and a timetable for
3 taking the measures that it has not yet taken.

4 (3m) PUBLIC NOTICE; COMMENT PERIOD. (a) The department shall provide at least
5 30 days for public comment on a compliance schedule and stipulated penalties
6 proposed in a report under sub. (3). The department may not approve or issue a
7 compliance schedule under sub. (6) or approve stipulated penalties under sub. (6m)
8 until after the end of the comment period.

9 (b) Before the start of the public comment period under par. (a), the department
10 shall provide public notice of the proposed compliance schedule and stipulated
11 penalties that does all of the following:

12 1. Identifies the regulated entity that submitted the report under sub. (3), the
13 facility at which the violation occurred, and the nature of the violation.

14 2. Describes the proposed compliance schedule and the proposed stipulated
15 penalties.

16 3. Identifies an employee of the department and an employee of the regulated
17 entity who may be contacted for additional information about the proposed
18 compliance schedule and the proposed stipulated penalties.

19 4. States that comments concerning the proposed compliance schedule and the
20 proposed stipulated penalties may be submitted to the department during the
21 comment period and states the last date of the comment period.

22 (4) ENVIRONMENTAL PERFORMANCE EVALUATION. If a regulated entity conducts an
23 environmental performance evaluation under sub. (2) (a), the regulated entity does
24 not qualify for participation in the environmental improvement program unless the
25 final written report of findings of the environmental performance evaluation is

1 labeled “environmental performance evaluation report,” is dated, and, if the
2 environmental performance evaluation identifies violations of environmental
3 requirements, includes a plan for corrective action. A regulated entity may use a
4 form developed by the regulated entity, by a consultant, or by the department for the
5 final written report of findings of the environmental performance evaluation.

6 (5) ENVIRONMENTAL MANAGEMENT SYSTEM. If a regulated entity submits findings
7 from the facility’s environmental management system under sub. (2) (a), the
8 regulated entity does not qualify for participation in the environmental
9 improvement program unless the regulated entity’s efforts to prevent, detect, and
10 correct violations of environmental requirements are appropriate to the size of the
11 regulated entity and to the nature of its business and are consistent with any criteria
12 used by the federal environmental protection agency to define due diligence in
13 federal audit policies or regulations.

14 (6) COMPLIANCE SCHEDULES. (a) If the department receives a report under sub.
15 (3) that contains a proposed compliance schedule under sub. (3) (e), the department
16 shall review the proposed compliance schedule. The department may approve the
17 compliance schedule as submitted or propose a different compliance schedule. If the
18 regulated entity does not agree to implement a compliance schedule proposed by the
19 department, the department shall schedule a meeting with the regulated entity to
20 attempt to reach an agreement on a compliance schedule. If the department and the
21 regulated entity do not reach an agreement on a compliance schedule, the
22 department may issue a compliance schedule. A compliance schedule under this
23 subsection is subject to review under ch. 227.

24 (b) The department may not approve or issue a compliance schedule that
25 extends longer than 12 months beyond the date of approval of the compliance

1 schedule. The department shall consider the following factors in determining
2 whether to approve a compliance schedule:

3 1. The environmental and public health consequences of the violations.

4 2. The time needed to implement a change in raw materials or method of
5 production if that change is an available alternative to other methods of correcting
6 the violations.

7 3. The time needed to purchase any equipment or supplies that are needed to
8 correct the violations.

9 **(6m) STIPULATED PENALTIES.** (a) If the department receives proposed stipulated
10 penalties under sub. (3) (em), the department shall review the proposed stipulated
11 penalties. The department may approve the stipulated penalties as submitted or
12 propose different stipulated penalties. If the regulated entity does not agree to
13 stipulated penalties proposed by the department, the department shall schedule a
14 meeting with the regulated entity to attempt to reach an agreement on stipulated
15 penalties. If no agreement is reached, there are no stipulated penalties for violations
16 of the compliance schedule.

17 (b) Stipulated penalties approved under par. (a) shall specify a period, not
18 longer than 6 months beyond the end of the compliance schedule, during which the
19 stipulated penalties will apply.

20 **(7) DEFERRED CIVIL ENFORCEMENT.** (a) 1. For at least 90 days after the
21 department receives a report that meets the requirements in sub. (3), this state may
22 not begin a civil action to collect forfeitures for violations of environmental
23 requirements that are disclosed in the report by a regulated entity that qualifies
24 under sub. (2) for participation in the environmental improvement program.

1 2. If the regulated entity corrects violations that are disclosed by a regulated
2 entity that qualifies under sub. (2) for participation in the environmental
3 improvement program in a report that meets the requirements of sub. (3) within 90
4 days after the department receives a report that meets the requirements of sub. (3),
5 this state may not bring a civil action to collect forfeitures for the violations.

6 3. This state may not begin a civil action to collect forfeitures for violations
7 covered by a compliance schedule that is approved under sub. (6) during the period
8 of the compliance schedule if the regulated entity is not violating the compliance
9 schedule. If the regulated entity violates the compliance schedule, the department
10 may collect any stipulated penalties during the period in which the stipulated
11 penalties apply. This state may begin civil action to collect forfeitures for violations
12 of environmental requirements that are not corrected by the end of the period in
13 which the stipulated penalties apply. If the regulated entity violates the compliance
14 schedule and there are no stipulated penalties, this state may begin a civil action to
15 collect forfeitures for the violations.

16 4. If the department approves a compliance schedule under sub. (6) and the
17 regulated entity corrects the violations according to the compliance schedule, this
18 state may not bring a civil action to collect forfeitures for the violations.

19 (b) Notwithstanding par. (a), this state may at any time begin a civil action to
20 collect forfeitures for violations of environmental requirements if any of the following
21 apply:

22 1. The violations present an imminent threat to public health or the
23 environment or may cause serious harm to public health or the environment.

24 2. The department discovers the violations before submission of a report under
25 sub. (3).

1 3. The violations resulted in a substantial economic benefit that gives the
2 regulated entity a clear advantage over its business competitors.

3 4. The violations are identified through monitoring or sampling required by
4 permit, statute, rule, regulation, judicial or administrative order, or consent
5 agreement.

6 (8) CONSIDERATION OF ACTIONS BY REGULATED ENTITY. If the department receives
7 a report that complies with sub. (3) from a regulated entity that qualifies under sub.
8 (2) for participation in the environmental improvement program, and the report
9 discloses a potential criminal violation of an environmental requirement, the
10 department and the department of justice shall take into account the diligent actions
11 of, and reasonable care taken by, the regulated entity to comply with environmental
12 requirements in deciding whether to pursue a criminal enforcement action and what
13 penalty should be sought. In determining whether a regulated entity acted with due
14 diligence and reasonable care, the department and the department of justice shall
15 consider whether the regulated entity has demonstrated any of the following:

16 (a) That the regulated entity took corrective action that was timely when the
17 violation was discovered.

18 (b) That the regulated entity exercised reasonable care in attempting to
19 prevent the violation and to ensure compliance with environmental requirements.

20 (c) That the regulated entity had a documented history of good faith efforts to
21 comply with environmental requirements before implementing its environmental
22 management system or before beginning to conduct environmental performance
23 evaluations.

24 (d) That the regulated entity has promptly made appropriate efforts to achieve
25 compliance with environmental requirements since implementing its

1 environmental management system or since beginning to conduct environmental
2 performance evaluations and that action was taken with due diligence.

3 (e) That the regulated entity exercised reasonable care in identifying violations
4 in a timely manner.

5 (f) That the regulated entity willingly cooperated in any investigation that was
6 conducted by this state or a local governmental unit to determine the extent and
7 cause of the violation.

8 **(9) ACCESS TO RECORDS.** (a) Except as provided in par. (c), the department shall
9 make any record, report, or other information obtained in the administration of this
10 section available to the public.

11 (c) The department shall keep confidential any part of a record, report, or other
12 information obtained in the administration of this section, other than emission data
13 or discharge data, upon a showing satisfactory to the department by any person that
14 the part of a record, report, or other information would, if made public, divulge a
15 method or process that is entitled to protection as a trade secret, as defined in s.
16 134.90 (1) (c), of that person.

17 (d) If the department refuses to release information on the grounds that it is
18 confidential under par. (c) and a person challenges that refusal, the department shall
19 inform the affected regulated entity of that challenge. Unless the regulated entity
20 authorizes the department to release the information, the regulated entity shall pay
21 the reasonable costs incurred by this state to defend the refusal to release the
22 information.

23 (e) Paragraph (c) does not prevent the disclosure of any information to a
24 representative of the department for the purpose of administering this section or to
25 an officer, employee or authorized representative of the federal government for the

1 purpose of administering federal law. When the department provides information
2 that is confidential under par. (c) to the federal government, the department shall
3 also provide a copy of the application for confidential status.

4 (10) PENALTY. (a) Any person who knowingly makes a false statement in a
5 report submitted under sub. (3) shall be fined not less than \$10 nor more than
6 \$10,000 or imprisoned for not more than 6 months or both.

7 (b) For purposes of this subsection, an act is committed knowingly if it is done
8 voluntarily and is not the result of negligence, mistake, accident, or circumstances
9 that are beyond the control of the person.”.

10 *b1312/2.18* **1619.** Page 1070, line 9: after that line insert:

11 *b1312/2.18* “SECTION 3333j. 301.047 of the statutes is created to read:

12 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The
13 department may permit one or more nonprofit community-based organizations
14 meeting the requirements of this section to operate an inmate rehabilitation
15 program in any department facility if the department determines that operation of
16 that program does not constitute a threat to the security of the facility or the safety
17 of inmates or the public and that operation of the program is in the best interest of
18 the inmates.

19 (2) PROGRAM REQUIREMENTS. (a) An organization seeking to operate a
20 rehabilitation program under sub. (1) shall submit to the department a detailed
21 proposal for the operation of the program. The proposal shall include all of the
22 following:

23 1. A description of the services to be provided, including aftercare services, and
24 a description of the geographic area in which aftercare services will be provided.

1 2. A description of the activities to be undertaken and the approximate daily
2 schedule of programming for inmates participating in the program.

3 3. A statement of the qualifications of the individuals providing services.

4 4. A statement of the organization's policies regarding eligibility of inmates to
5 participate in the program.

6 5. A statement of the goals of the program.

7 6. A description of the methods by which the organization will evaluate the
8 effectiveness of the program in attaining the goals under subd. 5.

9 7. Any other information specified by the department.

10 (b) An organization seeking to operate a rehabilitation program under sub. (1)
11 shall agree in writing to all of the following:

12 1. The organization may not receive compensation from the department for
13 services provided in the rehabilitation program.

14 2. The organization may not deny an inmate the opportunity to participate in
15 the program for any reason related to the inmate's religious beliefs or nonbelief.

16 3. An inmate may stop participating in the program at any time.

17 4. Upon the inmate's release, the organization shall provide community-based
18 aftercare services for each inmate who completes the program and who resides in the
19 geographic area described in par. (a) 1.

20 **(3) DUTIES AND AUTHORITY OF THE DEPARTMENT.** (a) The department shall
21 establish policies that provide an organization operating a rehabilitation program
22 under sub. (1) reasonable access to inmates.

23 (b) The department shall designate a specific portion of the facility for
24 operation of a rehabilitation program, if one is established, under sub. (1). To the

1 extent possible, inmates participating in the program shall be housed in the portion
2 of the facility in which the program is operated.

3 (c) The department may not require an inmate to participate in a rehabilitation
4 program under sub. (1).

5 (d) The department may not base any decision regarding an inmate's conditions
6 of confinement, including discipline, or an inmate's eligibility for release, on an
7 inmate's decision to participate or not to participate in a rehabilitation program
8 under sub. (1).

9 (e) The treatment of inmates, including the provision of housing, activities in
10 which an inmate may participate, freedom of movement, and work assignments,
11 shall be substantially the same for inmates who participate in a rehabilitation
12 program under sub. (1) and inmates who do not participate in such a program.

13 (f) The department may restrict an inmate's participation in a rehabilitation
14 program under sub. (1) only if the restriction is necessary for the security of the
15 facility or the safety of the inmates or the public.

16 (g) The department may suspend or terminate operation of a rehabilitation
17 program under sub. (1) if the organization operating the program fails to comply with
18 any of the requirements under this section and shall suspend or terminate the
19 operation of a program if the department determines that suspension or termination
20 of the program is necessary for the security of the facility or the safety of the inmates
21 or the public or is in the best interests of the inmates.

22 (h) 1. Except as provided in subd. 2., if an organization operating a
23 rehabilitation program under sub. (1) promotes or informs the department that the
24 organization intends to promote sectarian worship, instruction, or proselytization in
25 connection with the rehabilitation program, the department shall permit all other

1 religious organizations meeting the requirements of this section to operate an
2 inmate rehabilitation program under sub. (1).

3 2. The department is not required under subd. 1. to permit a religious
4 organization to operate an inmate rehabilitation program under sub. (1) if the
5 department determines that the organization's operation of that program
6 constitutes a threat to the security of the facility or the safety of the inmates or the
7 public.

8 (4) EVALUATION. The department shall evaluate or contract with a public or
9 private agency for an evaluation of the effectiveness of each rehabilitation program
10 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
11 among program participants. The department shall collect the data and information
12 necessary to evaluate the program. No later than 3 years from the date on which the
13 rehabilitation program begins operating, the department shall submit a report of the
14 evaluation to the governor and to the appropriate standing committees of the
15 legislature, as determined by the speaker of the assembly and the president of the
16 senate, under s. 13.172 (3).

17 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding
18 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may
19 suspend or terminate an inmate's participation in a program for reasons unrelated
20 to religious beliefs, including the inmate's failure to participate meaningfully in the
21 program.

22 *b1312/2.18* SECTION 3334j. 301.065 of the statutes is created to read:

23 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS
24 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the
25 department to contract with, or award grants to, religious organizations, under any

1 program administered by the department relating to the prevention of delinquency
2 and crime or the rehabilitation of offenders, on the same basis as any other
3 nongovernmental provider, without impairing the religious character of such
4 organizations, and without diminishing the religious freedom of beneficiaries of
5 assistance funded under such program.

6 (2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS. If the department is
7 authorized under ch. 16 to contract with a nongovernmental entity, or to award
8 grants to a nongovernmental entity, religious organizations are eligible, on the same
9 basis as any other private organization, to be contractors and grantees under any
10 program administered by the department so long as the programs are implemented
11 consistently with the first amendment to the U.S. Constitution and article I, section
12 18, of the Wisconsin constitution. Except as provided in sub. (11), the department
13 may not discriminate against an organization that is or applies to be a contractor or
14 grantee on the basis that the organization does or does not have a religious character
15 or because of the specific religious nature of the organization.

16 (3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a
17 religious organization with which the department contracts or to which the
18 department awards a grant to retain its independence from government, including
19 the organization's control over the definition, development, practice, and expression
20 of its religious beliefs.

21 (b) The department may not require a religious organization to alter its form
22 of internal governance or to remove religious art, icons, scripture, or other symbols
23 to be eligible for a contract or grant.

24 (4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. (a) If the department contracts with
25 or awards grants to a religious organization for the provisions of crime prevention

1 or offender rehabilitation assistance under a program administered by the
2 department, an individual who is eligible for this assistance shall be informed in
3 writing that assistance of equal value and accessibility is available from a
4 nonreligious provider upon request.

5 (b) The department shall provide an individual who is otherwise eligible for
6 assistance from an organization described under par. (a) with assistance of equal
7 value from a nonreligious provider if the individual objects to the religious character
8 of the organization described under par. (a) and requests assistance from a
9 nonreligious provider. The department shall provide such assistance within a
10 reasonable period of time after the date of the objection and shall ensure that it is
11 accessible to the individual.

12 (6) NONDISCRIMINATION AGAINST BENEFICIARIES. A religious organization may not
13 discriminate against an individual in regard to rendering assistance that is funded
14 under any program administered by the department on the basis of religion, a
15 religious belief or nonbelief, or a refusal to actively participate in a religious practice.

16 (7) FISCAL ACCOUNTABILITY. (a) Except as provided in par. (b), any religious
17 organization that contracts with, or receives a grant from, the department is subject
18 to the same laws and rules as other contractors and grantees regarding accounting,
19 in accord with generally accepted auditing principles, for the use of the funds
20 provided under such programs.

21 (b) If the religious organization segregates funds provided under programs
22 administered by the department into separate accounts, only the financial
23 assistance provided with those funds shall be subject to audit.

1 (8) COMPLIANCE. Any party that seeks to enforce its rights under this section
2 may bring a civil action for injunctive relief against the entity that allegedly commits
3 the violation.

4 (9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES. No funds provided
5 directly to religious organizations by the department may be expended for sectarian
6 worship, instruction, or proselytization.

7 (10) CERTIFICATION OF COMPLIANCE. Every religious organization that contracts
8 with, or receives a grant from, the department to provide delinquency and crime
9 prevention or offender rehabilitation services to eligible recipients shall certify in
10 writing that it has complied with the requirements of subs. (6) and (9) and submit
11 to the department a copy of this certification and a written description of the policies
12 the organization has adopted to ensure that it has complied with the requirements
13 under subs. (6) and (9).

14 (11) PREEMPTION. Nothing in this section may be construed to preempt any
15 other statute that prohibits or restricts the expenditure of federal or state funds by
16 or the granting of federal or state funds to religious organizations.”.

17 ***b1344/1.1* 1620.** Page 1071, line 14: after that line insert:

18 ***b1344/1.1* “SECTION 3337rk.** 301.205 (title) of the statutes is repealed and
19 recreated to read:

20 **301.205 (title) Transportation for visits.**

21 ***b1344/1.1* SECTION 3337rk.** 301.205 of the statutes is renumbered 301.205
22 (2) and amended to read:

23 301.205 (2) The Notwithstanding sub. (1), the department may reimburse
24 families visiting girls at a secured correctional facility. If the department decides to

1 provide the reimbursement, the department shall establish criteria for the level of
2 reimbursement, which shall include family income and size and other relevant
3 factors.

4 *b1344/1.1* **SECTION 3337rr.** 301.205 (1) of the statutes is created to read:
5 301.205 (1) The department may not use state funds to transport persons
6 visiting inmates in state prisons.”.

7 *b1740/1.2* **1621.** Page 1076, line 7: after that line insert:

8 *b1740/1.2* **SECTION 3352u.** 301.46 (2s) of the statutes is created to read:
9 301.46 (2s) PROVIDING INFORMATION TO THE UNIVERSITY OF WISCONSIN SYSTEM.

10 (a) In this subsection:

11 1. “Board of regents” means the board of regents of the University of Wisconsin
12 System.

13 2. “University of Wisconsin employee” means a person employed by the board
14 of regents.

15 3. “University of Wisconsin student” means a person attending an institution
16 within the University of Wisconsin System.

17 (b) When a University of Wisconsin employee or student registers with the
18 department under s. 301.45 (2) or a person who is registered with the department
19 under s. 301.45 (2) becomes a University of Wisconsin employee or student, the
20 department shall immediately provide in writing the following information about
21 the person to the board of regents:

22 1. The person’s name, including any aliases used by the person.

23 2. Information sufficient to identify the person, including date of birth, gender,
24 race, height, weight, and hair and eye color.

1 3. The statute that the person violated, the date of conviction, adjudication, or
2 commitment, and the county or, if the state is not this state, the state in which the
3 person was convicted, adjudicated, or committed.

4 4. The address at which the person is residing.

5 5. If the person is a University of Wisconsin employee, the name and address
6 of any institution at which the person works.

7 6. If the person is a University of Wisconsin student, the name and address of
8 the institution that the person attends.

9 7. The most recent date on which the information under s. 301.45 was updated.

10 (c) When an individual described in par. (b) (intro.) updates information under
11 s. 301.45 (4), the department shall immediately provide the updated information in
12 writing to the board of regents.

13 ***b1740/1.2* SECTION 3352w.** 301.46 (5) (a) (intro.) of the statutes is amended
14 to read:

15 301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide
16 the information specified in par. (b) concerning a specific person required to register
17 under s. 301.45 to a person who is not provided notice or access under ~~subs.~~ sub. (2)
18 ~~to, (2m), (3), or~~ (4) if, in the opinion of the department or the police chief or sheriff,
19 providing the information is necessary to protect the public and if the person
20 requesting the information does all of the following:"

21 ***b1309/2.2* 1622.** Page 1077, line 16: after that line insert:

22 ***b1309/2.2* "SECTION 3354c.** 302.06 of the statutes is amended to read:

23 **302.06 Delivery of persons to prisons.** The sheriff shall deliver to the
24 reception center designated by the department every person convicted in the county

1 and sentenced to the Wisconsin state prisons or to the intensive sanctions program
2 as soon as may be possible after sentence, together with a copy of the judgment of
3 conviction and, if applicable, a copy of any report specified in s. 973.017 (4). The
4 warden or superintendent shall deliver to the sheriff a receipt acknowledging receipt
5 of the person, naming the person, which receipt the sheriff shall file in the office of
6 the clerk who issued the copy of the judgment of conviction. When transporting or
7 delivering the person to any of the Wisconsin state prisons the sheriff shall be
8 accompanied by an adult of the same sex as the person. If the sheriff and the person
9 are of the same sex, this requirement is satisfied and a 3rd person is not required.”.

10 *b1312/2.19* **1623**. Page 1077, line 23: after that line insert:

11 *b1312/2.19* “SECTION 3354j. 302.11 (1g) (b) 2. of the statutes is amended to
12 read:

13 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
14 treatment that the social service and clinical staff of the institution determines is
15 necessary for the inmate, including pharmacological treatment using an
16 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
17 child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not
18 deny presumptive mandatory release to an inmate because of the inmate’s refusal
19 to participate in a rehabilitation program under s. 301.047.”.

20 *b1309/2.3* **1624**. Page 1080, line 19: after that line insert:

21 *b1309/2.3* “SECTION 3367r. 302.113 (7m) of the statutes is created to read:

22 302.113 (7m) An inmate who was found guilty but mentally ill under s. 971.163
23 or 971.165 and who is released on extended supervision under this section is required
24 as a condition of his or her extended supervision to participate in any necessary and

1 appropriate treatment that is recommended by the department of corrections or by
2 the department of health and family services. In determining what treatment, if any,
3 to recommend as a condition of the inmate's extended supervision, the department
4 of corrections shall consider any reports prepared by the department of health and
5 family services under s. 51.20 (19) (am) or 51.37 (8m).”.

6 *b1309/2.4* **1625.** Page 1083, line 21: after that line insert:

7 *b1309/2.4* “SECTION 3377d. 302.114 (5) (dm) of the statutes is created to
8 read:

9 302.114 (5) (dm) If the court grants the petition for release to extended
10 supervision of an inmate who was found guilty but mentally ill under s. 971.163 or
11 971.165, the court shall require the inmate as a condition of his or her extended
12 supervision to participate in any necessary and appropriate treatment that is
13 recommended by the department of corrections or by the department of health and
14 family services. In determining what treatment, if any, to recommend as a condition
15 of the inmate's extended supervision, the department of corrections shall consider
16 any reports prepared by the department of health and family services under s. 51.20
17 (19) (am) or 51.37 (8m).”.

18 *b1519/2.274* **1626.** Page 1090, line 13: after that line insert:

19 *b1519/2.274* “SECTION 3389j. 303.04 of the statutes is amended to read:

20 **303.04 Correctional farms.** The board of commissioners of public lands, the
21 department of ~~natural resources~~ fish, wildlife, parks, and forestry and the
22 department may select from the state forest reserves a quantity of land not to exceed
23 5,000 acres and convert the same into farms for the state prisons.”.

24 *b1281/1.5* **1627.** Page 1094, line 6: after that line insert: