

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ***b1777/2.1* SECTION 3127j.** 236.34 (1) (b) of the statutes is amended to read:
19 236.34 (1) (b) All corners shall be monumented in accordance with s. 236.15 (1)
20 (c) ~~and~~, (d), ~~and~~ (g).

21 ***b1777/2.1* SECTION 3127jm.** 236.34 (1) (c) of the statutes is amended to read:
22 236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),
23 (b), (c), (e), (f), (g), ~~(h)~~, (i), (j), (k), and (L) and (3) (b) ~~en a~~, (d), and (e) at a graphic scale
24 of not more than 500 feet to the an inch, which shall be shown on each sheet showing
25 layout features. The map shall be prepared with a binding margin 1.5 inches wide

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

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

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

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

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

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

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

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

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

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

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

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

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

19 *b1519/2.245* **1572.** Page 1027, line 24: after that line insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 *b1398/3.2* 1573. Page 1034, line 12: after that line insert:

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

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

24 *b1722/2.2* 1574. Page 1035, line 2: after that line insert:

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

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

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

10 ***b1722/2.3*** **1575.** Page 1035, line 8: after that line insert:

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

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

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

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

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

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

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

11 *b1759/2.3* **1576.** Page 1035, line 8: after that line insert:

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

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

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

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

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

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

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

11 253.09 (1g) In this section:

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

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

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

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

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

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

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

25 a. The destruction of a human embryo.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ***b1519/2.246* 1577.** Page 1035, line 24: after that line insert:

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

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

18 ***b1433/2.1* 1578.** Page 1037, line 12: after that line insert:

19 ***b1433/2.1*** “SECTION 3147w. 254.47 (1) of the statutes is amended to read:
20 254.47 (1) Except as provided in sub. (1g) and ss. 250.041 and 254.115, the
21 department or a local health department granted agent status under s. 254.69 (2)
22 shall issue permits to and regulate campgrounds and camping resorts, recreational
23 and educational camps and public swimming pools. No person or state or local
24 government who has not been issued a permit under this section may conduct,

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

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

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

8 ***b1519/2.247* 1579.** Page 1038, line 9: after that line insert:

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

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

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

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

21 ***b1519/2.248* 1580.** Page 1043, line 12: after that line insert:

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

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CHAPTER 278
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
SUBCHAPTER I
GENERAL

278.01 Definitions. (1) In this chapter:

- (a) "Department" means the department of environmental management.
- (b) "Secretary" means the secretary of environmental management.

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

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

STATE OF WISCONSIN
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

To all to whom these presents shall come, greeting:

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

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

1 (Seal)

STATE OF WISCONSIN

2

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

3

By

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 SUBCHAPTER II
4 ENFORCEMENT OF CERTAIN
5 ENVIRONMENTAL LAWS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (L) Any other pertinent information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) Incident to a lawful arrest.

5 (2) With consent.

6 (3) Pursuant to a valid search warrant.

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

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

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

11 (7) As otherwise authorized by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ***b1638/2.1* 1581.** Page 1043, line 13: delete the material beginning with
2 that line and ending with page 1045, line 2, and substitute:

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

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

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

3 *b1488/3.8* **1582.** Page 1045, line 11: after that line insert:

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

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

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

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

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

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

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

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

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

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

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

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

13 ***b1519/2.249* 1583.** Page 1045, line 11: after that line insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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* 1584.** 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* 1585.** 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