

1 **SECTION 1077.** 289.31 (7) (f) of the statutes is amended to read:

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

11 **SECTION 1078.** 289.43 (7) (c) of the statutes is amended to read:

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

20 **SECTION 1079.** 289.43 (7) (e) 3. of the statutes is amended to read:

21 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the
22 appropriation under s. ~~20.370~~ 20.375 (2) (dg).

23 **SECTION 1080.** 289.64 (6) of the statutes is amended to read:

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

4 **SECTION 1081.** 289.68 (1) of the statutes is amended to read:

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

13 **SECTION 1082.** 289.68 (3) of the statutes is amended to read:

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

20 **SECTION 1083.** 289.68 (4) of the statutes is amended to read:

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

25 **SECTION 1084.** 289.68 (5) of the statutes is amended to read:

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

4 **SECTION 1085.** 289.68 (6) of the statutes is amended to read:

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

8 **SECTION 1086.** 289.68 (7) of the statutes is amended to read:

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

14 **SECTION 1087.** 291.01 (2) of the statutes is amended to read:

15 291.01 (2) "Department" means the department of ~~natural resources~~
16 environmental quality.

17 **SECTION 1088.** 292.01 (2) of the statutes is amended to read:

18 292.01 (2) "Department" means the department of ~~natural resources~~
19 environmental quality.

20 **SECTION 1089.** 292.01 (17) of the statutes is amended to read:

21 292.01 (17) "Secretary" means the secretary of ~~natural resources~~
22 environmental quality.

23 **SECTION 1090.** 292.11 (6) (a) of the statutes is amended to read:

24 292.11 (6) (a) *Contingency plan; activities resulting from discharges.* The
25 department may utilize moneys appropriated under s. ~~20.370~~ 20.375 (2) (dv) and

1 (my) in implementing and carrying out the contingency plan developed under sub.
2 (5) and to provide for the procurement, maintenance and storage of necessary
3 equipment and supplies, personnel training and expenses incurred in identifying,
4 locating, monitoring, containing, removing and disposing of discharged substances.

5 **SECTION 1091.** 292.11 (6) (b) of the statutes is amended to read:

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

10 **SECTION 1092.** 292.11 (6) (c) 2. of the statutes is amended to read:

11 292.11 (6) (c) 2. Reimbursements to the department under section 311, federal
12 water pollution control act amendments of 1972, P.L. 92-500, shall be credited to the
13 appropriation under s. ~~20.370~~ 20.375 (2) (my).

14 **SECTION 1093.** 292.12 (1) (a) of the statutes is amended to read:

15 292.12 (1) (a) "Agency with administrative authority" means the department
16 of agriculture, trade and consumer protection with respect to a site over which it has
17 jurisdiction under s. 94.73 (2), the department of commerce with respect to a site over
18 which it has jurisdiction under s. 101.144 (2) (a), or the department of ~~natural~~
19 ~~resources~~ environmental quality with respect to a site over which it has jurisdiction
20 under s. 292.11 (7).

21 **SECTION 1094.** 292.255 of the statutes is amended to read:

22 **292.255 Report on brownfield efforts.** The department of ~~natural~~
23 ~~resources~~ environmental quality, the department of administration, and the
24 department of commerce shall submit a report evaluating the effectiveness of this

1 state's efforts to remedy the contamination of, and to redevelop, brownfields, as
2 defined in s. 560.13 (1) (a).

3 **SECTION 1095.** 292.31 (4) of the statutes is amended to read:

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

11 **SECTION 1096.** 292.31 (7) (am) 2. of the statutes is amended to read:

12 292.31 (7) (am) 2. The department may acquire an interest in property from
13 any person as part of a remedial action conducted in cooperation with the federal
14 environmental protection agency if the acquisition is necessary to implement the
15 remedy. Under this subdivision, the department may acquire an interest in property
16 that is necessary to ensure that restrictions on the use of land or groundwater are
17 enforceable. The department may expend moneys from the appropriations under ss.
18 ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an
19 interest in property acquired by the department under this subdivision.

20 **SECTION 1097.** 292.31 (7) (b) of the statutes is amended to read:

21 292.31 (7) (b) The department may expend moneys from the appropriations
22 under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601,
23 et seq. The department shall promulgate by rule criteria for the expenditure of
24 moneys from the appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg).
25 The criteria shall include consideration of the amount of moneys available in the

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

5 **SECTION 1098.** 292.33 (6) of the statutes is amended to read:

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

12 **SECTION 1099.** 292.41 (6) (a) of the statutes is amended to read:

13 292.41 (6) (a) The department may utilize moneys appropriated under s.
14 ~~20.370~~ 20.375 (2) (dv) and (my) in taking action under sub. (4). The department shall
15 utilize these moneys to provide for the procurement, maintenance and storage of
16 necessary equipment and supplies, personnel training and expenses incurred in
17 locating, identifying, removing and disposing of abandoned containers.

18 **SECTION 1100.** 292.41 (6) (b) of the statutes is amended to read:

19 292.41 (6) (b) No more than 25% of the total of all moneys available under the
20 appropriation under s. ~~20.370~~ 20.375 (2) (dv) and (my) may be used annually for the
21 procurement and maintenance of necessary equipment during that fiscal year.

22 **SECTION 1101.** 292.53 of the statutes is amended to read:

23 **292.53 Availability of environmental insurance.** The department, in
24 cooperation with the department of administration, may undertake activities to
25 make private environmental insurance products available to encourage and

1 facilitate the cleanup and redevelopment of contaminated property. The department
2 of ~~natural resources~~ environmental quality may negotiate with, select, and contract
3 with one or more insurers to provide insurance products under this section, subject
4 to the approval of the department of administration under s. 16.865 (5).

5 **SECTION 1102.** 292.55 (2) of the statutes is amended to read:

6 292.55 (2) The department may assess and collect fees from a person to offset
7 the costs of providing assistance under sub. (1). The department shall promulgate
8 rules for the assessment and collection of fees under this subsection. Fees collected
9 under this subsection shall be credited to the appropriation account under s. ~~20.370~~
10 20.375 (2) (dh).

11 **SECTION 1103.** 292.57 (2) (b) of the statutes is amended to read:

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

14 **SECTION 1104.** 292.65 (3) (c) of the statutes is amended to read:

15 292.65 (3) (c) The department shall allocate 9.7% of the funds appropriated
16 under s. ~~20.370~~ 20.375 (6) (eq) in each fiscal year for awards for immediate action
17 activities and applications that exceed the amount anticipated.

18 **SECTION 1105.** 292.65 (11) of the statutes is amended to read:

19 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
20 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
21 of a discharge of dry cleaning product at a dry cleaning facility and there is a person
22 who would be an eligible owner or operator under this section for the dry cleaning
23 facility, the department shall transfer from the appropriation account under s.
24 ~~20.370~~ 20.375 (6) (eq) to the environmental fund an amount equal to the amount
25 expended under s. 292.11 (7) (a) or 292.31 (3) (b) less the applicable deductible under

1 sub. (8) (e). The department shall make transfers under this subsection when the
2 department determines that sufficient funds are available in the appropriation
3 account under s. ~~20.370~~ 20.375 (6) (eq).

4 **SECTION 1106.** 292.70 (7) of the statutes is amended to read:

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

8 **SECTION 1107.** 292.75 (2) (a) of the statutes is amended to read:

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

13 **SECTION 1108.** 292.75 (6) of the statutes is amended to read:

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

18 **SECTION 1109.** 292.94 of the statutes is amended to read:

19 **292.94 Fees related to enforcement actions.** The department may assess
20 and collect fees from a person who is subject to an order or other enforcement action
21 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
22 review the planning and implementation of any environmental investigation or
23 environmental cleanup that the person is required to conduct. The department shall
24 promulgate rules for the assessment and collection of fees under this section. Fees

1 collected under this section shall be credited to the appropriation account under s.
2 ~~20.370~~ 20.375 (2) (dh).

3 **SECTION 1110.** 293.01 (3) of the statutes is amended to read:

4 293.01 (3) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1111.** 293.01 (28) (a) of the statutes is amended to read:

7 293.01 (28) (a) Habitat required for survival of species of vegetation or wildlife
8 designated as endangered through prior inclusion in rules adopted by the
9 department of natural resources, if such endangered species cannot be firmly
10 reestablished elsewhere.

11 **SECTION 1112.** 293.01 (28) (b) (intro.) of the statutes is amended to read:

12 293.01 (28) (b) (intro.) Unique features of the land, as determined by state or
13 federal designation and incorporated in rules adopted by the department of natural
14 resources, as any of the following, which cannot have their unique characteristic
15 preserved by relocation or replacement elsewhere:

16 **SECTION 1113.** 293.25 (6) of the statutes is amended to read:

17 293.25 (6) ENVIRONMENTAL IMPACT. Radioactive waste site exploration may
18 constitute a major action significantly affecting the quality of the human
19 environment. No person may engage in radioactive waste site exploration unless the
20 person complies with the requirements under s. 1.11. Notwithstanding s. ~~23.40~~
21 278.40, the state may charge actual and reasonable costs associated with field
22 investigation, verification, monitoring, preapplication services and preparation of
23 an environmental impact statement.

24 **SECTION 1114.** 295.11 (1) of the statutes is amended to read:

1 295.11 (1) "Department" means the department of ~~natural resources~~
2 environmental quality.

3 **SECTION 1115.** 295.31 (1) of the statutes is amended to read:

4 295.31 (1) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1116.** 299.01 (3) of the statutes is amended to read:

7 299.01 (3) "Department" means the department of ~~natural resources~~
8 environmental quality.

9 **SECTION 1117.** 299.23 of the statutes is amended to read:

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

15 **SECTION 1118.** 299.64 (3) of the statutes is amended to read:

16 299.64 (3) CITATIONS. The department may follow the procedures for the
17 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
18 for a violation of sub. (2).

19 **SECTION 1119.** 299.83 (1) (c) of the statutes is amended to read:

20 299.83 (1) (c) "Environmental performance," unless otherwise qualified, means
21 the effects, whether regulated under subchs. I to III of ch. 30 or chs. 29 to 31, 160,
22 or 280 to 299 or unregulated, of a facility or activity on air, water, land, natural
23 resources, and human health.

24 **SECTION 1120.** 299.83 (1) (d) of the statutes is amended to read:

1 299.83 (1) (d) "Environmental requirement" means a requirement in subchs.
2 I to III of ch. 30 or chs. 29 to 31, 160, or 280 to 299, a rule promulgated under one of
3 those chapters, or a permit, license, other approval, or order issued by the
4 department under one of those chapters.

5 **SECTION 1121.** 299.83 (3) (b) 3. of the statutes is amended to read:

6 299.83 (3) (b) 3. That, within 24 months before the date of application, the
7 department of justice has not filed a suit to enforce an environmental requirement,
8 and the department of ~~natural resources~~ environmental quality has not issued a
9 citation to enforce an environmental requirement, because of a violation involving
10 a covered facility or activity.

11 **SECTION 1122.** 299.83 (3) (d) 2. a. of the statutes is amended to read:

12 299.83 (3) (d) 2. a. Improving the environmental performance of the applicant,
13 with respect to each covered facility or activity, in aspects of environmental
14 performance that are regulated under subchs. I to III of ch. 30 or chs. 29 to 31, 160,
15 or 280 to 299.

16 **SECTION 1123.** 299.83 (3) (d) 2. b. of the statutes is amended to read:

17 299.83 (3) (d) 2. b. Improving the environmental performance of the applicant,
18 with respect to each covered facility or activity, in aspects of environmental
19 performance that are not regulated under subchs. I to III of ch. 30 or chs. 29 to 31,
20 160, or 280 to 299.

21 **SECTION 1124.** 299.83 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
22 30, is amended to read:

23 299.83 (3) (e) *Waiver of enforcement record requirements.* The secretary of
24 ~~natural resources~~ environmental quality may waive requirements in par. (b) 2. or 3.
25 based on the request of an applicant. The department shall provide public notice of

1 the request and shall provide at least 30 days for public comment on the request. The
2 secretary may not grant a waiver under this paragraph unless he or she finds that
3 the waiver is consistent with sub. (1m) and will not erode public confidence in the
4 integrity of the program.

5 **SECTION 1125.** 299.83 (4m) (f) of the statutes is amended to read:

6 299.83 (4m) (f) After a participant in tier I of the program implements an
7 environmental management system that complies with sub. (3) (d) 1., the
8 department shall conduct any inspections of the participant's covered facilities or
9 activities that are required under subchs. I to III of ch. 30 or chs. 29 to 31, 160, or 280
10 to 299 at the lowest frequency permitted under those chapters, except that the
11 department may conduct an inspection whenever it has reason to believe that a
12 participant is out of compliance with a requirement in an approval or with an
13 environmental requirement.

14 **SECTION 1126.** 299.83 (5) (b) 3. of the statutes is amended to read:

15 299.83 (5) (b) 3. That, within 24 months before the date of application, the
16 department of justice has not filed a suit to enforce an environmental requirement,
17 and the department of ~~natural resources~~ environmental quality has not issued a
18 citation to enforce an environmental requirement, because of a violation involving
19 a covered facility or activity.

20 **SECTION 1127.** 299.83 (5) (e) of the statutes, as affected by 2009 Wisconsin Act
21 30, is amended to read:

22 299.83 (5) (e) *Waiver of enforcement record requirements.* The secretary of
23 ~~natural resources~~ environmental quality may waive requirements in par. (b) 2. or 3.
24 based on the request of an applicant. The department shall provide public notice of
25 the request and shall provide at least 30 days for public comment on the request.

1 This public comment period may be concurrent with the notice period under sub. (6)
2 (c) to (f). The secretary may not grant a waiver under this paragraph unless he or
3 she finds that the waiver is consistent with sub. (1m) and will not erode public
4 confidence in the integrity of the program.

5 **SECTION 1128.** 299.85 (1) (c) 1. of the statutes is amended to read:

6 299.85 (1) (c) 1. ~~Chapters 29 to~~ Subchapters I to III of ch. 30 or chs. 31, 160, or
7 280 to 299, a rule promulgated under one of those chapters, or a permit, license, other
8 approval, or order issued by the department under one of those chapters.

9 **SECTION 1129.** 299.85 (6) (b) (intro.) of the statutes, as affected by 2009
10 Wisconsin Act 30, is amended to read:

11 299.85 (6) (b) (intro.) The department may not approve or issue a compliance
12 schedule that extends longer than 12 months beyond the date of approval of the
13 compliance schedule, unless the secretary of ~~natural resources~~ environmental
14 quality determines that a longer schedule is necessary. The department shall
15 consider the following factors in determining whether to approve a compliance
16 schedule:

17 **SECTION 1130.** 299.85 (7) (a) 2. of the statutes, as affected by 2009 Wisconsin
18 Act 30, is amended to read:

19 299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified
20 in ss. ~~29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,~~
21 ~~29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b),~~ 30.298 (1), (2), and
22 (3), ~~30.49 (1) (a) and (e),~~ 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
23 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
24 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
25 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3)

1 (a) and (c), and 299.97 (1), if a regulated entity that qualifies under sub. (2) for
2 participation in the Environmental Compliance Audit Program corrects violations
3 that it discloses in a report that meets the requirements of sub. (3) within 90 days
4 after the department receives the report that meets the requirements of sub. (3), the
5 regulated entity may not be required to forfeit more than \$500 for each violation,
6 regardless of the number of days during which the violation continues.

7 **SECTION 1131.** 299.85 (7) (a) 4. of the statutes is amended to read:

8 299.85 (7) (a) 4. Notwithstanding minimum or maximum forfeitures specified
9 in ss. ~~29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,~~
10 ~~29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b),~~ 30.298 (1), (2), and
11 (3), ~~30.49 (1) (a) and (c),~~ 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
12 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
13 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
14 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3)
15 (a) and (c), and 299.97 (1), if the department approves a compliance schedule under
16 sub. (6) and the regulated entity corrects the violations according to the compliance
17 schedule, the regulated entity may not be required to forfeit more than \$500 for each
18 violation, regardless of the number of days during which the violation continues.

19 **SECTION 1132.** 299.85 (7) (am) of the statutes is amended to read:

20 299.85 (7) (am) The department may issue a citation and follow the procedures
21 under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for a violation to which
22 par. (a) 2. or 4. applies.

23 **SECTION 1133.** 299.95 of the statutes is amended to read:

24 **299.95 Enforcement; duty of department of justice; expenses.** The
25 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except

1 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,
2 permits, and water quality certifications of the department, except those
3 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided
4 in ss. 285.86 and 299.85 (7) (am). The circuit court for Dane county or for any other
5 county where a violation occurred in whole or in part has jurisdiction to enforce chs.
6 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan
7 approval, permit, or certification by injunctive and other relief appropriate for
8 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295
9 or this chapter or the rule, special order, license, plan approval, permit or
10 certification prohibits in whole or in part any pollution, a violation is considered a
11 public nuisance. The department of ~~natural resources~~ environmental quality may
12 enter into agreements with the department of justice to assist with the
13 administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid
14 to the department of justice under these agreements shall be credited to the
15 appropriation account under s. 20.455 (1) (k).

16 **SECTION 1134.** 303.04 of the statutes is amended to read:

17 **303.04 Correctional farms.** The board of commissioners of public lands, the
18 department of natural resources, the department of agriculture, trade and consumer
19 protection, and the department may select from the state forest reserves a quantity
20 of land not to exceed 5,000 acres and convert the same into farms for the state
21 prisons.

22 **SECTION 1135.** 323.60 (4) (intro.) of the statutes, as affected by 2009 Wisconsin
23 Act 42, is amended to read:

24 **323.60 (4) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES** ENVIRONMENTAL
25 QUALITY. (intro.) The department of ~~natural resources~~ environmental quality shall:

1 **SECTION 1136.** 323.60 (4) (b) of the statutes, as affected by 2009 Wisconsin Act
2 42, is amended to read:

3 323.60 (4) (b) Have the same powers and duties at the time of a release of a
4 hazardous substance as are given to it under s. 292.11, including the investigation
5 of releases of hazardous substances, the repair of any environmental damage which
6 results from the release and the recovery of costs from responsible parties. The
7 department of ~~natural resources~~ environmental quality may also, at the time of a
8 release of a hazardous substance, identify and recommend to the division and the
9 committee measures to lessen or mitigate anticipated environmental damage
10 resulting from the release.

11 **SECTION 1137.** 323.60 (5) (b) of the statutes, as affected by 2009 Wisconsin Act
12 42, is amended to read:

13 323.60 (5) (b) All facilities in this state covered under 42 USC 11004 shall
14 comply with the notification requirements of 42 USC 11004. Notification of the
15 department of ~~natural resources~~ environmental quality of the discharge of a
16 hazardous substance under s. 292.11 (2) shall constitute the notification of the
17 division required under 42 USC 11004 if the notification contains the information
18 specified in 42 USC 11004 (b) (2) or (c).

19 **SECTION 1138.** 323.60 (5) (d) (intro.) of the statutes, as affected by 2009
20 Wisconsin Act 42, is amended to read:

21 323.60 (5) (d) (intro.) The following facilities shall comply with the toxic
22 chemical release form requirements under 42 USC 11023 and shall submit copies of
23 all toxic chemical release forms to the department of ~~natural resources~~
24 environmental quality:

1 **SECTION 1139.** 323.71 (2) of the statutes, as affected by 2009 Wisconsin Act 42,
2 is amended to read:

3 323.71 (2) If action required under sub. (1) is not being adequately taken or the
4 identity of the person responsible for an emergency involving a release or potential
5 release of a hazardous substance is unknown and the emergency involving a release
6 or potential release threatens public health or safety or damage to property, a local
7 agency may take any emergency action that is consistent with the contingency plan
8 for the undertaking of emergency actions in response to the release or potential
9 release of hazardous substances established by the department of ~~natural resources~~
10 environmental quality under s. 292.11 (5) and that it considers appropriate under
11 the circumstances.

12 **SECTION 1140.** 340.01 (3) (b) of the statutes is amended to read:

13 340.01 (3) (b) Conservation wardens' vehicles, state forest rangers' vehicles,
14 environmental wardens' vehicles, foresters' trucks, or vehicles used by commission
15 wardens, whether publicly or privately owned.

16 **SECTION 1141.** 341.65 (2) (b) of the statutes is amended to read:

17 341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county
18 traffic patrolman, state traffic officer, state forest ranger, conservation warden, or
19 parking enforcer who discovers any unregistered motor vehicle located upon any
20 highway may cause the motor vehicle to be immobilized with an immobilization
21 device or removed to a suitable place of impoundment. Upon immobilization or
22 removal of the motor vehicle, the officer, state forest ranger, conservation warden,
23 or parking enforcer shall notify the sheriff or chief of police of the location of the
24 immobilized or impounded motor vehicle and the reason for the immobilization or
25 impoundment. Upon causing the removal of the motor vehicle by a towing service,

1 the officer, state forest ranger, conservation warden, or parking enforcer shall,
2 within 24 hours of ordering the removal, notify the towing service of the name and
3 last-known address of the registered owner and all lienholders of record of the
4 vehicle, unless the officer or parking enforcer is employed by a municipality or county
5 that has entered into a towing services agreement which requires the municipality
6 or county to provide notice to such owner and lienholders of the towing.

7 **SECTION 1142.** 342.40 (3) (a) of the statutes is amended to read:

8 342.40 (3) (a) Any municipal or university police officer, police officer appointed
9 under s. 16.84 (2), sheriff's deputy, county traffic patrolman, state traffic officer, state
10 forest ranger, or conservation warden who discovers any motor vehicle, trailer,
11 semitrailer, or mobile home on any public highway or private or public property
12 which has been abandoned shall cause the vehicle to be removed to a suitable place
13 of impoundment. Upon removal of the vehicle the officer, state forest ranger, or
14 conservation warden shall notify the sheriff or chief of police of the abandonment and
15 of the location of the impounded vehicle. Upon causing the removal of the motor
16 vehicle by a towing service, the officer, state forest ranger, or conservation warden
17 shall, within 24 hours of ordering the removal, notify the towing service of the name
18 and last-known address of the registered owner and all lienholders of record of the
19 vehicle, unless the officer is employed by a municipality or county that has entered
20 into a towing services agreement which requires the municipality or county to
21 provide notice to such owner and lienholders of the towing.

22 **SECTION 1143.** 345.11 (1j) of the statutes, as created by 2009 Wisconsin Act 55,
23 is amended to read:

24 345.11 (1j) The uniform traffic citation or the citation form under s. 23.54 may
25 be used for violations of s. ~~30.07~~ 30.795. When the uniform traffic citation is used,

1 the report of conviction shall be forwarded to the department of natural resources.
2 When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85
3 applies.

4 **SECTION 1144.** 345.20 (2) (g) of the statutes is amended to read:

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

10 **SECTION 1145.** 347.06 (1) of the statutes is amended to read:

11 347.06 (1) Except as provided in subs. (2) ~~and~~, (4), and (5), no person may
12 operate a vehicle upon a highway during hours of darkness unless all headlamps, tail
13 lamps and clearance lamps with which such vehicle is required to be equipped are
14 lighted. Parking lamps as defined in s. 347.27 shall not be used for this purpose.

15 **SECTION 1146.** 347.06 (5) of the statutes is created to read:

16 347.06 (5) A state forest ranger appointed under s. 28.92 may operate a vehicle
17 owned or leased by the department of agriculture, trade and consumer protection
18 upon a highway during hours of darkness without lighted headlamps, tail lamps, or
19 clearance lamps in the performance of his or her duties.

20 **SECTION 1147.** 350.01 (9g) of the statutes is amended to read:

21 350.01 (9g) "Law enforcement officer" has the meaning specified under s.
22 165.85 (2) (c) and includes a person appointed as a conservation warden by the
23 department under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.

24 **SECTION 1148.** 350.12 (3h) (g) of the statutes is amended to read:

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

4 **SECTION 1149.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

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

8 **SECTION 1150.** 350.12 (4) (a) 3m. of the statutes is amended to read:

9 350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated
10 under s. 20.370 ~~(3) (1) (ak) and (aq); and~~

11 **SECTION 1151.** 350.12 (4) (am) of the statutes is amended to read:

12 350.12 (4) (am) *Enforcement aids to department.* Of the amounts appropriated
13 under s. 20.370 ~~(3) (1) (ak) and (aq),~~ the department shall allocate \$26,000 in each
14 fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry
15 snowmobiles, or both, to be used in state law enforcement efforts.

16 **SECTION 1152.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

17 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
18 under s. 20.370 (1) (mq) and (5) (cb), (cr), (cs), and (cw) and s. 20.115 (5) (sm) shall
19 be used for development and maintenance, the cooperative snowmobile sign
20 program, major reconstruction or rehabilitation to improve bridges on existing
21 approved trails, trail rehabilitation, signing of snowmobile routes, and state
22 snowmobile trails and areas and distributed as follows:

23 **SECTION 1153.** 350.12 (4) (bg) 1. of the statutes is amended to read:

24 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
25 department of natural resources shall make available in fiscal year 2001-02 and

1 each fiscal year thereafter an amount equal to the amount calculated under s. 25.29
2 (1) (d) 2. to make payments to itself, to the department of agriculture, trade and
3 consumer protection, or to a county under par. (bm) for trail maintenance costs
4 incurred in the previous fiscal year that exceed the maximum specified under par.
5 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

6 **SECTION 1154.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

7 350.12 (4) (bm) *Supplemental trail aids; eligibility.* (intro.) A county or the
8 department of agriculture, trade and consumer protection shall be eligible for
9 payments under par. (bg) for a given fiscal year if it applies for the aid and if all of
10 the following apply:

11 **SECTION 1155.** 350.12 (4) (bm) 1. of the statutes is amended to read:

12 350.12 (4) (bm) 1. The actual cost incurred by the department of agriculture,
13 trade and consumer protection or the county in maintaining its trails that are
14 qualified under par. (b) 1. or 4. in the previous fiscal year exceeds the maximum of
15 \$250 per mile per year under par. (b) 1.

16 **SECTION 1156.** 350.12 (4) (bm) 2. of the statutes is amended to read:

17 350.12 (4) (bm) 2. Of the actual cost incurred by the department of natural
18 resources, the department of agriculture, trade and consumer protection, or the
19 county in maintaining its trails that are qualified under par. (b) 1. or 4. for the fiscal
20 year applicable under subd. 1., the actual cost incurred in grooming the trails exceeds
21 a maximum of \$150 per mile per year.

22 **SECTION 1157.** 350.12 (4) (br) of the statutes is amended to read:

23 350.12 (4) (br) *Supplemental trail aids; insufficient funding.* If the aid under
24 par. (bm) that is payable to counties and, to the department under par. (bm) of
25 natural resources, and to the department of agriculture, trade and consumer

1 protection exceeds the moneys available under par. (bg), the department may prorate
2 the payments or may request the joint committee on finance to take action under s.
3 13.101. The requirement of a finding of emergency under s. 13.101 (3) (a) 1. does not
4 apply to such a request.

5 **SECTION 1158.** 350.12 (4) (c) of the statutes is amended to read:

6 350.12 (4) (c) 1. Any moneys appropriated under s. 20.370 (1) (aq), (mq), ~~(3) (aq)~~
7 ~~or (9) (mw)~~ or (tw) that lapse shall revert to the snowmobile account in the
8 conservation fund.

9 2. If any moneys appropriated under s. 20.370 ~~(9) (mu)~~ (1) (tu) lapse, a portion
10 of those moneys shall revert to the snowmobile account in the conservation fund. The
11 department shall calculate that portion by multiplying the total amount lapsing
12 from the appropriation by the same percentage the department used for the fiscal
13 year to determine the amount to be expended under the appropriation for
14 snowmobile registration.

15 **SECTION 1159.** 350.14 (1) of the statutes is amended to read:

16 350.14 (1) The snowmobile recreational council shall carry out studies and
17 make recommendations to the legislature, governor, department of natural
18 resources, the department of agriculture, trade and consumer protection, and
19 department of transportation on all matters related to this chapter or otherwise
20 affecting snowmobiles and snowmobiling.

21 **SECTION 1160.** 350.145 (3) (a) 1. of the statutes is amended to read:

22 350.145 (3) (a) 1. Before June 30 of each even-numbered year, the department
23 shall consult with the department of agriculture, trade and consumer protection and
24 the snowmobile recreational council on the proposed changes for the succeeding
25 biennium in the appropriations and laws that affect snowmobiles and snowmobiling.

1 **SECTION 1161.** 350.15 (3) (a) of the statutes is amended to read:

2 350.15 (3) (a) If a snowmobile accident results in the death of any person, or
3 in an injury that requires the treatment of a person by a physician, the operator of
4 each snowmobile involved in the accident shall give notice of the accident to a
5 ~~conservation warden or local~~ law enforcement officer as soon as possible and, within
6 10 days after the accident, shall file a written report of the accident with the
7 department on the form prescribed by it.

8 **SECTION 1162.** 350.17 (1) of the statutes is amended to read:

9 350.17 (1) Any law enforcement officer of the state traffic patrol under s. 110.07
10 (1), ~~inspector under s. 110.07 (3), warden of the department under s. 23.10, county~~
11 ~~sheriff or municipal peace officer~~ may enforce the provisions of this chapter.

12 **SECTION 1163.** 560.11 (1) (a) of the statutes is amended to read:

13 560.11 (1) (a) Advise the department of ~~natural resources~~ environmental
14 quality concerning the effectiveness of the small business stationary source technical
15 and environmental compliance assistance program under s. 285.79, difficulties
16 encountered by small business stationary sources, as defined in s. 285.79 (1), in
17 complying with s. 299.15 and ch. 285 and the degree and severity of enforcement of
18 s. 299.15 and ch. 285 against small business stationary sources.

19 **SECTION 1164.** 560.11 (2) of the statutes is amended to read:

20 560.11 (2) The employees of the department of commerce who staff the small
21 business ombudsman clearinghouse under s. 560.03 (9) and the employees of the
22 department of ~~natural resources~~ environmental quality who staff the small business
23 stationary source technical and environmental compliance assistance program
24 under s. 285.79 shall provide the small business environmental council with the
25 assistance necessary to comply with sub. (1).

1 **SECTION 1165.** 560.13 (2) (a) 1m. of the statutes is amended to read:

2 560.13 (2) (a) 1m. The recipient does not use the grant proceeds to pay lien
3 claims of the department of ~~natural resources~~ environmental quality or the federal
4 environmental protection agency based on investigation or remediation activities of
5 the department of ~~natural resources~~ environmental quality or the federal
6 environmental protection agency or to pay delinquent real estate taxes or interest
7 or penalties that relate to those taxes.

8 **SECTION 1166.** 560.13 (5) of the statutes is amended to read:

9 560.13 (5) Before the department awards a grant under this section, the
10 department shall consider the recommendations of the department of
11 administration and the department of ~~natural resources~~ environmental quality.

12 **SECTION 1167.** 560.19 (3) of the statutes is amended to read:

13 560.19 (3) In coordination with the solid and hazardous waste education center
14 under s. 36.25 (30) and the department of ~~natural resources~~ environmental quality,
15 the department shall conduct an education, environmental management and
16 technical assistance program to promote pollution prevention among businesses in
17 the state.

18 **SECTION 1168.** 778.104 (title) of the statutes is amended to read:

19 **778.104 (title) Department of natural resources and department of**
20 **environmental quality forfeitures; how recovered.**

21 **SECTION 1169.** 778.104 of the statutes is renumbered 778.104 (1) and amended
22 to read:

23 778.104 (1) If there is a conflict with this chapter, the procedure in ss. 23.50 to
24 23.85 shall be followed in actions to recover forfeitures for the violation of those
25 ~~natural resources~~ laws enumerated in s. 23.50.

278

1 SECTION 1170. 778.104 (2) of the statutes is created to read:

2 278 778.104 (2) If there is a conflict with this chapter, the procedure in ss. 778.50
3 to 778.90 shall be followed in actions to recover forfeitures for the violation of those
4 laws enumerated in s. ~~778.51~~ 278.51 (1).

****NOTE: Make necessary changes regarding enforcement.

5 SECTION 1171. 778.30 (1) (intro.) of the statutes is amended to read:

6 778.30 (1) (intro.) In addition to the procedures under s. 23.795, 278.795, or
7 345.47 or under this chapter for the collection of forfeitures, costs, assessments,
8 surcharges or restitution payments if a defendant fails to pay the forfeiture, costs,
9 assessment, surcharge or restitution payment within the period specified by the
10 circuit court, the court may do any of the following:

11 SECTION 1172. 800.02 (2) (a) (intro.) of the statutes is amended to read:

12 800.02 (2) (a) (intro.) The citation shall be signed by a peace officer or endorsed
13 by a municipal attorney or, if applicable, signed by a conservation warden or a state
14 forest ranger. In addition, the governing body of a municipality authorized to adopt
15 the use of citations may designate by ordinance or resolution other municipal
16 officials who may issue citations with respect to ordinances which are directly
17 related to the official responsibilities of the officials. Officials granted the authority
18 to issue citations may delegate, with the approval of the governing body, the
19 authority to employees. Authority delegated to an official or employee may be
20 revoked only in the same manner by which it is conferred. The citation shall contain
21 substantially the following information:

22 SECTION 1173. 814.77 (5) of the statutes is repealed.

23 SECTION 1174. 814.785 of the statutes is created to read:

1 **814.785 Surcharges in ch. 278 forfeiture actions.** In addition to any
2 forfeiture imposed in an action under s. 278.51, a defendant shall pay the following
3 surcharges if applicable:

4 (1) The court support services surcharge under s. 814.85.

5 (2) The crime laboratories and drug law enforcement surcharge under s.
6 165.755.

7 (3) The environmental surcharge under s. 299.93.

8 (4) The jail surcharge under s. 302.46 (1).

9 (5) The justice information system surcharge under s. 814.86 (1).

10 (6) The penalty surcharge under s. 757.05.

11 (7) The special prosecution clerks surcharge under s. 814.86 (1m).

12 **SECTION 1175.** 823.075 (1) (a) of the statutes is amended to read:

13 823.075 (1) (a) "Department" means the department of ~~natural resources~~
14 agriculture, trade and consumer protection.

15 **SECTION 1176.** 823.08 (3) (c) 1. of the statutes is amended to read:

16 823.08 (3) (c) 1. Subject to subd. 2., if a court requests the department of
17 agriculture, trade and consumer protection or the department of ~~natural resources~~
18 environmental quality for suggestions under par. (b) 2. a., the department of
19 agriculture, trade and consumer protection or the department of ~~natural resources~~
20 environmental quality shall advise the court concerning the relevant provisions of
21 the performance standards, prohibitions, conservation practices and technical
22 standards under s. 281.16 (3).

23 **SECTION 1177.** 823.085 (2) (intro.) of the statutes is amended to read:

24 823.085 (2) (intro.) In any action finding a solid waste facility or the operation
25 of a solid waste facility to be a public or private nuisance, if the solid waste facility

1 was licensed under s. 289.31 (1) and was operated in substantial compliance with the
2 license, the plan of operation for the solid waste facility approved by the department
3 of ~~natural resources~~ environmental quality and the rules promulgated under s.
4 289.05 (1) that apply to the facility, then all of the following apply:

5 **SECTION 1178.** 823.085 (2) (b) of the statutes is amended to read:

6 823.085 (2) (b) The department of ~~natural resources~~ environmental quality
7 shall comply with a request by the court to provide suggestions for practices to reduce
8 the offensive aspects of the nuisance.

9 **SECTION 1179.** 891.04 of the statutes is amended to read:

10 **891.04 Certificate as to public lands.** The certificate of the executive
11 secretary appointed under s. 24.55 under the official seal, that any specified piece or
12 tract of land belongs to or is mortgaged to the state, or that the state has any interest,
13 legal or equitable, in that land shall be presumptive evidence of the facts so stated.
14 The certificate of the secretary of ~~natural resources~~ agriculture, trade and consumer
15 protection under the official seal of the department that authority has been given to
16 any person, naming the person, to seize timber or other materials specified in ch. 26
17 shall be presumptive evidence of the fact so stated.

18 **SECTION 1180.** 893.73 (2) (a) of the statutes is amended to read:

19 893.73 (2) (a) An action under s. 60.73 contesting an act of a town board or the
20 department of ~~natural resources~~ environmental quality in the establishment of a
21 town sanitary district.

22 **SECTION 1181.** 895.52 (2) (a) 2. of the statutes is amended to read:

23 895.52 (2) (a) 2. A duty to inspect the property, except as provided under s. ~~ss.~~
24 23.115 (2) and 28.047 (3).

25 **SECTION 1182.** 895.52 (3) (b) of the statutes is amended to read:

1 895.52 (3) (b) A death or injury caused by a malicious act or by a malicious
2 failure to warn against an unsafe condition of which an officer, employee or agent
3 knew, which occurs on property designated by the department of natural resources
4 under s. 23.115, designated by the department of agriculture, trade and consumer
5 protection under s. 28.047, or designated by another state agency for a recreational
6 activity.

7 **SECTION 1183.** 895.53 (1) (am) of the statutes is created to read:

8 895.53 (1) (am) "State forest ranger" means a person appointed as a state forest
9 ranger by the department of agriculture, trade and consumer protection under s.
10 28.92.

11 **SECTION 1184.** 895.53 (2) of the statutes is amended to read:

12 895.53 (2) Any person withdrawing blood at the request of a traffic officer, law
13 enforcement officer, state forest ranger, or conservation warden for the purpose of
14 determining the presence or quantity of alcohol, controlled substances, controlled
15 substance analogs or any combination of alcohol, controlled substances and
16 controlled substance analogs is immune from any civil or criminal liability for the
17 act, except for civil liability for negligence in the performance of the act.

18 **SECTION 1185.** 895.55 (2) (b) of the statutes is amended to read:

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

23 **SECTION 1186.** 895.56 (2) (c) of the statutes is amended to read:

24 895.56 (2) (c) The acts or omissions involving petroleum-contaminated soil on
25 the property were required by reasonably precise specifications in the contract

1 entered into under s. 84.06 (2), and the acts or omissions conformed to those
2 specifications, or were otherwise directed by the department of transportation or by
3 the department of ~~natural resources~~ environmental quality.

4 **SECTION 1187.** 895.56 (3) (c) of the statutes is amended to read:

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

11 **SECTION 1188.** 895.58 (1) (a) of the statutes is amended to read:

12 895.58 (1) (a) "Department" means the department of ~~natural resources~~
13 environmental quality.

14 **SECTION 1189.** 938.237 (1) of the statutes is amended to read:

15 938.237 (1) CITATION FORM. The citation forms under s. 23.54, 66.0113, 278.54
16 778.25, 778.26 or 800.02 may be used to commence an action for a violation of civil
17 laws and ordinances in the court.

18 **SECTION 1190.** 938.237 (2) of the statutes is amended to read:

19 938.237 (2) PROCEDURES. The procedures for issuance and filing of a citation,
20 and for forfeitures, stipulations, and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4),
21 66.0113, 278.50 to 278.67, 278.75 (3) and (4), 778.25, 778.26, and 800.01 to 800.04
22 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall
23 be used as appropriate, except that this chapter shall govern taking and holding a
24 juvenile in custody, s. 938.37 shall govern costs, fees, and surcharges imposed under
25 ch. 814, and a *capias* shall be substituted for an arrest warrant. Sections 66.0113 (3)

1 (c) and (d), 66.0114 (1), and 778.10 as they relate to collection of forfeitures do not
2 apply.

3 **SECTION 1191.** 951.01 (4) of the statutes is amended to read:

4 951.01 (4) "Law enforcement officer" has the meaning assigned under s. 967.02
5 (5) but does not include a conservation warden appointed under s. 23.10, an
6 environmental warden appointed under s. 278.10, or a state forest ranger.

7 **SECTION 1192.** 990.01 (39) of the statutes is created to read:

8 990.01 (39) SOUTHERN STATE FOREST. "Southern state forest" means a state
9 forest that is located within the region specified in s. 25.29 (7) (a).

10 **SECTION 1193. Nonstatutory provisions.**

11 (1) TRANSFERS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

12 (a) *Assets and liabilities.* On the effective date of this paragraph, the following
13 assets and liabilities of the department of natural resources shall become the assets
14 and liabilities of the department of environmental quality:

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

17 2. The assets and liabilities that are primarily related to the functions of the
18 bureau of drinking water and groundwater and to those functions of the bureau of
19 watershed management that are assigned to the department of environmental
20 quality by this act.

21 3. The assets and liabilities that are primarily related to those functions of the
22 divisions of enforcement and science, administration and technology, and customer
23 assistance and employee services that are assigned to the department of
24 environmental quality by this act.

1 4. Any other assets and liabilities related to the administrative functions of the
2 department of natural resources that the secretary of natural resources determines
3 should be transferred.

4 (b) *Employee transfers.* The following classified positions in the department of
5 natural resources and the incumbents in the positions are transferred to the
6 department of environmental quality:

7 1. The classified positions and the incumbents in the positions in the division
8 of air and waste.

9 2. The classified positions and the incumbents in the positions in the bureau
10 of drinking water and groundwater and the classified positions and the incumbents
11 in the positions in the bureau of watershed management that are primarily related
12 to those functions of the bureau of watershed management that are assigned to the
13 department of environmental quality by this act.

14 3. The classified positions and the incumbents in the positions that are
15 primarily related to those functions of the divisions of enforcement and science,
16 administration and technology, and customer and employee services that are
17 assigned to the department of environmental quality by this act.

18 4. Any other classified positions and the incumbents in the positions related
19 to the administrative functions of the department of natural resources that the
20 secretary of natural resources determines should be transferred.

21 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
22 same rights and status under subchapter V of chapter 111 and chapter 230 of the
23 statutes in the department of environmental quality that they enjoyed in the
24 department of natural resources immediately before the transfer. Notwithstanding

1 section 230.28 (4) of the statutes, no employee so transferred who has attained
2 permanent status in class is required to serve a probationary period.

3 (d) *Position changes.* The authorized full-time equivalent positions for the
4 department of natural resources funded by an appropriation immediately before the
5 effective date of this paragraph are reduced by the number of full-time equivalent
6 positions funded by that appropriation that are transferred to the department of
7 environmental quality under par. (b), and the authorized full-time equivalent
8 positions for the department of environmental quality funded by the equivalent
9 appropriation to that department are increased by the same number.

10 (e) *Tangible personal property.* On the effective date of this paragraph, all of
11 the following tangible personal property, including records, of the department of
12 natural resources shall be transferred to the department of environmental quality:

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

15 2. The tangible personal property, including records, primarily related to the
16 functions of the bureau of drinking water and groundwater and to those functions
17 of the bureau of watershed management that are assigned to the department of
18 environmental quality by this act.

19 3. The tangible personal property, including records, primarily related to those
20 functions of the divisions of enforcement and science and customer and employee
21 services that are assigned to the department of environmental quality by this act.

22 4. Any other tangible personal property related to the administrative functions
23 of the department of natural resources that the secretary of natural resources
24 determines should be transferred.

1 (f) *Contracts transferred.* The following contracts entered into by the
2 department of natural resources in effect on the effective date of this paragraph
3 remain in effect and are transferred to the department of environmental quality:

4 1. Contracts that are primarily related to the functions of the division of air and
5 waste.

6 2. Contracts that are primarily related to the functions of the bureau of
7 drinking water and groundwater and to those functions of the bureau of watershed
8 management that are assigned to the department of environmental quality by this
9 act.

10 3. Contracts that are primarily related to those functions of the divisions of
11 enforcement and science and customer and employee services that are assigned to
12 the department of environmental quality by this act.

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

16 (g) *Contracts carried out.* The department of environmental quality shall carry
17 out the obligations in a contract under paragraph (f) except to the extent that the
18 contract is modified or rescinded by the department of environmental quality in a
19 manner allowed under the contract.

20 (h) *Rules and orders.*

21 1. The following rules promulgated and orders issued by the department of
22 natural resources that are in effect on the effective date of this subdivision shall be
23 considered rules and orders of the department of environmental quality and shall
24 remain in effect until their specified effective dates or until modified, repealed, or
25 rescinded by the department of environmental quality:

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

3 b. The rules and orders that are primarily related to the functions of the bureau
4 of drinking water and groundwater and to those functions of the bureau of watershed
5 management that are assigned to the department of environmental quality by this
6 act.

7 c. The rules and orders that are primarily related to those functions of the
8 divisions of enforcement and science and customer and employee services that are
9 assigned to the department of environmental quality by this act.

10 2. In the rules and orders under subdivision 1., references to the secretary or
11 department of natural resources or to an officer or employee of the department of
12 natural resources transferred under this act to the department of environmental
13 quality shall be treated as references to the secretary or department of
14 environmental quality or to an officer or employee of the department of
15 environmental quality.

16 (i) *Pending matters.* The following matters pending with the department of
17 natural resources on the effective date of this paragraph are transferred to the
18 department of environmental quality, and all materials submitted to or actions taken
19 by the department of natural resources with respect to the following pending matters
20 are considered as having been submitted to or taken by the department of
21 environmental quality:

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

24 2. Pending matters that are primarily related to the functions of the bureau of
25 drinking water and groundwater and to those functions of the bureau of watershed

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

3 3. Pending matters that are primarily related to those functions of the divisions
4 of enforcement and science and customer and employee services that are assigned
5 to the department of environmental quality by this act.

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

8 (j) *Dispute resolution.* The secretary of environmental quality or the secretary
9 of natural resources may, after the effective date of this paragraph, and before July
10 1, 2012, request the joint committee on finance to modify the transfers provided
11 under paragraphs (a), (b), (d), (e), (f), and (i). The committee may make those
12 transfers as requested or as modified by the committee.

13 (2) TRANSFER OF THE DIVISION OF FORESTRY TO THE DEPARTMENT OF AGRICULTURE,
14 TRADE AND CONSUMER PROTECTION.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
16 liabilities of the department of natural resources that are primarily related to the
17 functions of the division of forestry, as determined by the secretary of administration,
18 shall become the assets and liabilities of the department of agriculture, trade and
19 consumer protection. If either department is dissatisfied with the secretary's
20 determination, that department may bring the matter to the cochairpersons of the
21 joint committee on finance for consideration by the committee, and the committee
22 shall affirm or modify the decision.

23 (b) *Employee transfers.*

24 1. All incumbent employees holding positions in the department of natural
25 resources relating primarily to the functions of the division of forestry, as determined

create autoref X

1 by the secretary of administration, are transferred on the effective date of this
2 subdivision to the department of agriculture, trade and consumer protection. If
3 either department is dissatisfied with the secretary's determination, that
4 department may bring the matter to the cochairpersons of the joint committee on
5 finance for consideration by the committee, and the committee shall affirm or modify
6 the decision.

7 2. The secretary of administration shall determine which incumbent
8 employees holding positions in the department of natural resources that relate
9 primarily to general administration and program support will be transferred to the
10 department of agriculture, trade and consumer protection. If either department is
11 dissatisfied with the secretary's determination, that department may bring the
12 matter to the cochairpersons of the joint committee on finance for consideration by
13 the committee, and the committee shall affirm or modify the decision.

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

20 (d) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department of natural resources
22 that is primarily related to the functions of the division of forestry, as determined by
23 the secretary of administration, shall be transferred to the department of
24 agriculture, trade and consumer protection. If either department is dissatisfied with
25 the secretary's determination, that department may bring the matter to the

1 cochairpersons of the joint committee on finance for consideration by the committee,
2 and the committee shall affirm or modify the decision.

3 (e) *Contracts.* All contracts entered into by the department of natural resources
4 in effect on the effective date of this paragraph that are primarily related to the
5 functions of the division of forestry, as determined by the secretary of administration,
6 remain in effect and are transferred to the department of agriculture, trade and
7 consumer protection. If either department is dissatisfied with the secretary's
8 determination, that department may bring the matter to the cochairpersons of the
9 joint committee on finance for consideration by the committee, and the committee
10 shall affirm or modify the decision. The department of agriculture, trade and
11 consumer protection shall carry out any such contractual obligations unless modified
12 or rescinded by the department of agriculture, trade and consumer protection to the
13 extent allowed under the contract.

14 (f) *Rules and orders.* All rules promulgated by the department of natural
15 resources that are primarily related to the functions of the division of forestry, as
16 determined by the secretary of administration, and that are in effect on the effective
17 date of this paragraph remain in effect until their specified expiration dates or until
18 amended or repealed by the department of agriculture, trade and consumer
19 protection. All orders issued by the department of natural resources that are
20 primarily related to the functions of the division of forestry, as determined by the
21 secretary of administration, and that are in effect on the effective date of this
22 paragraph remain in effect until their specified expiration dates or until modified or
23 rescinded by the department of agriculture, trade and consumer protection. If either
24 department is dissatisfied with the secretary's determination, that department may
25 bring the matter to the cochairpersons of the joint committee on finance for

1 consideration by the committee, and the committee shall affirm or modify the
2 decision.

3 (g) *Pending matters.* Any matter pending with the department of natural
4 resources on the effective date of this paragraph that is primarily related to the
5 functions of the division of forestry, as determined by the secretary of administration,
6 is transferred to the department of agriculture, trade and consumer protection and
7 all materials submitted to or actions taken by the department of natural resources
8 with respect to the pending matter are considered as having been submitted to or
9 taken by the department of agriculture, trade and consumer protection. If either
10 department is dissatisfied with the secretary's determination, that department may
11 bring the matter to the cochairpersons of the joint committee on finance for
12 consideration by the committee, and the committee shall affirm or modify the
13 decision.

14 (h) *Position changes*

****NOTE: A subsequent version of this draft will need to specifically identify
position increases and decreases.

15 **SECTION 1194. Effective date.**

16 (1) This act takes effect on July 1, 2011.

17 (END)

342-15
Insert

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4382/lins
RNK & RCT.....

INSERT ANALYSIS

Under current law, the Department of Natural Resources (DNR) administers programs relating to air quality, water quality, water supply, wastewater, recycling, solid and hazardous waste, mining, environmental cleanups, wetlands, shoreland zoning, navigable waters (including dams and piers), state parks and other recreational properties, forestry, the Lower Wisconsin State Riverway, wildlife (including hunting, fishing, and trapping), endangered resources, boats, snowmobiles, and all-terrain vehicles. DNR also administers the stewardship program, under which the state is authorized to bond for various conservation purposes. DNR is governed by a seven-member board and has a secretary who is nominated by the governor, and with the advice and consent of the senate appointed.

This bill creates a Department of Environmental Quality (DEQ) and transfers some of DNR's responsibilities to DEQ effective July 1, 2011. DEQ is governed by a secretary who is nominated by the governor, and with the advice and consent of the senate appointed. There is no board for DEQ. Under the bill, the Natural Resources Board appoints the secretary of natural resources. The bill also requires that at least one member of the Natural Resources Board have an agricultural background and that at least three members of the Natural Resources Board have held an annual hunting, trapping, or fishing license in at least seven of the ten years before their appointment, except that the number of years in which an individual must have held a license is reduced by the number of years that the individual served on active duty in the U.S. armed forces or national guard during that ten-year period. ✓

Under the bill, DEQ administers programs relating to air quality, water quality, water supply, wastewater, recycling, solid and hazardous waste, mining, environmental cleanups, wetlands, shoreland zoning, and navigable waters (including dams and piers). DNR continues to administer programs relating to state parks and other recreational properties, the Lower Wisconsin State Riverway, wildlife (including hunting, fishing, and trapping), endangered resources, boats, snowmobiles, and all-terrain vehicles.

This bill also transfers the responsibility to administer programs related to forestry from DNR to the Department of Agriculture, Trade and Consumer Protection (DATCP). DNR retains the responsibility for administering programs that relate ~~state~~ to southern state forests which are managed under current law similarly to state parks. This bill also requires that for each fiscal year DNR and DATCP must enter into an agreement establishing the amount of funding that will be obligated under the land acquisition subprogram and the property development and local assistance subprogram of the stewardship program. The bill requires the secretary of DOA to resolve any disputes between DNR and DATCP concerning the agreement. ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill. ✓

1 **SECTION 1.** 26.38 (2m) (am) of the statutes is amended to read:

2 26.38 **(2m)** (am) Beginning with fiscal year 2008-09, from the appropriation
3 under s. ~~20.370 (5) (av)~~ 20.115 (5) (sp), the department shall allocate for each fiscal
4 year at least \$60,000 for grants for projects to control invasive plants in weed
5 management areas. From the amount allocated, the department shall award grants
6 to all eligible applicants for grants for such projects before awarding any balance of
7 the allocated amount for grants for stewardship management plans.

History: 1997 a. 27; 2007 a. 20.

INSERT 113-11

8 **SECTION 2.** 26.97 (1) of the statutes is amended to read:

9 26.97 **(1)** Arrest a person, with or without a warrant, when the person is
10 detected actually committing a violation of this chapter, ch. 28, subch. VI of ch. 77,
11 or s. 167.10 (3), 941.10 (1), 941.11, 941.12, 941.13, 943.02 (1), 943.03, 943.04, 943.05
12 or 943.06 (2).

History: 1989 a. 79; 2003 a. 228.

INSERT 130-19

13 **SECTION 3.** 28.11 (5m) (am) of the statutes is amended to read:

14 28.11 **(5m)** (am) The department may make grants, from the appropriation
15 under s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands entered under sub.
16 (4) to fund up to 50 percent of the costs of a county's annual dues to a nonprofit
17 organization that provides leadership and counsel to that county's forest
18 administrator and that functions as an organizational liaison to the department.

1 The total amount that the department may award in grants under this paragraph
2 in any fiscal year may not exceed \$50,000.

History: 1971 c. 215; 1975 c. 39 s. 734; 1975 c. 342; 1977 c. 29; 1979 c. 34 ss. 723 to 725, 2102 (39) (a); 1983 a. 27; 1983 a. 192 s. 304; 1983 a. 424 ss. 2 to 5; 1985 a. 29 ss. 655ce to 655cg, 3202 (39); 1985 a. 182 s. 57; 1987 a. 27; 1989 a. 31, 79; 1993 a. 16, 184, 301; 1995 a. 27, 201; 1997 a. 237, 248; 1999 a. 9; 2001 a. 16, 103; 2003 a. 242; 2005 a. 48; 2007 a. 20.

INSERT 141-12

3 (a) Cut aquatic plants, as defined in s. ~~30.07~~ 30.795 (1) (b), without removing
4 them from the water, for the purpose of improving waterfowl nesting, brood, and
5 migration habitat.

History: 1987 a. 294; 1989 a. 31; 1995 a. 227; 1997 a. 248; 2001 a. 16; 2009 a. 55.

INSERT 342-15

6 (h) *Position changes.* The authorized full-time equivalent positions for the
7 department of natural resources funded by an appropriation immediately before the
8 effective date of this paragraph are reduced by the number of full-time equivalent
9 positions funded by that appropriation that are transferred to the department of
10 agriculture, trade and consumer protection under par. (b), and the authorized
11 full-time equivalent positions for the department of agriculture, trade and consumer
12 protection funded by the equivalent appropriation to that department are increased
13 by the same number.

use
authored x
from p. 339
in bill

paragraph

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4382/1dn

RNK:/.....

gj

- date -

This draft creates a Department of Environmental Quality as under LRB-3412/1 and also transfers the responsibility to administer programs related to forestry from the Department of Natural Resources (DNR) to the Department of Agriculture, Trade and Consumer Protection (DATCP). The bill does not transfer responsibilities with regard to southern state forests because those lands are managed generally in the same way that parks are administered. Please let me know if this is not consistent with your intent.

Under current law, the stewardship program authorizes DNR to obligate funds for the acquisition and development of state lands. Because under this draft the management of forests will be the responsibility of DATCP rather than DNR, the draft requires DNR and DATCP to enter into an agreement each fiscal year with regard to obligating funds under the stewardship program. The draft requires the secretary of the Department of Administration to resolve any disputes between DNR and DATCP concerning the agreement. Again, please let me know if this is not consistent with your intent.

Also, please look at s. 230.08 (2) (e) 2. and 8. as amended in the draft to ensure that the number of division administrators established under those provisions meets your intent. Finally, s. 20.370 (7) (mc) is an appropriation for state park, forest, and riverway roads. That appropriation in current law contains an expenditure limit. I did not adjust this limit even though the appropriation, as amended, will not apply to state forest roads. Under the draft, the appropriation for state forest roads is now established under s. 20.115 (5) (b) which is a DATCP appropriation. I did ^{not} reduce the expenditure limit in s. 20.270 (7) (mc) because I do not know how much funding should be specifically attributed to state forest roads. Please let me know if you would like to discuss this issue or if you have any instructions on how you would like to amend the DNR appropriation. ←

Robin N. Kite
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4382/1dn
RNK:cjs:rs

March 1, 2010

This draft creates a Department of Environmental Quality as under LRB-3412/1 and also transfers the responsibility to administer programs related to forestry from the Department of Natural Resources (DNR) to the Department of Agriculture, Trade and Consumer Protection (DATCP). The bill does not transfer responsibilities with regard to southern state forests because those lands are managed generally in the same way that parks are administered. Please let me know if this is not consistent with your intent.

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Also, please look at s. 230.08 (2) (e) 2. and 8. as amended in the draft to ensure that the number of division administrators established under those provisions meets your intent. Finally, s. 20.370 (7) (mc) is an appropriation for state park, forest, and riverway roads. That appropriation in current law contains an expenditure limit. I did not adjust this limit even though the appropriation, as amended, will not apply to state forest roads. Under the draft, the appropriation for state forest roads is now established under s. 20.115 (5) (b) which is a DATCP appropriation. I did not reduce the expenditure limit in s. 20.270 (7) (mc) because I do not know how much funding should be specifically attributed to state forest roads. Please let me know if you would like to discuss this issue or if you have any instructions on how you would like to amend the DNR appropriation.

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Per Rep. Huebsch -

wants all forestry (including southern forests) in DATCP

do not change Stewardship - keep that program at DNR

wants hunting, fishing etc to be under control of DNR on ~~all lands~~ forest lands

wants DNR to have authority re access to stewardship lands

asked me to call Rep. Fenske for any questions + defer to him

March 12, 2010

Phone conversation with Rep. Friske

Rep. Friske returned my call. I had called him at the request of Rep. Huebsch to get clarification on the responsibilities of DNR over forest lands, if any, under this draft.

He wants to make sure that the chief state forester has authority over all public forest land in the state, regardless of whether the land was purchased under the stewardship program. I explained that under the draft, the chief state forester is designated by DATCP instead of DNR and that all of the management authority over forests, including southern state forests, is transferred to DATCP. I told him that the stewardship program remains in DNR but that if DNR uses stewardship funds to purchase forest land, the management of that land is under the jurisdiction of DATCP as with any other public forest land. I told him that the draft maintains DNR's control over hunting, fishing, and trapping on all land including forest land and also control over access to stewardship and managed forest land. He reiterated that he is very concerned that DNR will try and assert authority over land that he wants DATCP to have management of. I told him that if the land is forest land under the draft, the forest land will be under the jurisdiction of DATCP. He confirmed that this is the result that he wants.