

1 **SECTION 3079.** 281.65 (4e) of the statutes is created to read:

2 281.65 (4e) (a) A governmental unit may request funding under this subsection
3 for a project to implement best management practices for animal waste management
4 at an animal feeding operation for which the department has issued a notice of
5 discharge under ch. 283.

6 (b) The department may grant a request under par. (a) if it determines that
7 providing funding under this subsection is necessary to protect fish and aquatic life.

8 (c) Subsection (8) (d) does not apply to a grant under this subsection.

9 **SECTION 3080.** 281.65 (8) (f) of the statutes is amended to read:

10 281.65 (8) (f) A cost-sharing grant shall equal the percentage of the cost of
11 implementing the best management practice that is determined by the
12 governmental unit submitting the application under sub. (4c) (a) or (4e) (a) and is
13 approved by the board, except as provided under pars. (gm) and (jm) and except that
14 a cost-sharing grant may not exceed 70% of the cost of implementing the best
15 management practice.

16 **SECTION 3081.** 281.65 (8) (gm) of the statutes is amended to read:

17 281.65 (8) (gm) The governmental unit submitting the application under sub.
18 (4c) (a) or (4e) (a) shall exceed the limit under par. (f) in cases of economic hardship,
19 as defined by the department by rule.

20 **SECTION 3081pb.** 281.75 (title) of the statutes is amended to read:

21 **281.75 (title) Compensation for well contamination and abandonment.**

22 **SECTION 3081pc.** 281.75 (1) (h) of the statutes is amended to read:

23 281.75 (1) (h) "Well," if not followed by the words, "subject to abandonment,"
24 means an excavation or opening in the ground made by boring, drilling or driving for
25 the purpose of obtaining a supply of groundwater. "Well" does not include dug wells.

1 **SECTION 3081pd.** 281.75 (1) (i) of the statutes is created to read:

2 281.75 (1) (i) "Well subject to abandonment" means a well that is required to
3 be abandoned under s. NR 812.26 (2) (a), Wis. Adm. Code, or that the department
4 may require to be abandoned under s. NR 812.26 (2) (b), Wis. Adm. Code.

5 **SECTION 3081pe.** 281.75 (2) (f) of the statutes is created to read:

6 281.75 (2) (f) Establish requirements for the filling and sealing of wells subject
7 to abandonment.

8 **SECTION 3081pf.** 281.75 (3) (a) of the statutes is renumbered 281.75 (3) and
9 amended to read:

10 281.75 (3) ~~WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; SUNSET DATE.~~ A claim
11 may be submitted for a private water supply which, at the time of submitting the
12 claim, is contaminated or for a well subject to abandonment.

13 **SECTION 3081pg.** 281.75 (3) (b) of the statutes is repealed.

14 **SECTION 3081ph.** 281.75 (4) (a) of the statutes is amended to read:

15 281.75 (4) (a) Except as provided under par. (b), a landowner or lessee of
16 property on which is located a contaminated private water supply or a well subject
17 to abandonment, or the spouse, dependent, heir, assign or legal representative of the
18 landowner or lessee, may submit a claim under this section.

19 **SECTION 3081pi.** 281.75 (4m) (a) of the statutes is amended to read:

20 281.75 (4m) (a) In order to be eligible for an award under this section, the
21 annual family income of the landowner or lessee of property on which is located a
22 contaminated water supply or a well subject to abandonment may not exceed
23 \$65,000.

24 **SECTION 3081pj.** 281.75 (5) (b) 1. of the statutes is amended to read:

1 281.75 (5) (b) 1. Test results which show that the private water supply is
2 contaminated, as defined under sub. (1) (b) 1. or 2., ~~or~~ information to show that the
3 private water supply is contaminated as defined under sub. (1) (b) 3., or information
4 to show that the well is a well subject to abandonment;

5 **SECTION 3081pk.** 281.75 (5) (b) 2. of the statutes is amended to read:

6 281.75 (5) (b) 2. ~~Any~~ If the claim is based on a contaminated private water
7 supply, any information available to the claimant regarding possible sources of
8 contamination of the private water supply; and

9 **SECTION 3081pL.** 281.75 (5) (d) 1. of the statutes is amended to read:

10 281.75 (5) (d) 1. Enter the property where the private water supply or well
11 subject to abandonment is located during normal business hours and conduct any
12 investigations or tests necessary to verify the claim; and

13 **SECTION 3081pm.** 281.75 (5) (d) 2. of the statutes is amended to read:

14 281.75 (5) (d) 2. ~~Cooperate~~ If the claim is based on a contaminated private
15 water supply, cooperate with the state in any administrative, civil or criminal action
16 involving a person or activity alleged to have caused the private water supply to
17 become contaminated.

18 **SECTION 3081pn.** 281.75 (5) (e) of the statutes is amended to read:

19 281.75 (5) (e) The department shall consolidate claims if more than one
20 claimant submits a claim for the same private water supply or for the same well
21 subject to abandonment.

22 **SECTION 3081pq.** 281.75 (7) (a) of the statutes is amended to read:

23 281.75 (7) (a) If the department finds that the claimant meets all the
24 requirements of this section and rules promulgated under this section and that the
25 private water supply is contaminated or that the well is a well subject to

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1 abandonment, the department shall issue an award. The award may not pay more
2 than 75% of the eligible costs. The award may not pay any portion of eligible costs
3 in excess of \$12,000.

4 **SECTION 3081pr.** 281.75 (7) (c) 1. of the statutes is amended to read:

5 281.75 (7) (c) 1. The If the claim is based on a contaminated private water
6 supply, the cost of obtaining an alternate water supply;

7 **SECTION 3081ps.** 281.75 (7) (c) 2. (intro.) of the statutes is amended to read:

8 281.75 (7) (c) 2. (intro.) The If the claim is based on a contaminated private
9 water supply, the cost of any one of the following:

10 **SECTION 3081pt.** 281.75 (7) (c) 3. of the statutes is amended to read:

11 281.75 (7) (c) 3. The cost of abandoning a contaminated private water supply,
12 if a new private water supply is constructed ~~or~~, if connection to a public or private
13 water supply is provided, or if the claim is based on a well subject to abandonment;

14 **SECTION 3081pu.** 281.75 (7) (c) 4. of the statutes is amended to read:

15 281.75 (7) (c) 4. The cost of obtaining 2 tests to show that the private water
16 supply was contaminated if the claim is based on a contaminated private water
17 supply and the cost of those tests was originally paid by the claimant;

18 **SECTION 3081pv.** 281.75 (7) (c) 5. of the statutes is amended to read:

19 281.75 (7) (c) 5. ~~Purchasing~~ The cost of purchasing and installing a pump, if
20 the claim is based on a contaminated private water supply and a new pump is
21 necessary for the new or reconstructed private water supply; and

22 **SECTION 3081pw.** 281.75 (7) (c) 6. of the statutes is amended to read:

23 281.75 (7) (c) 6. ~~Relocating~~ If the claim is based on a contaminated private
24 water supply, the cost of relocating pipes, as necessary, to connect the replacement
25 water supply to the buildings served by it.

1 **SECTION 3081px.** 281.75 (7) (c) 7. of the statutes is amended to read:

2 281.75 (7) (c) 7. If the claim is based on a contaminated water supply that is
3 eligible under sub. (11) (ae), the cost of properly abandoning any improperly
4 abandoned private water supply located on the property owned or leased by the
5 claimant.

6 **SECTION 3081py.** 281.75 (8) (intro.) of the statutes is renumbered 281.75 (8)
7 and amended to read:

8 281.75 (8) COPAYMENT. The department shall require a ~~payment by the~~
9 ~~claimant equal to the total of the following:~~ copayment of \$250 unless the claim is
10 solely for well abandonment.

11 **SECTION 3081pz.** 281.75 (8) (a) and (b) of the statutes are repealed.

12 **SECTION 3081qb.** 281.75 (11) (a) 4. of the statutes is amended to read:

13 281.75 (11) (a) 4. ~~One~~ If the claim is based on a contaminated private water
14 supply, one or more of the contaminants upon which the claim is based was
15 introduced into the well through the plumbing connected to the well.

16 **SECTION 3081qc.** 281.75 (11) (a) 5. of the statutes is amended to read:

17 281.75 (11) (a) 5. ~~One~~ If the claim is based on a contaminated private water
18 supply, one or more of the contaminants upon which the claim is based was
19 introduced into the well intentionally by a claimant or a person who would be directly
20 benefited by payment of the claim.

21 **SECTION 3081qd.** 281.75 (11) (a) 6. of the statutes is amended to read:

22 281.75 (11) (a) 6. ~~All~~ If the claim is based on a contaminated private water
23 supply, all of the contaminants upon which the claim is based are naturally occurring
24 substances and the concentration of the contaminants in water produced by the well

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1 does not significantly exceed the background concentration of the contaminants in
2 groundwater at that location.

3 **SECTION 3081qe.** 281.75 (11) (a) 7. of the statutes is amended to read:

4 281.75 (11) (a) 7. Except as provided in sub. (14), an award has been made
5 under this section within the previous 10 years for the parcel of land where the
6 private water supply is located and the claim is based on a contaminated private
7 water supply.

8 **SECTION 3081qf.** 281.75 (11) (a) 8. of the statutes is amended to read:

9 281.75 (11) (a) 8. ~~A~~ If the claim is based on a contaminated private water
10 supply, the contaminated private water supply is a residential water supply, is
11 contaminated by bacteria or nitrates or both, and is not contaminated by any other
12 substance, except as provided in par. (ae).

13 **SECTION 3081qg.** 281.75 (11) (a) 9. of the statutes is amended to read:

14 281.75 (11) (a) 9. ~~A~~ If the claim is based on a contaminated private water
15 supply, the contaminated private water supply is a livestock water supply, is
16 contaminated by bacteria, and is not contaminated by any other substance.

17 **SECTION 3081qh.** 281.75 (11) (b) (title) of the statutes is amended to read:

18 281.75 (11) (b) (title) *Limits on awards for contaminated wells; purposes.*

19 **SECTION 3081qi.** 281.75 (11) (d) (title) of the statutes is amended to read:

20 281.75 (11) (d) (title) *Limits on awards for contaminated wells; amount.*

21 **SECTION 3081qj.** 281.75 (17) (a) of the statutes is amended to read:

22 281.75 (17) (a) A claim based on a contaminated private water supply may be
23 submitted irrespective of the time when the contamination is or could have been
24 discovered in the private water supply. A claim may be submitted for contamination

1 which commenced before May 11, 1984, and continues at the time a claim is
2 submitted under this section.

3 **SECTION 3082.** 281.87 of the statutes is created to read:

4 **281.87 Great Lakes contaminated sediment removal.** The department
5 may expend funds from the appropriation under s. 20.866 (2) (ti) to pay a portion of
6 the costs of a project to remove contaminated sediment from Lake Michigan or Lake
7 Superior or a tributary of Lake Michigan or Lake Superior if federal funds are
8 provided for the project under 33 USC 1268 (c) (12).

9 **SECTION 3082e.** 285.14 (2) of the statutes is amended to read:

10 **285.14 (2) REVIEW BY STANDING COMMITTEES.** At least 60 days before the
11 department is required to submit a state implementation plan to the federal
12 environmental protection agency, the department shall prepare, and provide to the
13 standing committees of the legislature with jurisdiction over environmental
14 matters, under s. 13.172 (3) a report that describes the proposed plan and contains
15 all of the supporting documents that the department intends to submit with the plan.
16 The department shall also submit to the ~~revisor of statutes~~ legislative reference
17 bureau for publication in the administrative register a notice of availability of the
18 report. If, within 30 days after the department provides the report, the chairperson
19 of a standing committee to which the report was provided submits written comments
20 on the report to the department, the secretary shall respond to the chairperson in
21 writing within 15 days of receipt of the comments. This subsection does not apply
22 to a modification to a state implementation plan relating to an individual source.

23 **SECTION 3082r.** 285.23 (6) of the statutes is amended to read:

24 **285.23 (6) REPORT TO STANDING COMMITTEES.** Before the department issues
25 documents under sub. (2) and at least 60 days before the governor is required to make

1 a submission on a nonattainment designation under 42 USC 7407 (d) (1) (A), the
2 department shall prepare, and provide to the standing committees of the legislature
3 with jurisdiction over environmental matters under s. 13.172 (3), a report that
4 contains a description of any area proposed to be identified as a nonattainment area
5 and supporting documentation. The department shall also submit to the revisor of
6 statutes legislative reference bureau for publication in the administrative register
7 a notice of availability of the report. If, within 30 days after the department submits
8 the report, the chairperson of a standing committee to which the report was provided
9 submits written comments on the report to the department, the secretary shall
10 respond to the chairperson in writing within 15 days of receipt of the comments.

11 **SECTION 3086k.** 287.26 of the statutes is amended to read:

12 **287.26 Business waste reduction and recycling assistance.** The
13 department may contract with a nonprofit organization for services to assist
14 businesses to reduce the amount of solid waste generated or to reuse or recycle solid
15 waste. In any contract under this section, the department shall include goals and
16 objectives, methods to measure progress toward the goals and objectives, and a
17 schedule for reporting to the department on the use of funds and progress toward the
18 goals and objectives. The department may not provide more than \$250,000 annually
19 under this section to any nonprofit organization.

20 **SECTION 3086p.** 287.31 (6) of the statutes is amended to read:

21 287.31 (6) USE OF REVENUES. The newspaper recycling fees collected under sub.
22 (5) shall be deposited in the recycling and renewable energy fund under s. 25.49.

23 **SECTION 3087.** 289.43 (7) (e) 3. of the statutes is amended to read:

24 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the
25 ~~appropriations~~ appropriation under s. 20.370 (2) (dg) ~~and (9) (mj).~~

1 **SECTION 3088.** 289.645 (3) of the statutes is amended to read:

2 289.645 (3) **AMOUNT OF RECYCLING FEE.** The fee imposed under this section is
3 \$3 ~~\$3~~ \$4 per ton for all solid waste other than high-volume industrial waste.

4 **SECTION 3088d.** 289.645 (6) of the statutes is amended to read:

5 289.645 (6) **USE OF RECYCLING FEES.** The fees collected under sub. (2) shall be
6 deposited in the recycling and renewable energy fund.

7 **SECTION 3089.** 289.67 (1) (cp) of the statutes is amended to read:

8 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
9 and except as provided under par. (d), the environmental repair fee imposed under
10 par. (a) is ~~30~~ 50 cents per ton for solid or hazardous waste, other than high-volume
11 industrial waste, disposed of ~~on or after January 1, 1988, but before July 1, 1989,~~
12 and ~~50 cents per ton disposed of on or after July 1, 1989 before July 1, 2007,~~ 85 cents

13 per ton disposed of after July 1, 2007, and before October 1, 2007, or the first day of
14 the 3rd month beginning after the effective date of this paragraph [revisor inserts
15 date], whichever is later, and \$1.60 per ton disposed of on or after October 1, 2007,

16 or the first day of the 3rd ^{first} month beginning after the effective date of this paragraph
17 [revisor inserts date], whichever is later.

18 **SECTION 3090.** 289.67 (1) (h) of the statutes is amended to read:

19 289.67 (1) (h) *Use of environmental repair fee.* The fees collected under par. (b)
20 shall be credited to the environmental fund ~~for environmental management.~~

21 **SECTION 3091.** 291.15 (2) (d) of the statutes is amended to read:

22 291.15 (2) (d) *Use of confidential records.* Except as provided under par. (c) and
23 this paragraph the department or the department of justice may use records and
24 other information granted confidential status under this subsection only in the
25 administration and enforcement of this chapter. The department or the department

Insert
1133-12

Save several
commas

DOA:.....Kraus – Environmental repair fee and nonpoint account
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1354, line 9: delete “July 1, 2007” and substitute “the first day of the
3 first month beginning after the effective date of this paragraph [revisor inserts
4 date]”.

insert
1133-12

5 **2.** Page 1354, line 10: delete “July 1, 2007” and substitute “the first day of the
6 first month beginning after the effective date of this paragraph [revisor inserts
7 date]”.

8 (END)

1 of justice may release for general distribution records and other information granted
2 confidential status under this subsection if the owner or operator expressly agrees
3 to the release. The department or the department of justice may release on a limited
4 basis records and other information granted confidential status under this
5 subsection if the department or the department of justice is directed to take this
6 action by a judge or hearing examiner under an order which protects the
7 confidentiality of the records or other information. The department or the
8 department of justice may release to the U.S. environmental protection agency or its
9 authorized representative records and other information granted confidential status
10 under this subsection if the department or the department of justice includes in each
11 release of records or other information a request to the U.S. environmental
12 protection agency or its authorized representative to protect the confidentiality of
13 the records or other information. The department or the department of justice shall
14 provide to the department of ~~workforce development~~ children and families or a
15 county child support agency under s. 59.53 (5) the name and address of an individual,
16 the name and address of the individual's employer and financial information related
17 to the individual that is contained in records or other information granted
18 confidential status under this subsection if requested under s. 49.22 (2m) by the
19 department of ~~workforce development~~ children and families or a county child
20 support agency under s. 59.53 (5).

21 **SECTION 3092.** 291.97 (3) of the statutes is created to read:

22 291.97 (3) COST RECOVERY. In addition to the penalties provided under subs. (1)
23 and (2), the court may award the department of justice the reasonable and necessary
24 expenses of the investigation and prosecution of the violation, including attorney
25 fees and the costs of performing monitoring. The department of justice shall deposit

1 in the state treasury for deposit into the general fund all moneys that the court
2 awards to the department or the state under this paragraph. The costs of
3 investigation and the expenses of prosecution, including attorney fees, shall be
4 credited to the appropriation account under s. 20.455 (1) (gh).

5 **SECTION 3093.** 292.11 (7) (d) 1m. b. of the statutes is amended to read:

6 292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the
7 area consists of 2 or more properties affected by a contiguous region of groundwater
8 contamination or contains 2 or more properties that are brownfields, as defined in
9 s. ~~560.60 (1v)~~ 560.13 (1) (a).

10 **SECTION 3094.** 292.255 of the statutes is amended to read:

11 **292.255 Report on brownfield efforts.** The department of natural
12 resources, the department of administration, and the department of commerce shall
13 submit a report evaluating the effectiveness of this state's efforts to remedy the
14 contamination of, and to redevelop, brownfields, as defined in s. ~~560.60 (1v)~~ 560.13
15 (1) (a).

16 **SECTION 3095.** 299.07 (1) (am) 1. of the statutes is amended to read:

17 299.07 (1) (am) 1. If an individual who applies for the issuance or renewal of
18 a license, registration or certification specified in par. (a) does not have a social
19 security number, the department shall require the applicant, as a condition of
20 issuing or renewing the license, registration or certification, to submit a statement
21 made or subscribed under oath or affirmation that the applicant does not have a
22 social security number. The statement shall be in the form prescribed by the
23 department of ~~workforce development~~ children and families.

24 **SECTION 3096.** 299.07 (1) (b) 2. of the statutes is amended to read:

1 299.07 (1) (b) 2. If the department is required to obtain the information under
2 s. 299.08 (1) (a), to the department of ~~workforce development~~ children and families
3 in accordance with a memorandum of understanding under s. 49.857.

4 **SECTION 3097.** 299.08 (1) (am) 1. of the statutes is amended to read:

5 299.08 (1) (am) 1. If an individual who applies for the issuance or renewal of
6 a license, registration or certification specified in par. (a) does not have a social
7 security number, the department shall require the applicant, as a condition of
8 issuing or renewing the license, registration or certification, to submit a statement
9 made or subscribed under oath or affirmation that the applicant does not have a
10 social security number. The statement shall be in the form prescribed by the
11 department of ~~workforce development~~ children and families.

12 **SECTION 3098.** 299.08 (1) (b) 1. of the statutes is amended to read:

13 299.08 (1) (b) 1. To the department of ~~workforce development~~ children and
14 families in accordance with a memorandum of understanding under s. 49.857.

15 **SECTION 3099.** 299.08 (2) of the statutes is amended to read:

16 299.08 (2) The department shall deny an application for the issuance or
17 renewal of a license, registration or certification specified in sub. (1) (a), or shall
18 suspend a license, registration or certification specified in sub. (1) (a) for failure to
19 make court-ordered payments of child or family support, maintenance, birth
20 expenses, medical expenses or other expenses related to the support of a child or
21 former spouse or failure to comply, after appropriate notice, with a subpoena or
22 warrant issued by the department of ~~workforce development~~ children and families
23 or a county child support agency under s. 59.53 (5) and relating to paternity or child
24 support proceedings, as required in a memorandum of understanding under s.
25 49.857.

1 **SECTION 3100.** 301.03 (3) of the statutes is amended to read:

2 301.03 (3) Administer parole, extended supervision and probation matters,
3 except that the decision to grant or deny parole or to grant or terminate extended
4 supervision under s. 304.06 (1) (b) to inmates shall be made by the parole earned
5 release review commission and the decision to revoke probation, extended
6 supervision or parole in cases in which there is no waiver of the right to a hearing
7 shall be made by the division of hearings and appeals in the department of
8 administration. The secretary may grant special action parole releases under s.
9 304.02. The department shall promulgate rules establishing a drug testing program
10 for probationers, parolees and persons placed on extended supervision. The rules
11 shall provide for assessment of fees upon probationers, parolees and persons placed
12 on extended supervision to partially offset the costs of the program.

13 **SECTION 3100g.** 301.03 (6t) of the statutes is created to read:

14 301.03 (6t) On or before January 1 of each odd-numbered year, submit a report
15 to the joint committee on finance and to the chief clerk of each house of the legislature
16 on the use of overtime in the state correctional institutions, identifying the state
17 correctional institution, the amount and costs of overtime at each correctional
18 institution, and the reason for the overtime at each correctional institution.

19 **SECTION 3101.** 301.0465 (3) (a) 4. of the statutes is amended to read:

20 301.0465 (3) (a) 4. He or she is serving an indeterminate sentence and the
21 parole earned release review commission has authorized his or her release on parole
22 within the next 6 months.

23 **SECTION 3102.** 301.048 (2) (am) 3. of the statutes is amended to read:

1 301.048 (2) (am) 3. The parole earned release review commission grants him
2 or her parole under s. 304.06 and requires his or her participation in the program as
3 a condition of parole under s. 304.06 (1x).

4 **SECTION 3104.** 301.12 (14) (b) of the statutes is amended to read:

5 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
6 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
7 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
8 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
9 treatment foster home, residential care center for children and youth, or juvenile
10 correctional institution shall be determined by the court by using the percentage
11 standard established by the department of ~~workforce development~~ children and
12 families under s. 49.22 (9) and by applying the percentage standard in the manner
13 established by the department under par. (g).

14 **SECTION 3105.** 301.12 (14) (g) of the statutes is amended to read:

15 301.12 (14) (g) For purposes of determining child support under par. (b), the
16 department shall promulgate rules related to the application of the standard
17 established by the department of ~~workforce development~~ children and families
18 under s. 49.22 (9) to a child support obligation for the care and maintenance of a child
19 who is placed by a court order under s. 938.183, 938.355 or 938.357 in a residential,
20 nonmedical facility. The rules shall take into account the needs of any person,
21 including dependent children other than the child, whom either parent is legally
22 obligated to support.

23 **SECTION 3106.** 301.21 (1m) (c) of the statutes is amended to read:

24 301.21 (1m) (c) Any hearing to consider parole or whether to grant or terminate
25 extended supervision, if the prisoner is sentenced under s. 973.01 for a Class F to a

1 Class I felony to which an inmate confined under this contract may be entitled by the
2 laws of Wisconsin will be conducted by the Wisconsin parole earned release review
3 commission under rules of the department.

4 **SECTION 3107.** 301.21 (2m) (c) of the statutes is amended to read:

5 301.21 (2m) (c) Any hearing to consider parole or whether to grant or terminate
6 extended supervision, if the prisoner is sentenced under s. 973.01 for a Class F to a
7 Class I felony, to which a prisoner confined under a contract under this subsection
8 may be entitled by the laws of Wisconsin shall be conducted by the Wisconsin parole
9 earned release review commission under rules of the department.

10 **SECTION 3108.** 301.25 of the statutes is amended to read:

11 **301.25 Sewer system at Taycheedah Correctional Institution.** The
12 department, with the approval of the governor, may enter into an agreement
13 containing terms, conditions and covenants approved by the building commission,
14 to participate in the construction of a sanitary sewer system in the area adjacent to
15 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac
16 County; to connect the sewer system of the Taycheedah Correctional Institution
17 thereto; to pay sewage disposal charges; and to grant easements or, ~~subject to s.~~
18 ~~16.848,~~ convey land to meet construction requirements.

19 **SECTION 3112.** 301.26 (4) (c) of the statutes is amended to read:

20 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
21 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho), or (hr),
22 the costs of care, services, and supplies provided for each person receiving services
23 under s. 46.057, 48.366, 51.35 (3), 938.183, or 938.34 who was under the
24 guardianship of the department of ~~health and family services~~ children and families

1 pursuant to an order under ch. 48 at the time that the person was adjudicated
2 delinquent.

3 **SECTION 3113.** 301.26 (4) (d) 2. of the statutes is amended to read:

4 301.26 (4) (d) 2. Beginning on July 1, ~~2005~~ 2007, and ending on June 30, ~~2006~~
5 2008, the per person daily cost assessment to counties shall be ~~\$203~~ \$259 for care in
6 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$203~~ \$259 for care
7 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
8 ~~\$234~~ \$277 for care in a residential care center for children and youth, ~~\$157~~ \$165 for
9 care in a group home for children, ~~\$47~~ \$67 for care in a foster home, ~~\$83~~ \$132 for care
10 in a treatment foster home, ~~\$81~~ \$99 for departmental corrective sanctions services,
11 and ~~\$32~~ \$35 for departmental aftercare services.

12 **SECTION 3114.** 301.26 (4) (d) 3. of the statutes is amended to read:

13 301.26 (4) (d) 3. Beginning on July 1, ~~2006~~ 2008, and ending on June 30, ~~2007~~
14 2009, the per person daily cost assessment to counties shall be ~~\$209~~ \$268 for care in
15 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$209~~ \$268 for care
16 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
17 ~~\$244~~ \$296 for care in a residential care center for children and youth, ~~\$163~~ \$172 for
18 care in a group home for children, ~~\$50~~ \$74 for care in a foster home, ~~\$87~~ \$145 for care
19 in a treatment foster home, ~~\$82~~ \$101 for departmental corrective sanctions services,
20 and ~~\$33~~ \$37 for departmental aftercare services.

21 **SECTION 3114m.** 301.26 (5) of the statutes is created to read:

22 301.26 (5) REVENUE SUFFICIENCY. (a) Before the close of each odd-numbered
23 fiscal year, the department of corrections shall project the balance that will remain
24 in the appropriation account under s. 20.410 (3) (hm) on June 30 of that fiscal year
25 and provide that information to the department of administration.

INSERTS

Editors :

I have deleted items 1, 4 & 5 of 1203 → the underlying draft

1 respect to a license issued under s. 125.51 (4) (v) or a viola
2 139.035, the department shall revoke the license or permit. A r
3 or refusal to renew is a contested case under ch. 227.

4 ^{b11581P2} SECTION 2759cm. 125.51 (2) (am) of the statutes is created to read:

5 125.51 (2) (am) In addition to the authorization under par. (a), a "Class A"
6 license also authorizes the licensee to provide, free of charge, to customers and
7 visitors who have attained the legal drinking age, taste samples of intoxicating
8 liquor, other than wine, that are not in original packages or containers and that do
9 not exceed 0.5 fluid ounces each, for consumption on the "Class A" premises. No
10 "Class A" licensee may provide, under this paragraph, more than 3 taste samples per
11 day to any one person. Taste samples may be provided under this paragraph only
12 between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter
13 applicable to retail sales of intoxicating liquor, other than wine, by a "Class A"
14 licensee also applies to the provision of taste samples under this paragraph. No
15 "Class A" license may provide taste samples under this paragraph that the "Class A"
16 licensee did not purchase from a wholesaler. The authorization provided to a "Class
17 A" licensee under this paragraph is in addition to the exception for a "Class A"
18 licensee specified in s. 125.06 (13).

Insert
1027-258

19 SECTION 2759d. 125.51 (6) of the statutes is created to read:

20 125.51 (6) FACE-TO-FACE RETAIL SALES. Except as provided in sub. (3) (bm) and
21 (bs) and except with respect to caterers, a retail license issued under this section
22 authorizes only face-to-face sales to consumers at the licensed premises.

23 SECTION 2759e. 125.52 (1) of the statutes is amended to read:

24 125.52 (1) AUTHORIZED ACTIVITIES. The department shall issue manufacturers'
25 and rectifiers' permits which authorize the manufacture or rectification,

1 respectively, of intoxicating liquor on the premises covered by the permit. A person
 2 holding a manufacturer's or rectifier's permit may manufacture, and bottle ~~or~~
 3 ~~wholesale~~ wine, pursuant to the terms of the permit, without procuring a winery
 4 permit. A manufacturer's or rectifier's permit entitles the permittee to sell
 5 intoxicating liquor to wholesalers holding a permit under s. 125.54, and to other
 6 manufacturers and rectifiers holding a permit under this section, from the premises
 7 described in the permit. ~~Holder~~ ~~of~~ ~~rectifiers'~~ ~~permits~~ ~~may~~ ~~sell~~ ~~intoxicating~~ ~~liquor~~
 8 ~~rectified by the permittee to retailers without any other permit.~~ No sales may be
 9 made for consumption on the premises of the permittee. Possession of a permit under
 10 this section does not authorize the permittee to sell tax-free intoxicating liquor and
 11 wines brought into this state under s. 139.03 (5).

Insert
13
1029-20
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6/158/P2 SECTION 2759em. 125.52 (4) of the statutes is created to read:

125.52 (4) PROVIDING TASTE SAMPLES. A manufacturer or rectifier, or an
 individual representing a manufacturer or rectifier, may provide taste samples on
 "Class A" premises as authorized under s. 125.69 (8).

~~SECTION 2759f.~~ 125.52 (6) of the statutes is repealed.

~~SECTION 2759g.~~ 125.52 (8) of the statutes is repealed.

~~SECTION 2759h.~~ 125.53 (1) of the statutes is amended to read:

125.53 (1) The department shall issue only to a manufacturing winery in this
 state that holds a valid certificate issued under s. 73.03 (50) a winery permit
 authorizing the manufacture and bottling of wine on the premises covered by the
 permit for sale ~~at wholesale to other licensees or permittees~~ to wholesalers holding
a permit under s. 125.54. A permittee winery holding a permit under this section
 may offer on the premises taste samples of wine manufactured on the premises to
 persons who have attained the legal drinking age. A permittee under this section

1 may also have either a "Class A" or "Class B" license, but not both. If a "Class A" or
2 "Class B" liquor license has also been issued to the winery, the winery may offer the
3 taste samples on the "Class A" or "Class B" premises.

4 ~~SECTION 2759i.~~ 125.53 (3) of the statutes is repealed.

5 ~~SECTION 2759j.~~ 125.535 of the statutes is created to read:

6 **125.535 Direct wine shippers' permits. (1) AUTHORIZED ACTIVITIES.** The
7 department shall issue direct wine shippers' permits authorizing the permittee to
8 ship wine directly to an individual in this state who is of the legal drinking age, who
9 acknowledges receipt of the wine shipped, and who is not intoxicated at the time of
10 delivery.

11 **(2) ANNUAL PERMIT FEE.** The department shall charge the following annual fee
12 for each permit issued under this section:

13 (a) For a permittee that ships more than 90 liters of wine annually to
14 individuals in this state, \$100.

15 (b) For a permittee that ships not less than 27 liters nor more than 90 liters of
16 wine annually to individuals in this state, \$50.

17 (c) For a permittee that ships less than 27 liters of wine annually to individuals
18 in this state, \$10.

19 **(3) PERSONS ELIGIBLE.** (a) A direct wine shipper's permit may be issued under
20 this section to any person that manufactures and bottles wine on premises covered
21 by any of the following:

22 1. A manufacturer's or rectifier's permit under s. 125.52.

23 2. A winery permit under s. 125.53.

24 3. A winery license, permit, or other authorization issued to the winery by any
25 state from which the winery will ship wine into this state.

msent 1030-11

insert 1030-11 cont'd

1 (b) A winery located outside of this state is eligible for a direct wine shipper's
2 permit under par. (a) 3. if all of the following apply:

3 1. The winery holds a valid business tax registration certificate issued under
4 s. 73.03 (50).

5 2. The winery submits to the department, with any initial application or
6 renewal for a certificate under s. 73.03 (50) or a permit under par. (a) 3., a copy of any
7 current license, permit, or authorization issued to the winery by the state from which
8 the winery will ship wine into this state.

9 (c) Notwithstanding s. 125.04 (5) (a), natural persons obtaining direct wine
10 shippers' permits are not required to be residents of this state. Notwithstanding s.
11 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server
12 training course to be eligible for a permit under this section. Notwithstanding s.
13 125.04 (6), corporations or limited liability companies obtaining direct wine shippers'
14 permits are not required to appoint agents.

15 **(4) ANNUAL REPORT REQUIRED.** A permittee under this section shall submit a
16 report to the department, by January 31 of each year, on forms furnished by the
17 department, providing the identity, quantity, and price of all products shipped to
18 individuals in this state during the previous calendar year, along with the name,
19 address, and birthdate of each person who purchased these products and each person
20 to whom these products were shipped.

21 **(5) LABELS.** Containers of wine shipped to an individual in this state under this
22 section shall be clearly labeled to indicate that the package may not be delivered to
23 an underage person or to an intoxicated person.

24 **(6) RESTRICTIONS.** No individual may resell, or use for a commercial purpose,
25 wine received by the individual that is shipped under authority of this section.

Insert 1030-11
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(7) ANNUAL LIMIT. No individual in this state may receive more than 108 liters of wine annually shipped under authority of the section. Each individual shall be responsible for compliance with this annual limit. An individual who violates this annual limit is subject to a warning issued by the department for the individual's first violation and a \$500 fine for each violation by the individual that occurs after a warning has been issued by the department. This subsection does not apply to purchases made under a permit issued under s. 125.61.

SECTION 2759k. 125.54 (1) of the statutes is amended to read:

~~125.54 (1) AUTHORIZED ACTIVITIES. The department shall issue wholesalers' permits authorizing the permittee to sell intoxicating liquor at wholesale from the premises described in the permit. Except as provided under s. 125.69 (1) (b) 3., the permittee may not sell intoxicating liquor for consumption on the premises. If a wholesale permit is issued to a brewery that holds a "Class B" license, the permit shall authorize the wholesale sale of wine only. Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wine brought into this state under s. 139.03 (5).~~

SECTION 2759kc. 125.54 (4) of the statutes is created to read:

125.54 (4) TASTE SAMPLING PROHIBITED. Wholesalers holding a permit under this section, employees of such wholesalers, and individuals representing such wholesalers may not provide or participate in providing taste samples under ss. 125.51 (2) (am) and 125.69 (8).

Insert
1032-22

SECTION 2759kg. 125.55 (1) (intro.) and (a) of the statutes are consolidated, renumbered 125.55 (1) and amended to read:

125.55 (1) The department may issue the following combination permits: (a) A combination manufacturer's and rectifier's permit.

1 ~~125.58 (4) A winery located outside of this state may ship wine into this state~~
2 ~~as provided under s. 125.68 (10) (bm) if all of the following apply: 125.535 and is not~~
3 ~~required to hold an out-of-state shipper's permit under this section.~~

4 SECTION 2759m. 125.58 (4) (a) 1. to 4. of the statutes are repealed.

5 SECTION 2759mm. 125.58 (4) (b) of the statutes is repealed.

6 SECTION 2759n. 125.68 (10) (a) of the statutes is amended to read:

7 ~~125.68 (10) (a) Except as provided in par. (bm) s. 125.535, no intoxicating liquor~~
8 ~~may be shipped into this state unless consigned to a person holding a wholesaler's~~
9 ~~permit for the sale of intoxicating liquor, other than a retail "Class B" permit under~~
10 ~~s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a~~
11 ~~permit under s. 125.58, consigned to a person holding a manufacturer's or rectifier's~~
12 ~~permit under s. 125.52.~~

13 ~~SECTION 2759o. 125.68 (10) (b) of the statutes is amended to read:~~

14 125.68 (10) (b) Except as provided in par. (bm) s. 125.535, no common carrier
15 or other person may transport into and deliver within this state any intoxicating
16 liquor unless it is consigned to a person holding a wholesaler's permit for the sale of
17 intoxicating liquor, other than a retail "Class B" permit under s. 125.54 or, if shipped
18 from a manufacturer or rectifier in another state holding a permit under s. 125.58,
19 consigned to a person holding a manufacturer's or rectifier's permit under s. 125.52.
20 Any common carrier violating this paragraph shall forfeit \$100 for each violation.

21 SECTION 2759p. 125.68 (10) (bm) of the statutes is repealed.

22 SECTION 2759pg. 125.68 (10) (bs) of the statutes is repealed.

23 SECTION 2759pr. 125.68 (10) (c) of the statutes is repealed.

24 SECTION 2759q. 125.69 (1) (a) of the statutes is amended to read:

Insert
1034-16

1 ~~125.69 (1) (a)~~ No intoxicating liquor manufacturer, rectifier, winery,
 2 out-of-state shipper permittee, or wholesaler may hold any direct or indirect
 3 interest in any "Class A" license or establishment and no "Class A" licensee may hold
 4 any direct or indirect interest in a wholesale permit or establishment, except that a
 5 winery that has a permit under s. 125.53 may have an ownership interest in a "Class
 6 A" license.

7 **SECTION 2759r.** 125.69 (1) (b) 1. of the statutes is amended to read:

8 ~~125.69 (1) (b) 1.~~ Except as provided under ~~subds. 2. to~~ subd. 4., no intoxicating
 9 liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler
 10 may hold any direct or indirect interest in any "Class B" license or permit or
 11 establishment or "Class C" license or establishment and no "Class B" licensee or
 12 permittee or "Class C" licensee may hold any direct or indirect interest in a wholesale
 13 permit or establishment.

14 **SECTION 2759s.** 125.69 (1) (b) 2. and 3. of the statutes are repealed.

15 **SECTION 2759t.** 125.69 (1) (c) (intro.) of the statutes is renumbered 125.69 (1)
 16 (c) and amended to read:

17 ~~125.69 (1) (c)~~ No manufacturer, rectifier, winery, or out-of-state shipper
 18 permittee, whether located within or without this state, may hold any direct or
 19 indirect interest in any wholesale permit or establishment, ~~except as provided in s.~~
 20 ~~125.53, and except that a manufacturer that is also a brewer may hold a permit~~
 21 ~~issued under s. 125.54 for the wholesale sale of wine only. This paragraph does not~~
 22 ~~prohibit any of the following persons from obtaining a permit under s. 125.65.:~~
 23 Except as provided in s. 125.53, no retail licensee may hold any direct or indirect
 24 interest in any manufacturer, rectifier, winery, or out-of-state shipper permittee.

25 **SECTION 2759u.** ~~125.69 (1) (c) 1. to 3. of the statutes are repealed.~~

Insert
1035-23

1 ~~SECTION 2759v.~~ 125.69 (4) (c) of the statutes is repealed.

2 ~~SECTION 2759w.~~ 125.69 (6) (a) of the statutes is amended to read:


3 ~~125.69 (6) (a)~~ No campus or retail licensee or permittee may purchase or
4 possess intoxicating liquor purchased from any person other than a ~~manufacturer,~~
5 ~~rectifier or wholesaler~~ holding a permit under this chapter for the sale of intoxicating
6 liquor.

7 **SECTION 2759x.** 125.69 (8) of the statutes is created to read:

8 125.69 (8) PROVIDING TASTE SAMPLES ON "CLASS A" PREMISES. (a) With the consent
9 of the "Class A" licensee, a manufacturer or rectifier may provide, free of charge, on
10 "Class A" premises, taste samples of intoxicating liquor, other than wine, to any
11 person who has attained the legal drinking age, for consumption on the premises
12 during hours in which the "Class A" licensee is authorized under s. 125.51 (2) (am)
13 to provide taste samples. The provision of taste samples under this subsection shall
14 be subject to the same limitations that apply to taste samples provided by a "Class
15 A" licensee under s. 125.51 (2) (am). No manufacturer or rectifier may provide as
16 taste samples under this subsection any intoxicating liquor that the manufacturer
17 or rectifier did not purchase from the "Class A" licensee on whose premises the taste
18 samples are provided.

19 (b) 1. A manufacturer or rectifier may provide taste samples under par. (a)
20 through an individual representing the manufacturer or rectifier if all of the
21 following apply:

- 22 a. The individual is hired by the manufacturer or rectifier.
- 23 b. The individual is not employed by, or an agent of, a wholesaler.

24 2. All provisions of par. (a) that apply to a manufacturer or rectifier apply
25 equally to any individual representing a manufacturer or rectifier." 

*Insert
1036-11*

1 **3.** Page 1253, line 2: after that line insert:

2 ~~SECTION 2780b.~~ 139.035 of the statutes is repealed and recreated to read:

3 **139.035 Wine shipped directly to individuals in this state. (1)** All wine
4 shipped directly to an individual located in Wisconsin by a person holding a direct
5 wine shipper's permit under s. 125.535 shall be sold with the occupational tax
6 imposed under s. 139.03 included in the selling price. As directed by the department,
7 the taxes imposed under s. 139.03 shall be paid to, and a quarterly return filed with,
8 the department once every quarter. In addition to filing a quarterly liquor tax return,
9 each person holding a direct wine shipper's permit under s. 125.535 shall be required
10 to file an addendum, on forms furnished by the department, that provides, at
11 minimum, the identity, quantity, and price of all wine shipped to individuals in this
12 state during the previous quarter, along with the name, address, and birthdate of
13 each person who purchased the wine as well as the name of the person of legal
14 drinking age who acknowledged delivery of the wine. Working with permittees
15 under s. 125.535, the department shall develop forms, in both paper and electronic
16 format, for use by such permittees in obtaining this information and complying with
17 any other requirement under this state's law in connection with the direct shipment
18 of wine.

19 **(2)** Any failure of a person holding a direct wine shipper's permit under s.
20 125.535 to pay the occupational tax or file the addendum required under sub. (1)
21 within 30 days of its due date constitutes grounds for revocation or suspension of the
22 permit. The provisions on timely filing under s. 71.80 (18) apply to the tax and
23 addendum required under this section.

24 **SECTION 2780d.** 139.11 (4) (title) of the statutes is amended to read:

insert
1040-6

1 139.11 (4) (title) CONFIDENTIALITY AND PUBLICATIONS.

2 SECTION 2780e. 139.11 (4) of the statutes is renumbered 139.11 (4) (a) and
3 amended to read:

4 139.11 (4) (a) Sections 71.78 (1) and (4) to (9) and 71.83 (2) (a) 3., relating to
5 confidentiality of income, franchise and gift tax returns, apply to any information
6 obtained from any person on a fermented malt beverage ~~or intoxicating liquor~~ tax
7 return, report, schedule, exhibit or other document or from an audit report relating
8 to any of those documents, except that the department of revenue shall publish
9 brewery production and sales statistics ~~and shall publish or permit the publication~~
10 ~~of statistics on the total number of gallons of the types and brands of intoxicating~~
11 ~~liquor sold in this state.~~

12 SECTION 2780f. 139.11 (4) (b) of the statutes is created to read:

13 139.11 (4) (b) Sections 71.78 (1) and (4) to (9) and 71.83 (2) (a) 3., relating to
14 confidentiality of income, franchise and gift tax returns, do not apply to any
15 information obtained from any person on an intoxicating liquor tax return, report,
16 schedule, exhibit or other document or from an audit report relating to any of those
17 documents. With the information provided to the department by any person, the
18 department of revenue shall publish at least once each month:

19 1. Statistics on the total number of gallons of the types and brands of
20 intoxicating liquor sold in this state.

21 2. A current and regularly updated list, made available on paper and on the
22 department's Internet Web site, of permit holders that minimally includes detailed
23 information on the name, address, contact person, and date of permit issuance for
24 every manufacturer's and rectifier's permit issued under s. 125.52, winery permit
25 issued under s. 125.53, direct wine shipper's permit issued under s. 125.535,

Insert 1040-6
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wholesaler's permit issued under s. 125.54, and out-of-state shipper's permit issued under s. 125.58.

3. A report summarizing the identity, quantity, and price of all products sold under each winery permit issued under s. 125.53 and each direct wine shipper's permit issued under s. 125.535.

4. A report summarizing the sales quantity and product data available for all products sold under each wholesaler's permit issued under s. 125.54." *de*

~~(END)~~