

BILL**SECTION 776**

1 **SECTION 776.** 77.10 (4) of the statutes is amended to read:

2 77.10 (4) TAXATION AFTER WITHDRAWAL. When any description ceases to be a part
3 of the forest croplands, by virtue of any order of withdrawal issued by the department
4 of ~~natural resources~~ agriculture, trade and consumer protection, taxes thereafter
5 levied thereon shall be payable and collectible as if such description had never been
6 under this subchapter.

7 **SECTION 777.** 77.11 of the statutes is amended to read:

8 **77.11 Accounts of department of ~~natural resources~~ agriculture, trade**
9 **and consumer protection.** The department of ~~natural resources~~ agriculture,
10 trade and consumer protection shall keep a set of forest croplands books in which
11 shall always appear as to each description in each town containing any forest
12 croplands, the amount of taxes paid by the state to the town and received by the state
13 from the owner. All tax payments shall be paid out of and receipts credited to the
14 forestry account of the conservation fund.

15 **SECTION 778.** 77.13 (1) of the statutes is amended to read:

16 77.13 (1) On and after July 20, 1985, no person may petition the department
17 of ~~natural resources~~ agriculture, trade and consumer protection requesting it to
18 approve any land as forest croplands under this subchapter.

19 **SECTION 779.** 77.13 (2) of the statutes is amended to read:

20 77.13 (2) On and after January 1, 1986, the department of ~~natural resources~~
21 agriculture, trade and consumer protection may not act on any petition requesting
22 the designation of land as forest croplands, issue any order entering land as forest
23 croplands or enter into a renewal of any forest croplands contract under this
24 subchapter.

25 **SECTION 780.** 77.14 of the statutes is amended to read:

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1 **77.14 Forest croplands information, protection, appropriation.** The
2 department of ~~natural resources~~ agriculture, trade and consumer protection shall
3 publish and distribute information regarding the method of taxation of forest
4 croplands under this subchapter, and may employ a fire warden in charge of fire
5 prevention in forest croplands. All actual and necessary expenses incurred by the
6 department of ~~natural resources~~ agriculture, trade and consumer protection or by
7 the department of revenue in the performance of their duties under this subchapter
8 shall be paid from the appropriation made in s. ~~20.370 (1) (mv)~~ [✓] 20.115 (5) (q) upon
9 certification by the department incurring such expenses.

10 **SECTION 781.** 77.16 (1) of the statutes is amended to read:

11 77.16 (1) In this section “department” means the department of ~~natural~~
12 ~~resources~~ agriculture, trade and consumer protection.

13 **SECTION 782.** 77.81 (1) of the statutes is amended to read:

14 77.81 (1) “Department” means the department of ~~natural resources~~
15 agriculture, trade and consumer protection.

16 **SECTION 783.** 77.82 (2m) (d) of the statutes is amended to read:

17 77.82 (2m) (d) All of the recording fees collected under par. (a) 1. shall be
18 credited to the appropriation under s. ~~20.370 (1) (er)~~ 20.115 (5) (qr).

19 **SECTION 784.** 77.82 (2m) (dm) of the statutes is amended to read:

20 77.82 (2m) (dm) 1. Of each fee \$300 or the entire fee, whichever is less, that is
21 collected under par. (a) or (e) that is not credited to the appropriation under s. ~~20.370~~
22 ~~(1) (er)~~ 20.115 (5) (qr) shall be credited to the appropriation under s. ~~20.370 (1) (ex)~~
23 20.115 (5) (rv).

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1 2. Any amount not credited to the appropriation under s. ~~20.370 (1) (ex)~~ 20.115
2 ~~(5) (rv)~~, as calculated in subd. 1., shall be deposited into the conservation fund for
3 forestry purposes.

4 **SECTION 785.** 77.82 (4) of the statutes is amended to read:

5 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is
6 designated as managed forest land under an order that takes effect on or after April
7 28, 2004, may petition the department to designate as managed forest land an
8 additional parcel of land if the additional parcel is at least 3 acres in size and is
9 contiguous to any of that designated land. The petition shall be accompanied by a
10 nonrefundable \$20 application fee unless a different amount for the fee is established
11 by the department by rule at an amount equal to the average expense to the
12 department of recording an order issued under this subchapter. The fee shall be
13 deposited in the conservation fund and credited to the appropriation under s. ~~20.370~~
14 ~~(1) (er)~~ 20.115 (5) (qr). The petition shall be filed on a department form and shall
15 contain any additional information required by the department.

16 **SECTION 786.** 77.85 of the statutes, as affected by 2009 Wisconsin Act 28, is
17 amended to read:

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18 **77.85 State contribution.** The department shall pay before June 30 annually
19 the municipal treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5)
20 (vm), 20 cents for each acre of land in the municipality that is designated as managed
21 forest land under this subchapter and for each acre of land in the municipality that
22 has been withdrawn under s. 77.885 but for which payments under s. 77.84 (2) are
23 being made.

24 **SECTION 787.** 77.88 (2) (d) of the statutes is amended to read:

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1 77.88 (2) (d) 1. Within 10 days after a transfer of ownership, the former owner
2 shall, on a form provided by the department, file with the department a report of the
3 transfer signed by the former owner and the transferee. The report shall be
4 accompanied by a \$100 fee which shall be deposited in the conservation fund. Twenty
5 dollars of the fee or a different amount of the fee as may be established under subd.
6 2. shall be credited to the appropriation under s. ~~20.370 (1) (er)~~ 20.115 (5) (qr). The
7 department shall immediately notify each person entitled to notice under s. 77.82 (8).

8 2. The department may establish by rule a different amount of each fee under
9 subd. 1. that will be credited to the appropriation under s. ~~20.370 (1) (er)~~ 20.115 (5)
10 (qr). The amount shall be equal to the average expense to the department of
11 recording an order issued under this subchapter.

12 **SECTION 788.** 77.89 (1) of the statutes is amended to read:

13 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
14 from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm), shall pay 100 percent
15 of each payment received under ss. 77.84 (3) (b) and 77.87 (3) and 100 percent of each
16 withdrawal tax payment received under s. 77.88 (7) to the treasurer of each
17 municipality in which is located the land to which the payment applies.

18 **SECTION 789.** 77.89 (2) (b) of the statutes is amended to read:

19 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
20 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.
21 The county treasurer shall, by June 30 of each year, pay all amounts received under
22 this paragraph to the department. All amounts received by the department shall be
23 credited to the conservation fund and shall be reserved for land acquisition, resource
24 management activities relating to state forests, and grants under s. 77.895.

25 **SECTION 790.** 77.91 (4) of the statutes is amended to read:

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1 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses
2 for the administration of this subchapter shall be paid from the appropriation under
3 s. ~~20.370 (1) (mv)~~ 20.115 (5) (q).

4 **SECTION 791.** 77.91 (5) of the statutes is amended to read:

5 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
6 under this subchapter shall record the action as provided under s. 59.43 (1). The
7 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.
8 from the appropriation under s. ~~20.370 (1) (cr)~~ 20.115 (5) (qr). If the amount in the
9 appropriation under s. ~~20.370 (1) (cr)~~ 20.115 (5) (qr) in any fiscal year is insufficient
10 to pay the full amount required under this subsection in that fiscal year, the
11 department shall pay the balance from the appropriation under s. ~~20.370 (1) (mv)~~
12 20.115 (5) (q).

13 **SECTION 792.** 82.10 (4) (a) 3m. of the statutes is created to read:

14 82.10 (4) (a) 3m. The department of environmental quality.

15 **SECTION 793.** 82.10 (4) (a) 3s. of the statutes is created to read:

16 82.10 (4) (a) 3s. The department of agriculture, trade and consumer protection.

17 **SECTION 794.** 84.01 (17) of the statutes is amended to read:

18 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
19 department shall determine, as far as possible, what improvements will be made
20 during the following 6-year period, and shall notify the county clerks prior to
21 February 1 of each even-numbered year, as to the improvements in their respective
22 counties. Such notice shall also be given to the department of natural resources ~~and~~
23 ~~to, the department of environmental quality, and~~ the department of agriculture,
24 trade and consumer protection.

25 **SECTION 795.** 84.01 (23) of the statutes is amended to read:

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1 84.01 (23) BRIDGE STANDARDS. The department shall adopt standards and
2 specifications for the design and construction of county, town, village and city
3 bridges, arches or culverts. The standards shall be developed after consultation with
4 the department of natural resources and the department of environmental quality,
5 and shall be directed at preventing undue impairment of public rights in navigable
6 waters.

7 **SECTION 796.** 84.02 (3) (a) of the statutes is amended to read:

8 84.02 (3) (a) Changes may be made in the state trunk system by the
9 department, if it deems that the public good is best served by making the changes.
10 The department, in making the changes, may lay out new highways by the procedure
11 under this subsection. Due notice shall be given to the localities concerned of the
12 intention to make changes or discontinuances, and if the change proposes to lay a
13 highway via a new location and the distance along such deviation from the existing
14 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the
15 proposed change shall be held prior to making the change effective. The notice shall
16 also be given to the secretary of natural resources, the secretary of environmental
17 quality, and the secretary of agriculture, trade and consumer protection either by
18 registered mail or personally. Whenever the department decides to thus change
19 more than 2 1/2 miles of the system the change shall not be effective until the decision
20 of the department has been referred to and approved by the county board of each
21 county in which any part of the proposed change is situated. A copy of the decision
22 shall be filed in the office of the clerk of each county in which a change is made or
23 proposed. Where the distance along the deviation from the existing location exceeds
24 5 miles the change shall constitute an addition to the state trunk highway system.
25 The preexisting route shall continue to be a state trunk highway unless the county

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1 board of each county in which any part of the relocation lies and the department
2 mutually agree to its discontinuance as a state trunk highway. Whenever such
3 county board or boards and the department cannot so agree the department shall
4 report the problem to the next ensuing session of the legislature for determination.

5 **SECTION 797.** 84.078 (1) (am) of the statutes is amended to read:

6 84.078 (1) (am) "High-volume industrial waste" means fly ash, bottom ash,
7 paper mill sludge or foundry process waste, or any other waste with similar
8 characteristics specified by the department of ~~natural resources~~ environmental
9 quality by rule.

10 **SECTION 798.** 84.078 (3) (a) 2. of the statutes is amended to read:

11 84.078 (3) (a) 2. The department of ~~natural resources~~ environmental quality
12 certifies to the department of transportation, before the time that the department of
13 transportation advertises for bids for the improvement, that the high-volume
14 industrial waste intended to be used and the design for the use of the high-volume
15 industrial waste comply with all applicable state requirements or standards
16 administered by the department of ~~natural resources~~ environmental quality.

17 **SECTION 799.** 84.078 (3) (b) (intro.) of the statutes is amended to read:

18 84.078 (3) (b) (intro.) The exemption under par. (a) extends to the
19 transportation of high-volume industrial waste to or from the site of a highway
20 improvement and to the storage of high-volume industrial waste at the site of a
21 highway improvement. The exemption provided under par. (a) continues to apply
22 after the date of certification by the department of ~~natural resources~~ environmental
23 quality under par. (a) 2., notwithstanding the occurrence of any of the following:

24 **SECTION 800.** 84.078 (3) (c) of the statutes is amended to read:

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1 84.078 (3) (c) The department of transportation and the department of ~~natural~~
2 ~~resources~~ environmental quality may enter into agreements establishing standard
3 lists of high-volume industrial waste that may be used in highway improvements
4 and designs for the use of high-volume industrial waste in highway improvements
5 that comply with rules of the department of ~~natural resources~~ environmental quality
6 applicable at the time of the design of the highway improvement in order to simplify
7 certification under par. (a) 2. to the greatest extent possible.

8 **SECTION 801.** 84.11 (3) of the statutes is amended to read:

9 84.11 (3) HEARING. Within 60 days of the receipt of a petition under sub. (2),
10 the department shall fix a time and place for a hearing and give notice of the hearing
11 by publication of a class 2 notice, under ch. 985, in the vicinity of the proposed bridge
12 project. Notice shall also be given by registered letter addressed to the clerks of the
13 counties, cities, villages and towns in which any part of the bridge project will be
14 located. The notice shall also be given to the secretary of natural resources and the
15 secretary of environmental quality either by registered mail or personally. The
16 hearing may be held in any county, city, village or town in which any part of the bridge
17 project will be located.

18 **SECTION 802.** 84.11 (7m) of the statutes is amended to read:

19 84.11 (7m) EXECUTION AND CONTROL OF WORK. Subject to the control and
20 supervision over the navigable waters of the state conferred by law upon the
21 department of ~~natural resources~~ environmental quality, and the control exercised by
22 the United States, the construction under this section of any bridge project shall be
23 wholly under the supervision and control of the department. The secretary shall
24 make and execute all contracts and have complete supervision over all matters
25 pertaining to such construction and shall have the power to suspend or discontinue

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1 proceedings or construction relative to any bridge project at any time in the event any
2 county, city, village or town fails to pay the amount required of it as to any project
3 under sub. (1m), or in the event the secretary determines that sufficient funds to pay
4 the state's part of the cost of the bridge project are not available. All moneys provided
5 by counties, cities, villages and towns shall be deposited in the state treasury, when
6 required by the secretary, and paid out on order of the secretary. Any of such moneys
7 deposited for a project eligible for construction under sub. (1m) which remain in the
8 state treasury after the completion of the project shall be repaid to the respective
9 counties, cities, villages and towns in such amounts as to result in the distribution
10 provided in sub. (5m).

11 **SECTION 803.** 84.12 (7) of the statutes is amended to read:

12 84.12 (7) EXECUTION AND CONTROL OF WORK. Subject to the control and
13 supervision over the navigable waters of the state conferred upon the department of
14 ~~natural resources~~ environmental quality, and the control exercised by the United
15 States, the construction under this section of any bridge project shall be under the
16 joint supervision and control of the department and of the transportation
17 department of the other state concerned. If the transportation department of the
18 other state is not authorized to act jointly with this state in such bridge project
19 arrangements may be made with such subdivisions of the other state as may have
20 proper authority, represented by their proper officers. Control shall be exercised in
21 the manner deemed most expedient by the secretary and such department or by the
22 secretary and the officers of the subdivisions of the other state concerned in the
23 construction. Contracts for the construction of said bridge projects may be made and
24 executed by the secretary and the transportation department of the other state
25 jointly, or jointly by the secretary and such subdivisions of the other state as may

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1 participate in the construction, or by appropriate agreement between the parties
 2 with respect to financing and control of the work, the authority of either state may
 3 contract for all or part of the construction. The secretary may suspend or discontinue
 4 proceedings or construction relative to any bridge project at any time in the event any
 5 county, city, village or town fails to pay the amount required of it as to any project
 6 eligible to construction under sub. (1) (a) or offered by it as to any project eligible to
 7 construction under sub. (1) (b), or in the event the secretary determines that
 8 sufficient funds to pay the state's part of the cost of the bridge project are not
 9 available. All moneys available from this state, or its subdivisions, shall be deposited
 10 in the state treasury when required by the secretary and shall be paid out only upon
 11 the order of the secretary. Moneys deposited by such subdivisions which remain in
 12 the state treasury after the completion of such project shall be repaid to the
 13 respective subdivisions in the proportion paid in.

14 **SECTION 804.** 84.28 (1) of the statutes is amended to read:

15 84.28 (1) Moneys from the appropriation under s. ~~20.370 (7) (mc)~~ 20.115 (5) (b)
 16 may be expended for the renovation, marking, and maintenance of a town or county
 17 highway located within the boundaries of any ~~state park~~, state forest ^{state plain} or other
 18 property under the jurisdiction of the department of natural resources, other than
 19 a southern state forest. ^{va} agriculture, trade and consumer protection Moneys from the appropriation under s. 20.370 (7) (mc) may
 20 be expended for the renovation, marking, and maintenance of a town or county
 21 highway located within the boundaries of any state park or any southern state forest.
 22 in the lower Wisconsin state riverway as defined in s. 30.40 (15), or on other property
 23 under the jurisdiction of the department of natural resources. Outside the lower
 24 Wisconsin state riverway as defined in s. 30.40 (15), or outside the boundaries of
 25 these parks, forests or other property under the jurisdiction of the department of

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1 natural resources, moneys from the appropriation under s. 20.370 (7) (mc) may be
2 expended for the renovation, marking, and maintenance of roads which the
3 department of natural resources certifies are utilized by a substantial number of
4 visitors to these state parks, [↓]state forests or other property under the jurisdiction of
5 the department of natural resources. The department of natural resources shall
6 authorize expenditures from the appropriation under s. 20.370 (7) (mc) under this
7 subsection. The department of natural resources shall rank projects eligible for
8 assistance funding from the appropriation under s. 20.370 (7) (mc) under a priority
9 system and funding may be restricted to those projects with highest priority. Outside
10 the boundaries of the state forests under the jurisdiction of the department of
11 agriculture, trade and consumer protection, moneys from the appropriation under
12 s. 20.115 (5) (b) may be expended for the renovation, marking, and maintenance of
13 roads that the department of agriculture, trade and consumer protection certifies are
14 utilized by a substantial number of visitors to these state forests. The department
15 of agriculture, trade and consumer protection shall authorize expenditures from the
16 appropriation under s. 20.115 (5) (b) under this subsection. The department of
17 agriculture, trade and consumer protection shall rank projects eligible for funding
18 from the appropriation under s. 20.115 (5) (b) under a priority system and funding
19 may be restricted to those projects with the highest priority.

20 **SECTION 805.** 84.28 (2) of the statutes is amended to read:

21 84.28 (2) The department may administer a program for the construction,
22 maintenance and marking of roads, including fire roads, service areas, trailer or
23 vehicle parking stalls or parking areas and other facilities consistent with highway
24 construction and for the marking of scenic routes in the state parks, state forests, the
25 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,

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1 other public used areas under the jurisdiction of the department of natural resources
2 or the department of agriculture, trade and consumer protection, and other public
3 lands as defined in ch. 24, for highways or fire roads leading from the most
4 convenient state trunk highways to such lands, and for the relocation and
5 construction of state trunk highways in or near state parks when required in the
6 interests of public safety. Within the limitations and for the purposes of this section,
7 work may be performed by or under the supervision or authority or with the approval
8 of the department of transportation, upon the request for such work filed by the
9 department ~~of natural resources~~ as having jurisdiction with respect to the lower
10 Wisconsin state riverway, as defined in s. 30.40 (15), or as to state park or forest
11 lands, or by the board of commissioners of the public lands as to other classes of public
12 lands. Outside the lower Wisconsin state riverway, as defined in s. 30.40 (15), and
13 outside the limits of the park, state forest and public land areas, direct connections
14 to the most convenient state trunk highway may be built or maintained under this
15 section. Roads in unincorporated areas within 5 miles of the boundaries of the
16 Horicon national wildlife refuge or the Horicon marsh wildlife area may be built or
17 maintained under this section upon request of the town board, if the department of
18 transportation certifies that such roads are or will be used by a substantial number
19 of visitors to such area. Costs incurred under this section shall be the responsibility
20 of the department of natural resources, the department of agriculture, trade and
21 consumer protection, commissioners of public lands or town board, as appropriate.

22 **SECTION 806.** 85.19 (1) of the statutes is amended to read:

23 85.19 (1) STANDARDS. The department, in consultation with the department of
24 ~~natural resources~~ environmental quality, shall, by rule, establish standards for the
25 control of soil erosion related to highway and bridge construction that is funded in

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1 whole or in part with state or federal funds. At a minimum, the standards shall
2 require the use of best management practices.

3 **SECTION 807.** 85.19 (2) (c) of the statutes is amended to read:

4 85.19 (2) (c) The department shall establish the training program in
5 consultation with the department of ~~natural resources~~ environmental quality.

6 **SECTION 808.** 85.245 (1) of the statutes is renumbered 85.245.

7 **SECTION 809.** 85.245 (2) of the statutes is repealed.

8 **SECTION 810.** 86.255 (2) (a) of the statutes is amended to read:

9 86.255 (2) (a) The purchase of any land that is acquired as compensatory
10 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an
11 adverse impact by degradation or destruction as part of a highway project.

12 **SECTION 811.** 86.315 (1) of the statutes is amended to read:

13 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
14 shall annually, on March 10, pay to counties having county forests established under
15 ch. 28, for the improvement of public roads within the county forests which are open
16 and used for travel and which are not state or county trunk highways or town roads
17 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road
18 designated in the comprehensive county forest land use plan as approved by the
19 county board and the department of ~~natural resources~~ agriculture, trade and
20 consumer protection. If the amount appropriated under s. 20.395 (1) (fu) is
21 insufficient to make the payments required under this subsection, the department
22 shall prorate the amount appropriated in the manner it considers desirable.

23 **SECTION 812.** 87.01 (1) of the statutes is amended to read:

24 87.01 (1) "Department" means the department of ~~natural resources~~
25 environmental quality.

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1 **SECTION 813.** 87.02 (intro.) of the statutes is amended to read:

2 **87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01
3 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

4 **SECTION 814.** 87.14 of the statutes is amended to read:

5 **87.14 Operation and maintenance.** The flood control board is authorized
6 to sell, lease, or lease with power to purchase, any reservoir proposed to be
7 constructed, in the process of construction or completed, to a duly organized river
8 improvement company as defined by s. 182.016, on such terms and conditions as are
9 approved by the department of ~~natural resources~~ as hereinafter provided. Unless so
10 leased or sold it shall be the duty of the flood control board to maintain and operate
11 said improvement. The cost of operation and maintenance during the period
12 intervening between the completion of said improvement and the date when funds
13 provided under this section become available shall be paid from the funds provided
14 for maintenance pursuant to the estimate made by the department as provided in s.
15 87.07 (3). Prior to the first day of November in each year the flood control board shall
16 certify to the clerk of each town, village and city in which lands to be benefited by the
17 improvement are located an estimated budget, detailed as far as practicable, of the
18 cost of operation and maintenance of said improvement for the succeeding calendar
19 year, together with the amount due upon any judgments outstanding against the
20 board, except those judgments from which the board has appealed or intends to
21 appeal, and shall certify at the same time the portion of such cost to be borne by each
22 such town, village and city. This shall be determined in the same manner and
23 according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon
24 become the duty of each such town, village and city to include in its next succeeding

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1 tax levy the amount so certified and to forward such amount, on or before March 15
2 following, to the flood control board.

3 **SECTION 815.** 87.18 of the statutes is amended to read:

4 **87.18 Lease, sale and lease with option to purchase the project.**

5 Whenever the flood control project consists of a storage reservoir and authority to
6 create, operate and maintain a reservoir on the river affected by such storage
7 reservoir is vested in a duly organized river improvement company as defined by s.
8 182.016, and the petitioners file with the department of ~~natural resources~~ a petition
9 and a proposed contract with such improvement company for a lease, sale, or lease
10 with option to purchase said reservoir, and the department finds the terms and
11 conditions of such contract are sufficient to assure the payment of the amount the
12 board will be obligated to pay for the cost of the reservoir and the maintenance and
13 operation of the same, and the project will secure effective flood control and
14 promotion of the public welfare, then notices, proceedings and assessments provided
15 by ss. 87.04 to 87.12 are not required. The department, however, shall make findings
16 as required by s. 87.05 and shall order that the flood control board be appointed and
17 shall so certify to the governor as provided by s. 87.12. The governor shall thereupon
18 appoint the board as provided in said s. 87.12. The proposed contract filed with the
19 department by petitioners for the sale, lease, or lease with option to purchase said
20 reservoir property shall not be binding upon the board so appointed unless the board
21 approves such contract. Upon approval the board shall so report to the department
22 and file with it a final contract executed by the board and lessee or purchaser. The
23 department has authority to approve or disapprove such contract. If the department
24 approves such contract, then it shall be final and the department shall thereupon
25 order the board to proceed with the work. When such reservoir property is sold and

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1 the purchase price has been fully paid and any indebtedness assumed by the
2 purchaser has been paid and discharged, including the fees and expenses of the
3 board, and the department so finds, the said board shall thereupon be dissolved by
4 order of the department.

5 **SECTION 816.** 88.05 (4) (a) of the statutes is amended to read:

6 88.05 (4) (a) The chairperson of the county highway committee except in a
7 county with a highway commissioner appointed under s. 83.01 (1) (c), the highway
8 commissioner; the chairperson of the county land conservation committee in the
9 county involved; the secretary of ~~natural resources~~ environmental quality; the state
10 drainage engineer; and, where a railroad company is involved, the person specified
11 in sub. (6).

12 **SECTION 817.** 88.11 (1) (e) of the statutes is amended to read:

13 88.11 (1) (e) Coordinate district activities with the department of ~~natural~~
14 ~~resources~~ environmental quality.

15 **SECTION 818.** 88.11 (1) (i) of the statutes is amended to read:

16 88.11 (1) (i) Establish, by rule, performance standards for drainage district
17 structures, ditches, maintenance and operations, in order to minimize adverse
18 effects on water quality. The performance standards shall be consistent with any
19 requirements imposed by the department of ~~natural resources~~ environmental
20 quality under s. 88.31.

21 **SECTION 819.** 88.11 (2) of the statutes is amended to read:

22 88.11 (2) The state drainage engineer shall provide technical assistance to
23 improve district operations on the request of the department of ~~natural resources~~
24 environmental quality, drainage board, landowners in the district or the judge.

25 **SECTION 820.** 88.31 (1) of the statutes is amended to read:

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1 88.31 (1) If it is necessary to enter upon any waters that may be navigable, or
2 to acquire and remove any dam or obstruction from the waters, or to clean out, widen,
3 deepen or straighten any stream that may be navigable, the board shall file with the
4 department of ~~natural resources~~ environmental quality an application for a permit
5 to do the work. The board shall file with the application any information that the
6 board or the department of ~~natural resources~~ environmental quality considers
7 necessary. The department shall specify by rule the information to be included in an
8 application. The application shall state that the public health or welfare will be
9 promoted by the removal of the dam or other obstruction or by the straightening,
10 cleaning out, deepening or widening of the waters and that other public rights in and
11 public uses of the waters will not be materially impaired. The application shall be
12 duly verified.

13 **SECTION 821.** 88.31 (2) of the statutes is amended to read:

14 88.31 (2) Upon receipt of the application the department of ~~natural resources~~
15 environmental quality shall fix a time and place for a hearing on the application, not
16 less than 3 nor more than 8 weeks from the date of filing, at a place convenient to the
17 interested parties. If the application is for a permit to remove a dam, notice of the
18 hearing shall be given to all interested persons as provided by s. 31.06. In all other
19 cases, the department shall direct the applicant to give notice under s. 88.05 (2) (b)
20 to the persons specified in s. 88.05 (4) (b).

21 **SECTION 822.** 88.31 (4) (intro.) of the statutes is amended to read:

22 88.31 (4) (intro.) Upon the conclusion of the hearing and investigation, the
23 department of ~~natural resources~~ environmental quality shall grant the permit if it
24 finds:

25 **SECTION 823.** 88.31 (4m) of the statutes is amended to read:

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1 88.31 (4m) The department of ~~natural resources~~ environmental quality shall
2 grant or deny the permit within 6 weeks after the conclusion of the hearing on the
3 application.

4 **SECTION 824.** 88.31 (5) of the statutes is amended to read:

5 88.31 (5) When granting a permit under this section the department of ~~natural~~
6 ~~resources~~ environmental quality also shall establish the minimum level at which the
7 affected waters may be maintained.

8 **SECTION 825.** 88.31 (6) of the statutes is amended to read:

9 88.31 (6) The department of ~~natural resources~~ environmental quality may
10 require the applicant for the permit to submit a plan for the work to be done in the
11 waters in question and may amend or modify such plan before approving it. The
12 department may at any time, on the application of any interested person, further
13 amend such plan when the same can be done without materially impairing the
14 navigability of any such waters and without materially impairing any other public
15 right.

16 **SECTION 826.** 88.62 (3) of the statutes is amended to read:

17 88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage
18 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
19 department of ~~natural resources~~ environmental quality, except as provided in par.
20 (b).

21 (b) If drainage work is undertaken in navigable waters located in the Duck
22 Creek Drainage District, the board for that district shall obtain a permit under s.
23 30.20 or ch. 31, as directed by the department of ~~natural resources~~ environmental
24 quality.

25 **SECTION 827.** 88.72 (4) of the statutes is amended to read:

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1 88.72 (4) Within 30 days after the department of ~~natural resources~~
2 environmental quality has issued all of the permits as required under this chapter
3 and chs. 30 and 31, the board shall proceed to estimate the cost of the work, including
4 the expenses of the proceeding together with the damages that will result from the
5 work, and shall, within a reasonable time, award damages to all lands damaged by
6 the work and assess the cost of the work against the lands in the district in proportion
7 to the assessment of benefits then in force.

8 **SECTION 828.** 91.46 (1) (i) of the statutes, as created by 2009 Wisconsin Act 28,
9 is amended to read:

10 91.46 (1) (i) Oil and gas exploration or production that is licensed by the
11 department of ~~natural resources~~ environmental quality under subch. II of ch. 295.

12 **SECTION 829.** 92.04 (2) (e) of the statutes is amended to read:

13 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
14 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
15 recommendations on the plan to the department and to the department of ~~natural~~
16 ~~resources~~ environmental quality.

17 **SECTION 830.** 92.05 (1) of the statutes is amended to read:

18 92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state
19 responsible for setting and implementing statewide soil and water conservation
20 policies and administering the state's soil and water conservation programs. The
21 department shall coordinate its soil and water conservation program with the
22 nonpoint source water pollution abatement program established under s. 281.65, the
23 inland lake protection and rehabilitation program established under ch. 33 and other
24 programs with objectives related to soil and water conservation administered by the

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1 department of ~~natural resources~~ environmental quality or by other state or federal
2 agencies.

3 **SECTION 831.** 92.10 (6) (a) 1. of the statutes is amended to read:

4 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
5 conditions throughout the county, including any assessment available from the
6 department of ~~natural resources~~ environmental quality.

7 **SECTION 832.** 92.10 (8) of the statutes is amended to read:

8 92.10 (8) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
9 QUALITY. The department of ~~natural resources~~ environmental quality shall provide
10 counties with assistance in land and water resource management planning,
11 including providing available water quality data and information, providing
12 training and support for water resource assessments and appraisals and providing
13 related program information.

14 **SECTION 833.** 92.14 (2) (j) of the statutes is amended to read:

15 92.14 (2) (j) Enhancing the administration and coordination of state nonpoint
16 source water pollution abatement activities by the department and the department
17 of ~~natural resources~~ environmental quality, including providing a single process for
18 grant application, funding allocation, reporting and evaluation.

19 **SECTION 834.** 92.14 (6) (b) of the statutes is amended to read:

20 92.14 (6) (b) The department and the department of ~~natural resources~~
21 environmental quality shall prepare an annual grant allocation plan identifying the
22 amounts to be provided to counties under this section and ss. 281.65 and 281.66. In
23 the allocation plan, the departments shall attempt to provide funding under this
24 section for an average of 3 staff persons per county with full funding for the first staff
25 person, 70% funding for the 2nd staff person and 50% funding for any additional staff

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1 persons and to provide an average of \$100,000 per county for cost-sharing grants.

2 The department shall submit that plan to the board.

3 **SECTION 835.** 92.14 (6) (d) of the statutes is amended to read:

4 92.14 (6) (d) The board shall review the annual allocation plan submitted to
5 it under par. (b) and make recommendations to the department of agriculture, trade
6 and consumer protection and the department of ~~natural resources~~ environmental
7 quality on approval, modification or disapproval of the plan.

8 **SECTION 836.** 92.14 (6) (h) 3. of the statutes is amended to read:

9 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
10 department of ~~natural resources~~ environmental quality to act under ch. 283.

11 **SECTION 837.** 92.14 (6) (m) of the statutes is amended to read:

12 92.14 (6) (m) The department of agriculture, trade and consumer protection
13 and the department of ~~natural resources~~ environmental quality shall assist counties
14 in conducting the activities for which grants under sub. (3) may be used.

15 **SECTION 838.** 92.14 (8) of the statutes is amended to read:

16 92.14 (8) RULES. In consultation with the department of ~~natural resources~~
17 environmental quality, the department shall promulgate rules to administer this
18 section and the department's duties under s. 281.65.

19 **SECTION 839.** 92.14 (12) of the statutes is amended to read:

20 92.14 (12) ANNUAL REPORT. Annually, the department, in cooperation with the
21 department of ~~natural resources~~ environmental quality, shall submit a report on the
22 progress of the program under this section and s. 281.65 to the board.

23 **SECTION 840.** 92.14 (13) of the statutes is amended to read:

24 92.14 (13) EVALUATION PLAN. The department, jointly with the department of
25 ~~natural resources~~ environmental quality, shall prepare a plan, which includes water

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1 quality monitoring and analysis, for evaluating the program administered under
2 this section and s. 281.65 and submit the plan to the board. The board shall make
3 recommendations to the department and the department of ~~natural resources~~
4 environmental quality on the plan. The department shall review and approve or
5 disapprove the plan and shall notify the board of its final action on the plan. The
6 department shall implement any part of the plan for which the plan gives it
7 responsibility.

8 **SECTION 841.** 92.14 (14) of the statutes is amended to read:

9 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The
10 department, jointly with the department of ~~natural resources~~ environmental quality,
11 shall develop a single set of grant application, reporting and evaluation forms for use
12 by counties receiving grants under this section and ss. 281.65 and 281.66. The
13 department, jointly with the department of ~~natural resources~~ environmental quality,
14 shall implement a single process for grant application, funding allocation, reporting
15 and evaluation for counties receiving grants under this section and ss. 281.65 and
16 281.66.

17 **SECTION 842.** 92.14 (14m) of the statutes is amended to read:

18 92.14 (14m) COORDINATION. The department of agriculture, trade and
19 consumer protection and the department of ~~natural resources~~ environmental
20 quality, jointly, shall review applications from counties for grants under sub. (5r)
21 and, for projects and activities selected to receive funding shall determine whether
22 to provide funding under this section or under s. 281.65 or 281.66.

23 **SECTION 843.** 92.14 (15) of the statutes is amended to read:

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1 92.14 (15) FINANCIAL INFORMATION. The department shall consult with the
2 department of ~~natural resources~~ environmental quality when it prepares the
3 information which it submits to the department of administration under s. 16.42.

4 **SECTION 844.** 92.15 (3) of the statutes is amended to read:

5 92.15 (3) (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit
6 may enact regulations of livestock operations that exceed the performance
7 standards, prohibitions, conservation practices and technical standards under s.
8 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the
9 department of agriculture, trade and consumer protection or the department of
10 ~~natural resources~~ environmental quality that the regulations are necessary to
11 achieve water quality standards under s. 281.15.

12 (b) The department of agriculture, trade and consumer protection and the
13 department of ~~natural resources~~ environmental quality shall, by rule, specify
14 procedures for review and approval of proposed local governmental unit regulations
15 under par. (a).

16 **SECTION 845.** 92.18 (4) of the statutes is amended to read:

17 92.18 (4) The department shall promulgate rules under this section in
18 consultation with the department of ~~natural resources~~ environmental quality.

19 **SECTION 846.** 92.18 (5) of the statutes is amended to read:

20 92.18 (5) Any training required under this section may be conducted by the
21 department or the department of ~~natural resources~~ environmental quality or by
22 another person with the approval of the department.

23 **SECTION 847.** 93.06 (3m) of the statutes is created to read:

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1 93.06 (3m) CAMP FIRES. Regulate camp fires and smoking in state forests at
2 such times and in such designated localities, as it may find reasonably necessary to
3 reduce the danger of destructive forest fires.

4 **SECTION 848.** 93.07 (12) of the statutes is amended to read:

5 93.07 (12) PLANT PESTS. To conduct surveys and inspections for the detection
6 and control of pests injurious to plants, make, modify, and enforce reasonable rules
7 needed to prevent the dissemination of pests, declare and manage emergencies
8 relating to the detection and control of pests injurious to plants, ~~provided that such~~
9 ~~declaration does not supersede the authority of the chief state forester under s.~~
10 ~~23.114 or the department of natural resources under s. 26.30,~~ and suggest methods
11 of control.

12 **SECTION 849.** 93.077 of the statutes is created to read:

13 **93.077 Sale of aerial photographic survey products.** The department
14 may sell to any person the selection of photographic products from the aerial
15 photographic survey conducted under s. 23.325. The department may retain an
16 amount equal to the costs that it incurs in selling and reproducing the photographic
17 products.

18 **SECTION 850.** 93.12 (5) of the statutes is amended to read:

19 93.12 (5) The department shall establish uniform minimum standards to be
20 used in the evaluation and certification of laboratory examinations. The department
21 shall submit any rules proposed under this subsection which affect the laboratory
22 certification program under s. 299.11 to the department of ~~natural resources~~
23 environmental quality and to the state laboratory of hygiene for review and
24 comment. These rules may not take effect unless they are approved by the
25 department of natural resources within 6 months after submission.

BILL**SECTION 851**

1 **SECTION 851.** 93.12 (8) of the statutes is amended to read:

2 93.12 (8) The department shall enter into a memorandum of understanding
3 with the department of ~~natural resources~~ environmental quality setting forth the
4 responsibilities of each department in administering the laboratory certification
5 programs under sub. (5) and s. 299.11. The memorandum of understanding shall
6 include measures to be taken by each department to avoid duplication of application
7 and compliance procedures for laboratory certification.

8 **SECTION 852.** 93.12 (9) of the statutes is amended to read:

9 93.12 (9) The department shall recognize the certification or registration of a
10 laboratory by the department of ~~natural resources~~ environmental quality under s.
11 299.11 and shall accept the results of any test conducted by a laboratory certified or
12 registered to conduct that category of test under that section.

13 **SECTION 853.** 93.46 (1m) (b) of the statutes is amended to read:

14 93.46 (1m) (b) The department of natural resources and the department of
15 environmental quality shall assist persons in obtaining any license or approval
16 required by any state or federal agency to conduct a commercial aquaculture
17 operation.

18 **SECTION 854.** 93.77 of the statutes is created to read:

19 **93.77 Forest land plans and management.** (1) If the department develops,
20 reviews, or implements a master plan or a management plan for any forest land
21 under the jurisdiction of the department, the department shall consult with the chief
22 state forester.

23 (2) The department shall manage forest land under its jurisdiction in a manner
24 that is consistent with, and that furthers the purpose of, the designation of that forest
25 land as a state forest or similar designation.

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1 **SECTION 855.** 93.90 (5) (c) of the statutes is amended to read:

2 93.90 (5) (c) Upon receiving the certified copy of the record under par. (bm), the
3 board shall determine whether the challenge is valid. The board shall make its
4 decision without deference to the decision of the political subdivision and shall base
5 its decision only on the evidence in the record under sub. (4) (b). In a case that
6 involves the application of requirements related to water quality, the board shall
7 consult with the department of agriculture, trade and consumer protection or with
8 the department of ~~natural resources~~ environmental quality concerning the
9 application of the requirements related to water quality. The board shall make its
10 decision within 60 days after the day on which it receives the certified copy of the
11 record under par. (bm), except that the board may extend this time limit for good
12 cause specified in writing by the board.

13 **SECTION 856.** 94.65 (3) (a) 3. of the statutes is amended to read:

14 94.65 (3) (a) 3. No permit is required for the landspreading of sewage sludge
15 under a pollutant discharge elimination system permit issued by the department of
16 ~~natural resources~~ environmental quality under s. 283.31 or 283.35.

17 **SECTION 857.** 94.73 (1) (b) of the statutes is amended to read:

18 94.73 (1) (b) "Corrective action" means action that is taken in response to a
19 discharge and that is necessary to restore the environment to the extent practicable
20 and to minimize the harmful effects of the discharge to the air, lands or waters of this
21 state. "Corrective action" includes action taken or ordered by the department of
22 ~~natural resources~~ environmental quality under s. 292.11 (7) in response to a
23 discharge, but does not include action ordered by the department of ~~natural~~
24 ~~resources~~ environmental quality under s. 291.37 (2) or 291.95. "Corrective action"
25 does not include action taken, or ordered to be completed, before January 1, 1989.

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1 **SECTION 858.** 94.73 (2) (a) of the statutes is amended to read:

2 94.73 (2) (a) The department may issue an order requiring a responsible person
3 to take corrective action. Except as provided in a memorandum of understanding
4 under sub. (12), if a discharge involves a hazardous substance that may also become
5 a hazardous waste, the department and the department of ~~natural resources~~
6 environmental quality shall consult to determine whether corrective action should
7 be taken under this section or s. 291.37 (2), 291.95 (1) or 292.31 (3).

8 **SECTION 859.** 94.73 (2m) (intro.) of the statutes is amended to read:

9 94.73 (2m) CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL
10 ~~RESOURCES ENVIRONMENTAL QUALITY~~ (intro.) The department of ~~natural resources~~
11 environmental quality may take action under s. 292.11 (7) (a) or may issue an order
12 under s. 292.11 (7) (c) in response to a discharge only if one or more of the following
13 apply:

14 **SECTION 860.** 94.73 (2m) (b) of the statutes is amended to read:

15 94.73 (2m) (b) The department of agriculture, trade and consumer protection
16 requests the department of ~~natural resources~~ environmental quality to take the
17 action or issue the order.

18 **SECTION 861.** 94.73 (2m) (c) of the statutes is amended to read:

19 94.73 (2m) (c) The secretary of ~~natural resources~~ environmental quality
20 approves the action or order in advance after notice to the secretary of agriculture,
21 trade and consumer protection.

22 **SECTION 862.** 94.73 (2m) (d) of the statutes is amended to read:

23 94.73 (2m) (d) The department of ~~natural resources~~ environmental quality
24 takes action under s. 292.11 (7) (a) after the responsible person fails to comply with
25 an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

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1 **SECTION 863.** 94.73 (2m) (e) of the statutes is amended to read:

2 94.73 **(2m)** (e) The department of ~~natural resources~~ environmental quality
3 takes the action or issues the order in compliance with a memorandum of
4 understanding under sub. (12) between the department of agriculture, trade and
5 consumer protection and the department of ~~natural resources~~ environmental
6 quality.

7 **SECTION 864.** 94.73 (3) (d) of the statutes is amended to read:

8 94.73 **(3)** (d) The applicant has complied with every corrective action order
9 issued to the applicant by the department under sub. (2) or the department of ~~natural~~
10 ~~resources~~ environmental quality under s. 292.11 (7) (c).

11 **SECTION 865.** 94.73 (3) (f) of the statutes is amended to read:

12 94.73 **(3)** (f) The applicant, upon discovery of the discharge, promptly reported
13 the discharge to the department or, if the applicant was required to report the
14 discharge under s. 292.11 (2), to the department of ~~natural resources~~ environmental
15 quality.

16 **SECTION 866.** 94.73 (3m) (a) of the statutes is amended to read:

17 94.73 **(3m)** (a) Costs for corrective action taken in response to a discharge that
18 is an intentional use of an agricultural chemical for agricultural purposes, unless the
19 corrective action is ordered by the department under sub. (2) or by the department
20 of ~~natural resources~~ environmental quality under s. 292.11 (7) (c).

21 **SECTION 867.** 94.73 (3m) (b) of the statutes is amended to read:

22 94.73 **(3m)** (b) Costs of reimbursing the department of ~~natural resources~~
23 environmental quality for action taken under s. 292.11 (7) (a) or 292.31 (1), (3) or (7)
24 because the applicant failed to respond adequately to a discharge.

25 **SECTION 868.** 94.73 (3m) (e) of the statutes is amended to read:

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1 94.73 (3m) (e) Costs for corrective action taken in response to a discharge from
2 a facility that is required to be licensed under s. 289.31 or that would be required to
3 be licensed except that the department of ~~natural resources~~ environmental quality
4 has issued a specific exemption under s. 289.43 or rules promulgated under s. 289.05
5 (1) or (2).

6 **SECTION 869.** 94.73 (3m) (r) of the statutes is amended to read:

7 94.73 (3m) (r) The cost of providing alternative sources of drinking water,
8 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible
9 person who applies for reimbursement a total of not more than \$50,000 for the
10 replacement or restoration of private wells or for connection to a public or private
11 water source if the department or the department of ~~natural resources~~
12 environmental quality orders the well replacement or restoration or the connection
13 in response to a discharge.

14 **SECTION 870.** 94.73 (4) (b) of the statutes is amended to read:

15 94.73 (4) (b) Except as agreed under sub. (12), the department of agriculture,
16 trade and consumer protection shall promptly furnish the department of ~~natural~~
17 ~~resources~~ environmental quality with a copy of each work plan submitted to the
18 department of agriculture, trade and consumer protection under par. (a) for comment
19 by the department of ~~natural resources~~ environmental quality. Within 14 days after
20 it receives a copy of a work plan or within a different time period agreed to under sub.
21 (12), the department of ~~natural resources~~ environmental quality may provide the
22 department of agriculture, trade and consumer protection with any comments of the
23 department of ~~natural resources~~ environmental quality on the work plan. If the
24 department of ~~natural resources~~ environmental quality timely submits written
25 comments on a proposed work plan, the department of agriculture, trade and

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1 consumer protection shall either incorporate those comments into the approved work
2 plan or give the department of ~~natural resources~~ environmental quality a written
3 explanation of why the comments were not incorporated.

4 **SECTION 871.** 94.73 (9) of the statutes is amended to read:

5 94.73 (9) SAMPLING REQUIREMENTS. The department, in cooperation with the
6 department of ~~natural resources~~ environmental quality, shall establish a program
7 for the collection and analysis of soil and other environmental samples at sites where
8 discharges may have occurred, including sites required to be registered according to
9 rules promulgated by the department of agriculture, trade and consumer protection
10 under sub. (11).

11 **SECTION 872.** 94.73 (12) of the statutes is amended to read:

12 94.73 (12) MEMORANDUM OF UNDERSTANDING. The department and the
13 department of ~~natural resources~~ environmental quality shall enter into a
14 memorandum of understanding establishing their respective functions in the
15 administration of this section. The memorandum of understanding shall establish
16 procedures to ensure that corrective actions taken under this section are consistent
17 with actions taken under s. 292.11 (7). The department and the department of
18 ~~natural resources~~ environmental quality may request that the secretary of
19 administration provide assistance in accomplishing the memorandum of
20 understanding.

21 **SECTION 873.** 97.34 (2) (b) of the statutes is amended to read:

22 97.34 (2) (b) No person may manufacture or bottle bottled drinking water for
23 sale or distribution in this state unless the bottled drinking water complies with
24 state drinking water standards adopted by the department of ~~natural resources~~
25 environmental quality under s. 280.11, 281.15 or 281.17 (8) and with health-related

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1 enforcement standards adopted by the department of natural resources under ch.
2 160.

3 **SECTION 874.** 97.34 (2) (d) of the statutes is amended to read:

4 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for
5 sale or distribution in this state unless the water system used by the manufacturer
6 or bottler complies with ch. 280 and rules promulgated by the department of ~~natural~~
7 ~~resources~~ environmental quality under that chapter.

8 **SECTION 875.** 100.27 (5) (d) of the statutes is amended to read:

9 100.27 (5) (d) Informs the department and the department of ~~natural resources~~
10 environmental quality of the collection site identified under par. (a) and the
11 telephone number under par. (c).

12 **SECTION 876.** 100.295 (1) of the statutes is amended to read:

13 100.295 (1) LABELING STANDARDS. The department shall establish standards
14 that must be met by products in order for any person to represent that the products
15 are recycled, recyclable or degradable. The department shall establish standards
16 that are consistent, to the greatest extent practicable, with nationwide industry
17 consensus standards. In developing standards, the department shall consult with
18 the department of ~~natural resources~~ environmental quality and the council on
19 recycling and consider purchasing specifications under s. 16.72 (2) (e) and (f) and any
20 existing federal standards. The department shall give priority to establishing
21 standards for specific products commonly represented as being recycled, recyclable
22 or degradable.

23 **SECTION 877.** 101.143 (1) (am) of the statutes is amended to read:

24 101.143 (1) (am) "Case closure letter" means a letter provided by the
25 department of ~~natural resources~~ environmental quality that states that, based on

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1 information available to the department of natural resources, no further remedial
2 action is necessary with respect to a discharge.

3 **SECTION 878.** 101.143 (2) (h) (intro.) of the statutes is amended to read:

4 101.143 (2) (h) (intro.) The department of commerce and the department of
5 ~~natural resources~~ environmental quality, jointly, shall promulgate rules designed to
6 facilitate effective and cost-efficient administration of the program under this
7 section that specify all of the following:

8 **SECTION 879.** 101.143 (2) (h) 3. of the statutes is amended to read:

9 101.143 (2) (h) 3. Review procedures that must be followed by employees of the
10 department of ~~natural resources~~ environmental quality and the department of
11 commerce in reviewing the information submitted under subd. 1.

12 **SECTION 880.** 101.143 (2) (i) (intro.) of the statutes is amended to read:

13 101.143 (2) (i) (intro.) The department of commerce and the department of
14 ~~natural resources~~ environmental quality, jointly, shall promulgate rules specifying
15 procedures for evaluating remedial action plans and procedures to be used by
16 employees of the department of commerce and the department of ~~natural resources~~
17 environmental quality while remedial actions are being conducted. The
18 departments shall specify procedures that include all of the following:

19 **SECTION 881.** 101.143 (2) (j) (intro.) of the statutes is amended to read:

20 101.143 (2) (j) (intro.) The department of commerce and the department of
21 ~~natural resources~~ environmental quality, jointly, shall promulgate rules specifying
22 all of the following:

23 **SECTION 882.** 101.143 (2) (j) 1. of the statutes is amended to read:

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1 101.143 (2) (j) 1. The conditions under which employees of the department of
2 commerce and the department of ~~natural resources~~ environmental quality must
3 issue approvals under sub. (3) (c) 4.

4 **SECTION 883.** 101.143 (2) (k) of the statutes is amended to read:

5 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
6 commerce and the department of ~~natural resources~~ environmental quality shall
7 attempt to reach an agreement that is consistent with those provisions. If the
8 department of commerce and the department of ~~natural resources~~ environmental
9 quality are unable to reach an agreement, they shall refer the matters on which they
10 are unable to agree to the secretary of administration for resolution. The secretary
11 of administration shall resolve any matters on which the departments disagree in
12 a manner that is consistent with pars. (h) to (j). The department of commerce and
13 the department of ~~natural resources~~ environmental quality, jointly, shall promulgate
14 rules incorporating any agreement between the department of commerce and the
15 department of ~~natural resources~~ environmental quality under this paragraph and
16 any resolution of disagreements between the departments by the secretary of
17 administration under this paragraph.

18 **SECTION 884.** 101.143 (2e) of the statutes is amended to read:

19 101.143 (2e) RISK-BASED ANALYSIS. (a) The department of commerce and the
20 department of ~~natural resources~~ environmental quality shall attempt to agree on a
21 method, which shall include individualized consideration of the routes for migration
22 of petroleum product contamination at each site, for determining the risk to public
23 health, safety and welfare and to the environment posed by discharges for which the
24 department of commerce receives notification under sub. (3) (a) 3.

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1 (b) If the department of commerce and the department of ~~natural resources~~
2 environmental quality are unable to reach an agreement under par. (a), they shall
3 refer the matters on which they are unable to agree to the secretary of administration
4 for resolution. The secretary of administration shall resolve any matters on which
5 the departments disagree in a manner that is consistent with par. (a). The
6 department of commerce and the department of ~~natural resources~~ environmental
7 quality, jointly, shall promulgate rules incorporating any agreement between the
8 department of commerce and the department of ~~natural resources~~ environmental
9 quality under par. (a) and any resolution of disagreements between the departments
10 by the secretary of administration under this paragraph.

11 (c) The department of ~~natural resources~~ environmental quality or, if the
12 discharge is covered under s. 101.144 (2) (b), the department of commerce shall apply
13 the method in the rules promulgated under par. (b) to determine the risk posed by
14 a discharge for which the department of commerce receives notification under sub.
15 (3) (a) 3.

16 **SECTION 885.** 101.143 (2m) of the statutes is amended to read:

17 101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of
18 commerce receives a notification under sub. (3) (a) 3. or the department of ~~natural~~
19 ~~resources~~ environmental quality receives a notification of a petroleum product
20 discharge under s. 292.11, the department receiving the notification shall contact the
21 other department and shall schedule a meeting of the owner or operator or person
22 owning a home oil tank system and representatives of both departments.

23 **SECTION 886.** 101.143 (3) (a) 5. of the statutes is amended to read:

24 101.143 (3) (a) 5. The owner or operator or the person reports the discharge in
25 a timely manner to the division of emergency management in the department of

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1 military affairs or to the department of ~~natural resources~~ environmental quality,
2 according to the requirements under s. 292.11.

3 **SECTION 887.** 101.143 (3) (a) 9. of the statutes is amended to read:

4 101.143 (3) (a) 9. The owner or operator or the person follows standards for
5 groundwater restoration in the groundwater standards in the rules promulgated by
6 the department of ~~natural resources~~ environmental quality under ss. 160.07 and
7 160.09 and restores the environment, to the extent practicable, according to those
8 standards at the site of the discharge from a petroleum product storage system or
9 home oil tank system.

10 **SECTION 888.** 101.143 (3) (c) 4. of the statutes is amended to read:

11 101.143 (3) (c) 4. Receive written approval from the department of ~~natural~~
12 ~~resources~~ environmental quality or, if the discharge is covered under s. 101.144 (2)
13 (b), from the department of commerce that the remedial action activities performed
14 under subd. 3. meet the requirements of s. 292.11.

15 **SECTION 889.** 101.143 (3) (cm) of the statutes is amended to read:

16 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
17 owning a home oil tank system may, with the approval of the department of ~~natural~~
18 ~~resources~~ environmental quality or, if the discharge is covered under s. 101.144 (2)
19 (b), the department of commerce, satisfy the requirements of par. (c) 2. and 3. by
20 proposing and implementing monitoring to ensure the effectiveness of natural
21 attenuation of petroleum product contamination.

22 **SECTION 890.** 101.143 (3) (cp) 1. of the statutes is amended to read:

23 101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of
24 ~~natural resources~~ environmental quality or, if the site is covered under s. 101.144 (2)
25 (b), the department of commerce estimates that the cost to complete a site

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1 investigation, remedial action plan and remedial action for an occurrence exceeds
2 \$60,000, the department of commerce shall implement a competitive public bidding
3 process to obtain information to assist in making the determination under par. (cs).

4 **SECTION 891.** 101.143 (3) (cp) 2. of the statutes is amended to read:

5 101.143 (3) (cp) 2. The department of commerce or the department of ~~natural~~
6 ~~resources~~ environmental quality may waive the requirement under subd. 1. if an
7 enforcement standard is exceeded in groundwater within 1,000 feet of a well
8 operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other
9 well used to provide water for human consumption.

10 **SECTION 892.** 101.143 (3) (cp) 5. of the statutes is amended to read:

11 101.143 (3) (cp) 5. The department of commerce or the department of ~~natural~~
12 ~~resources~~ environmental quality may waive the requirement under subd. 1. after
13 providing notice to the other department.

14 **SECTION 893.** 101.143 (3) (cs) 2. of the statutes is amended to read:

15 101.143 (3) (cs) 2. The department of ~~natural resources~~ environmental quality
16 and the department of commerce shall review the remedial action plan for a site that
17 is classified as high risk under s. 101.144 and shall jointly determine the least costly
18 method of complying with par. (c) 3. and with enforcement standards. The
19 departments shall notify the owner or operator of their determination of the least
20 costly method and shall notify the owner or operator that reimbursement for
21 remedial action under this section is limited to the amount necessary to implement
22 that method.

23 **SECTION 894.** 101.143 (3) (cs) 3. of the statutes is amended to read:

24 101.143 (3) (cs) 3. In making determinations under subsd. 1. and 2., the
25 department of ~~natural resources~~ environmental quality and the department of

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1 commerce shall determine whether natural attenuation will achieve compliance
2 with par. (c) 3. and with enforcement standards.

3 **SECTION 895.** 101.143 (3) (cs) 4. of the statutes is amended to read:

4 101.143 (3) (cs) 4. The department of commerce may review and modify an
5 amount established under subd. 1. if the department determines that new
6 circumstances, including newly discovered contamination at a site, warrant those
7 actions. The department of commerce and the department of ~~natural resources~~
8 environmental quality may review and modify an amount established under subd.
9 2. if the departments determine that new circumstances, including newly discovered
10 contamination at a site, warrant those actions.

11 **SECTION 896.** 101.143 (3) (cw) 2. of the statutes is amended to read:

12 101.143 (3) (cw) 2. The department of ~~natural resources~~ environmental quality
13 and the department of commerce shall conduct the annual review required under
14 sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144 and shall jointly
15 determine the least costly method of completing remedial action at the site in order
16 to comply with par. (c) 3. and with enforcement standards. The departments shall
17 notify the owner or operator of their determination of the least costly method and
18 shall notify the owner or operator that reimbursement under this section for
19 remedial action conducted after the date of the notice is limited to the amount
20 necessary to implement that method.

21 **SECTION 897.** 101.143 (3) (cw) 3. of the statutes is amended to read:

22 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the
23 department of ~~natural resources~~ environmental quality and the department of
24 commerce shall determine whether natural attenuation will achieve compliance
25 with par. (c) 3. and with enforcement standards.