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1           **SECTION 898.** 101.143 (3) (cw) 4. of the statutes is amended to read:

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

9           **SECTION 899.** 101.143 (3) (d) of the statutes is amended to read:

10           101.143 (3) (d) *Final review of remedial action activities.* The department of  
11 ~~natural resources~~ environmental quality or, if the discharge is covered under s.  
12 101.144 (2) (b), the department of commerce shall complete a final review of the  
13 remedial action activities within 60 days after the claimant notifies the appropriate  
14 department that the remedial action activities are completed.

15           **SECTION 900.** 101.143 (3) (e) of the statutes is amended to read:

16           101.143 (3) (e) *Notifications.* The department of ~~natural resources~~  
17 environmental quality shall notify the department when it gives a claimant written  
18 approval under par. (c) 4.

19           **SECTION 901.** 101.143 (3) (f) 5. of the statutes is amended to read:

20           101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~  
21 environmental quality or the department of commerce under par. (c) 4.

22           **SECTION 902.** 101.143 (3) (g) of the statutes is amended to read:

23           101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.  
24 and 2., an owner or operator or the person may submit a claim for an award under  
25 sub. (4) after notifying the department under par. (a) 3., without completing an

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1 investigation under par. (c) 1. and without preparing a remedial action plan under  
2 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and  
3 the remedial action plan under par. (c) 2. inappropriate and, before conducting  
4 remedial action, the owner or operator or person notified the department of  
5 commerce and the department of ~~natural resources~~ environmental quality of the  
6 emergency and the department of commerce and the department of ~~natural~~  
7 ~~resources~~ environmental quality authorized emergency action.

8 **SECTION 903.** 101.143 (4) (ei) 2m. of the statutes is amended to read:

9 101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter  
10 or notice from the department of commerce or department of ~~natural resources~~  
11 environmental quality indicating that the owner or operator must conduct a site  
12 investigation or remedial action because of a discharge from the farm tank or an  
13 order to conduct such an investigation or remedial action.

14 **SECTION 904.** 101.143 (4) (es) 1. of the statutes is amended to read:

15 101.143 (4) (es) 1. The department shall issue an award for a claim filed after  
16 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
17 by an owner or operator or a person owning a home oil tank system in investigating  
18 the existence of a discharge or investigating the presence of petroleum products in  
19 soil or groundwater if the investigation is undertaken at the written direction of the  
20 department of commerce or the department of ~~natural resources~~ environmental  
21 quality and no discharge or contamination is found.

22 **SECTION 905.** 101.143 (11) (intro.) of the statutes is amended to read:

23 101.143 (11) REPORTS. (intro.) No later than each January 1 and July 1, the  
24 department of commerce and the department of ~~natural resources~~ environmental  
25 quality shall submit to the governor, to the joint legislative audit committee, to the

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1 joint committee on finance and to the appropriate standing committees of the  
2 legislature, under s. 13.172 (3), a report on the program under this section. The  
3 departments shall include all of the following information in the report:

4 **SECTION 906.** 101.144 (2) (a) of the statutes is amended to read:

5 101.144 (2) (a) The department shall administer a program under which  
6 responsible persons investigate, and take remedial action in response to, those  
7 discharges of petroleum products from petroleum storage tanks that are covered  
8 under par. (b). The department may issue an order requiring a responsible person  
9 to take remedial action in response to a discharge of a petroleum product from a  
10 petroleum storage tank if the discharge is covered under par. (b). In administering  
11 this section, the department shall follow rules promulgated by the department of  
12 ~~natural resources~~ environmental quality for the cleanup of discharges of hazardous  
13 substances.

14 **SECTION 907.** 101.144 (3) (intro.) of the statutes is amended to read:

15 101.144 (3) (intro.) The department of ~~natural resources~~ environmental  
16 quality may take action under s. 292.11 (7) (a) or may issue an order under s. 292.11  
17 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one or more  
18 of the following apply:

19 **SECTION 908.** 101.144 (3) (b) of the statutes is amended to read:

20 101.144 (3) (b) The department of commerce requests the department of  
21 ~~natural resources~~ environmental quality to take the action or issue the order.

22 **SECTION 909.** 101.144 (3) (c) of the statutes is amended to read:

23 101.144 (3) (c) The secretary of ~~natural resources~~ environmental quality  
24 approves the action or order in advance after notice to the secretary of commerce.

25 **SECTION 910.** 101.144 (3) (d) of the statutes is amended to read:

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1           101.144 (3) (d) The department of ~~natural resources~~ environmental quality  
2 takes action under s. 292.11 (7) (a) after the responsible person fails to comply with  
3 an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

4           **SECTION 911.** 101.144 (3) (e) of the statutes is amended to read:

5           101.144 (3) (e) The department of ~~natural resources~~ environmental quality  
6 takes the action under s. 292.11 (7) (a) because the identity of the responsible person  
7 is unknown.

8           **SECTION 912.** 101.144 (3g) (a) of the statutes is amended to read:

9           101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified  
10 under this section, excluding sites that are contaminated by a hazardous substance  
11 other than a petroleum product or an additive to a petroleum product, are classified  
12 as high-risk sites, the department of commerce and the department of ~~natural~~  
13 ~~resources~~ environmental quality shall attempt to reach an agreement that specifies  
14 standards for determining whether the site of a discharge of a petroleum product  
15 from a petroleum storage tank is classified as high risk. The standards shall be  
16 designed to classify no more than 35% of those sites as high-risk sites and may not  
17 classify all sites at which an enforcement standard is exceeded as high-risk sites.  
18 If the department of commerce and the department of ~~natural resources~~  
19 environmental quality are unable to reach an agreement, they shall refer the  
20 matters on which they are unable to agree to the secretary of administration for  
21 resolution. The secretary of administration shall resolve any matters on which the  
22 departments disagree in a manner that is consistent with this paragraph. The  
23 department of commerce shall promulgate rules incorporating any agreement  
24 between the department of commerce and the department of ~~natural resources~~

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1 environmental quality under this paragraph and any resolution of disagreements  
2 between the departments by the secretary of administration under this paragraph.

3 **SECTION 913.** 101.144 (3m) (a) (intro.) of the statutes is amended to read:

4 101.144 (3m) (a) (intro.) The department of commerce and the department of  
5 ~~natural resources~~ environmental quality shall enter into a memorandum of  
6 understanding that does all of the following:

7 **SECTION 914.** 101.144 (3m) (b) of the statutes is amended to read:

8 101.144 (3m) (b) The department of commerce and the department of ~~natural~~  
9 ~~resources~~ environmental quality shall submit a memorandum of understanding  
10 under this subsection to the secretary of administration for review. A memorandum  
11 of understanding under this subsection does not take effect until it is approved by  
12 the secretary of administration.

13 **SECTION 915.** 101.653 (6m) of the statutes is amended to read:

14 101.653 (6m) REVIEW. The department and the department of ~~natural~~  
15 ~~resources~~ environmental quality shall enter into a memorandum of agreement that  
16 establishes a process for reviewing the standards established under sub. (2),  
17 periodically updating those standards and reviewing the training program. The  
18 memorandum of understanding shall ensure that local officials and other persons  
19 interested in the standards established under sub. (2) and the training program may  
20 participate in the process.

21 **SECTION 916.** 107.15 (2) (b) of the statutes is amended to read:

22 107.15 (2) (b) "Licensee" means any person licensed to conduct exploration  
23 activities by the department of ~~natural resources~~ environmental quality under s.  
24 293.21. If the person is a corporation or limited liability company, "licensee" includes

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1 the parent and any subsidiary or affiliates of the corporation or limited liability  
2 company engaged in mining or activities related to mining in this state.

3 **SECTION 917.** 107.15 (6) (c) 2. of the statutes is amended to read:

4 107.15 (6) (c) 2. By the secretary of the department of ~~natural resources~~  
5 environmental quality for purposes of specific environmental analysis and permit  
6 application evaluation and by the secretary of the department of revenue provided  
7 that the confidential information shall not be released by either the department of  
8 revenue or the department of ~~natural resources~~ environmental quality, that the  
9 departments of revenue and ~~natural resources~~ environmental quality shall establish  
10 procedures to keep any confidential information confidential, and that the  
11 responsible person or persons in each department shall be subject to the penalty  
12 specified under this paragraph for the unauthorized release of confidential  
13 information.

14 **SECTION 918.** 110.20 (4) of the statutes is amended to read:

15 110.20 (4) DEPARTMENTAL COOPERATION. The department shall consult and  
16 cooperate with the department of ~~natural resources~~ environmental quality in order  
17 to efficiently and fairly establish and administer the program established under this  
18 section.

19 **SECTION 919.** 110.20 (8) (am) 5. of the statutes is amended to read:

20 110.20 (8) (am) 5. No inspection station may be established within 0.5 mile of  
21 an air monitoring station which reported a violation during the period from 1976 to  
22 1979 of the carbon monoxide primary national ambient air quality standard as  
23 defined by the department of ~~natural resources~~ environmental quality.

24 **SECTION 920.** 110.20 (8) (d) of the statutes is amended to read:

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1           110.20 (8) (d) No inspection station may be established within 0.5 mile of an  
2           air monitoring station which reported a violation during the period from 1976 to 1979  
3           of the carbon monoxide primary national ambient air quality standard as defined by  
4           the department of ~~natural resources~~ environmental quality.

5           **SECTION 921.** 110.20 (13) (b) of the statutes is amended to read:

6           110.20 (13) (b) The department of ~~natural resources~~ environmental quality  
7           shall, by rule, establish the amount of the repair cost limit to equal the amount  
8           required under 42 USC 7511a (b) 4. or (c) (3) (C).

9           **SECTION 922.** 110.215 of the statutes is amended to read:

10           **110.215 Motor vehicle emission control equipment grant program.**

11           From the appropriation under s. 20.395 (5) (hq), the department shall, in  
12           consultation with the department of ~~natural resources~~ environmental quality,  
13           develop and administer a program to provide grants for the purchase and  
14           installation of oxidation catalyst mufflers on school buses customarily kept in  
15           counties identified in s. 110.20 (5). The department shall adopt rules to implement  
16           and administer this section, including procedures, standards, and criteria for  
17           awarding and distributing the grants.

18           **SECTION 923.** 118.025 of the statutes is amended to read:

19           **118.025 Arbor day observance.** A school principal may request one free tree  
20           provided from state forest nurseries by the department of ~~natural resources~~  
21           agriculture, trade and consumer protection under s. 28.06 for each 4th grade pupil  
22           in the school for planting in conjunction with an annual observance and celebration  
23           of arbor day.

24           **SECTION 924.** 125.52 (2) of the statutes is amended to read:

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1           125.52 (2) LIMITED MANUFACTURER'S PERMIT. The department shall issue a  
2 limited manufacturer's permit which authorizes the use or sale of the intoxicating  
3 liquor produced only if it is rendered unfit for use as a beverage and is used or sold  
4 for use as fuel. The department shall notify the department of ~~natural resources~~  
5 environmental quality of the name and address of any person to whom a limited  
6 manufacturer's permit is issued.

7           **SECTION 925.** 134.60 of the statutes is amended to read:

8           **134.60 Cutting or transportation of evergreens.** No person may cut for  
9 sale in its natural condition and untrimmed, with or without roots, any evergreen or  
10 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another  
11 without the written consent of the owner, whether such land is publicly or privately  
12 owned. The written consent shall contain the legal description of the land where the  
13 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal  
14 owner. The written consent or a certified copy of the consent shall be carried by every  
15 person in charge of the cutting or removing of the trees, branches, boughs, bushes,  
16 saplings or shrubs, and shall be exhibited to any officer of the law, state forest ranger,  
17 forest patrol officer, conservation warden, or other officer of the department of  
18 ~~natural resources~~ agriculture, trade and consumer protection at the officer's request  
19 at any time. The officer may inspect the trees, branches, boughs, bushes, saplings  
20 or shrubs when being transported in any vehicle or other means of conveyance and  
21 may investigate to determine whether or not this section has been complied with.  
22 The officer may stop any vehicle or means of conveyance found carrying any trees,  
23 branches, boughs, bushes, saplings or shrubs upon any public highway of this state  
24 for the purpose of making such inspection and investigation, and may seize and hold,  
25 subject to the order of the court, any such trees, bushes, saplings or shrubs found

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1 being cut, removed or transported in violation of this section. No person may ship  
2 or transport any such trees, bushes, saplings or shrubs outside the county where they  
3 were cut unless the person attaches to the outside of each package, box, bale,  
4 truckload or carload shipped a tag or label on which appears the person's name and  
5 address. No common carrier or truck hauler may receive for shipment or  
6 transportation any such trees, bushes, saplings or shrubs unless the tag or label is  
7 attached. Any person who violates this section shall be fined not less than \$10 nor  
8 more than \$100. Any person who signs any such written consent or certified copy  
9 under this section who is not authorized to do so, and any person who lends or  
10 transfers or offers to lend or transfer any such written consent or certified copy to  
11 another person who is not entitled to use it, and any person not entitled to use any  
12 such written consent or certified copy, or who borrows, receives or solicits from  
13 another any such written consent or certified copy thereof shall be fined not less than  
14 \$100 nor more than \$500.

15 **SECTION 926.** 138.09 (7) (i) 3. of the statutes is amended to read:

16 138.09 (7) (i) 3. On motor vehicle loans, the actual filing fee required for filing  
17 with the department of transportation under ch. 342 or, on boat loans, the filing fee  
18 required for filing with the department of natural resources under subch. V of ch. 30.

19 **SECTION 927.** 145.20 (5) (c) of the statutes is amended to read:

20 145.20 (5) (c) The department of ~~natural resources~~ environmental quality may  
21 suspend or revoke a license issued under s. 281.48 or a certificate issued under s.  
22 281.17 (3) to the operator of a septage servicing vehicle if the department of ~~natural~~  
23 ~~resources~~ environmental quality finds that the licensee or operator falsified  
24 information on inspection forms. The department of commerce may suspend or

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1 revoke the license of a plumber licensed under this chapter if the department finds  
2 that the plumber falsified information on inspection forms.

3 **SECTION 928.** 146.60 (1) (c) of the statutes is amended to read:

4 146.60 (1) (c) "Departments" means the department of agriculture, trade and  
5 consumer protection and the department of ~~natural resources~~ environmental  
6 quality.

7 **SECTION 929.** 146.60 (2) (a) of the statutes is amended to read:

8 146.60 (2) (a) The department of ~~natural resources~~ environmental quality shall  
9 be the reviewing department for any regulated release subject to 15 USC 2601 to  
10 2629.

11 **SECTION 930.** 146.60 (3) (c) 1. of the statutes is amended to read:

12 146.60 (3) (c) 1. If the department of ~~natural resources~~ environmental quality  
13 receives information under this subsection or sub. (4) (c), it shall provide the  
14 department of agriculture, trade and consumer protection with a copy of the  
15 information.

16 **SECTION 931.** 146.60 (3) (c) 2. of the statutes is amended to read:

17 146.60 (3) (c) 2. If the department of agriculture, trade and consumer  
18 protection receives information under this subsection or sub. (4) (c), it shall provide  
19 the department of ~~natural resources~~ environmental quality with a copy of the  
20 information.

21 **SECTION 932.** 146.60 (5) of the statutes is amended to read:

22 146.60 (5) MEMORANDUM OF UNDERSTANDING. Within 6 months after June 13,  
23 1989, the department of ~~natural resources~~ environmental quality shall enter into a  
24 memorandum of understanding with the department of agriculture, trade and  
25 consumer protection setting forth the procedures and responsibilities of the

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1 departments in the administration of this section. The memorandum shall establish  
2 procedures that minimize the duplication of effort between the departments and for  
3 the person providing information under sub. (3).

4 **SECTION 933.** 160.001 (6) of the statutes is amended to read:

5 160.001 (6) Where necessary to comply with federal statutes or regulations, the  
6 department of ~~natural resources~~ environmental quality may adopt rules in  
7 regulatory programs administered by it which are more stringent than the  
8 enforcement standards and preventive action limits adopted under this chapter.

9 **SECTION 934.** 160.001 (7) of the statutes is amended to read:

10 160.001 (7) A regulatory agency may take any actions within the context of  
11 regulatory programs established in statutes outside of this chapter, if those actions  
12 are necessary to protect public health and welfare or prevent a significant damaging  
13 effect on groundwater or surface water quality for present or future consumptive or  
14 nonconsumptive uses, whether or not an enforcement standard and preventive  
15 action limit for a substance has been adopted under this chapter. Nothing in this  
16 chapter requires the department of health services or the department of ~~natural~~  
17 ~~resources~~ environmental quality to establish an enforcement standard for a  
18 substance if a federal number or state drinking water standard has not been adopted  
19 for the substance and if there is not sufficient scientific information to establish the  
20 standard.

21 **SECTION 935.** 160.01 (1) of the statutes is amended to read:

22 160.01 (1) "Department", when used without qualification, means the  
23 department of ~~natural resources~~ environmental quality.

24 **SECTION 936.** 160.01 (7) of the statutes is amended to read:

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1           160.01 (7) "Regulatory agency" means the department of agriculture, trade and  
2 consumer protection, the department of commerce, the department of  
3 transportation, the department of ~~natural resources~~ environmental quality and  
4 other state agencies which regulate activities, facilities or practices which are  
5 related to substances which have been detected in or have a reasonable probability  
6 of entering the groundwater resources of the state.

7           **SECTION 937.** 160.07 (5) of the statutes is amended to read:

8           160.07 (5) Within 9 months after transmitting the name of a substance to the  
9 department of health services under sub. (2), the department of ~~natural resources~~  
10 environmental quality shall propose rules establishing the recommendation of the  
11 department of health services as the enforcement standard for that substance and  
12 publish the notice required under s. 227.16 (2) (e), 227.17 or 227.24 (3).

13           **SECTION 938.** 160.07 (6) of the statutes is amended to read:

14           160.07 (6) If a federal number is established or changed for a substance after  
15 an enforcement standard is recommended by the department of health services and  
16 if any person or regulatory agency submits a request, the department of ~~natural~~  
17 ~~resources~~ environmental quality shall determine whether the enforcement standard  
18 needs revision based on recommendations under sub. (4).

19           **SECTION 939.** 160.13 (2) (b) 4. of the statutes is amended to read:

20           160.13 (2) (b) 4. If no acceptable daily intake or equivalent value for an oncogen  
21 is established by the federal environmental protection agency or if an acceptable  
22 daily intake is established but oncogenic potential at the established acceptable daily  
23 intake presents an unacceptable probability of risk, the department shall provide the  
24 department of ~~natural-resources~~ environmental quality with an evaluation of the  
25 oncogenic potential of the substance. This evaluation of oncogenic potential shall

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1 indicate an acceptable daily intake for the substance which, if ingested daily over an  
2 entire human lifetime, appears to present an acceptable probability of risk which is  
3 presumed to be a risk level equal to a ratio of one to 1,000,000. A risk level equal to  
4 a ratio of one to 1,000,000 is the expectation that no more than one excess death will  
5 occur in a population of 1,000,000 over a 70-year period. The department shall base  
6 the evaluation of oncogenic potential on a review of the most recent and scientifically  
7 valid information available.

8 **SECTION 940.** 165.25 (4) (a) of the statutes is amended to read:

9 165.25 (4) (a) The department of justice shall furnish all legal services required  
10 by the investment board, the lottery division in the department of revenue, the public  
11 service commission, the department of transportation, the department of ~~natural~~  
12 ~~resources~~ environmental quality, the department of tourism and the department of  
13 employee trust funds, together with any other services, including stenographic and  
14 investigational, as are necessarily connected with the legal work.

15 **SECTION 941.** 165.25 (6) (e) of the statutes is amended to read:

16 165.25 (6) (e) The department of justice may appear for and defend the state  
17 or any state department, agency, official or employee in any civil action arising out  
18 of or relating to the assessment or collection of costs concerning environmental  
19 cleanup or natural resources damages including actions brought under 42 USC 9607.  
20 The action may be compromised and settled in the same manner as provided in par.  
21 (a). At the request of the department of ~~natural resources~~ environmental quality, the  
22 department of justice may provide legal representation to the state or to the  
23 department of ~~natural resources~~ environmental quality in the same matter in which  
24 the department of justice provides defense counsel, if the attorneys representing  
25 those interests are assigned from different organizational units within the

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1 department of justice. This paragraph may not be construed as a consent to sue the  
2 state or any department, agency, official or employee of the state or as a waiver of  
3 sovereign immunity.

4 **SECTION 942.** 165.85 (4) (b) 1. of the statutes is amended to read:

5 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
6 enforcement officer, except on a temporary or probationary basis, unless the person  
7 has satisfactorily completed a preparatory program of law enforcement training  
8 approved by the board and has been certified by the board as being qualified to be  
9 a law enforcement or tribal law enforcement officer. The program shall include 400  
10 hours of training, except that the program for law enforcement officers who serve as  
11 rangers for the department of natural resources or the department of agriculture,  
12 trade and consumer protection includes 240 hours of training. The board shall  
13 promulgate a rule under ch. 227 providing a specific curriculum for a 400-hour  
14 conventional program and a 240-hour ranger program. The period of temporary or  
15 probationary employment established at the time of initial employment shall not be  
16 extended by more than one year for an officer lacking the training qualifications  
17 required by the board. The total period during which a person may serve as a law  
18 enforcement and tribal law enforcement officer on a temporary or probationary basis  
19 without completing a preparatory program of law enforcement training approved by  
20 the board shall not exceed 2 years, except that the board shall permit part-time law  
21 enforcement and tribal law enforcement officers to serve on a temporary or  
22 probationary basis without completing a program of law enforcement training  
23 approved by the board to a period not exceeding 3 years. For purposes of this section,  
24 a part-time law enforcement or tribal law enforcement officer is a law enforcement  
25 or tribal law enforcement officer who routinely works not more than one-half the

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1 normal annual work hours of a full-time employee of the employing agency or unit  
2 of government. Law enforcement training programs including municipal, county  
3 and state programs meeting standards of the board are acceptable as meeting these  
4 training requirements.

5 **SECTION 943.** 167.10 (3) (b) 3. of the statutes is amended to read:

6 167.10 (3) (b) 3. The disposal of hazardous substances in accordance with rules  
7 adopted by the department of ~~natural resources~~ environmental quality.

8 **SECTION 944.** 167.31 (5) (d) of the statutes is amended to read:

9 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the  
10 county treasurer the weapons surcharge as required under s. 59.40 (2) (m). The  
11 county treasurer shall then pay the secretary of administration as provided in s.  
12 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received  
13 under this paragraph in the conservation fund to be appropriated under s. 20.370 (3)  
14 ~~(mu)~~ (1) (pu).

15 **SECTION 945.** 169.46 (1) (e) of the statutes is amended to read:

16 169.46 (1) (e) All moneys collected from natural resources surcharges shall be  
17 deposited in the conservation fund and credited to the appropriation under s. 20.370  
18 ~~(3)~~ ~~(mu)~~ (1) (pu).

19 **SECTION 946.** 169.46 (2) (e) of the statutes is amended to read:

20 169.46 (2) (e) All moneys collected from natural resources restitution  
21 surcharges shall be deposited in the conservation fund and credited to the  
22 appropriation account under s. 20.370 ~~(3)~~ ~~(mu)~~ (1) (pu).

23 **SECTION 947.** 170.12 (4) (intro.) of the statutes is amended to read:

24 170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application  
25 under sub. (3), the board shall immediately transmit copies of the application to the

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1 department of natural resources ~~and to, the department of environmental quality,~~  
2 and the historical society for review. The department of natural resources and the  
3 historical society shall, as appropriate, within 30 days after their receipt of the  
4 application, notify the board whether any of the following applies:

5 **SECTION 948.** 170.12 (4) (c) of the statutes is amended to read:

6 170.12 (4) (c) The proposed project may affect public rights in navigable waters.  
7 The department of natural resources and the department of environmental quality  
8 shall recommend to the board requirements and conditions to be attached to the  
9 permit which shall protect those rights.

10 **SECTION 949.** 182.70 (1) (d) of the statutes is amended to read:

11 182.70 (1) (d) "Department" means the department of ~~natural resources~~  
12 environmental quality.

13 **SECTION 950.** 182.70 (3) (a) 1. of the statutes is amended to read:

14 182.70 (3) (a) 1. The company may create, acquire or lease an entire reservoir  
15 project or otherwise maintain, operate or control a system of water reservoirs located  
16 in or along the Wisconsin river. These reservoirs shall be located north of township  
17 37 north in or along the Wisconsin River, and in or along any tributary of the  
18 Wisconsin River that discharges into the river at any point north of the south line of  
19 township 23 north. The company may create, acquire, maintain and operate  
20 waterways to divert flood waters from or to the Wisconsin River to or from reservoirs  
21 on other rivers. Diversion of flood waters shall be subject to approval by the  
22 department, in consultation with the department of natural resources. The company  
23 may construct, acquire and maintain dams, booms and other structures in, along or  
24 across this portion of the Wisconsin River and its tributaries to accomplish the  
25 purposes of this section. The company may clean out, straighten, deepen or

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1 otherwise improve any tributary to improve navigation of the tributary or of the  
2 Wisconsin River, or to prevent injury to property bordering on the rivers.

3 **SECTION 951.** 182.71 (1) (c) of the statutes is amended to read:

4 182.71 (1) (c) "Department" means the department of ~~natural resources~~  
5 environmental quality.

6 **SECTION 952.** 182.71 (7) (a) and (b) of the statutes are amended to read:

7 182.71 (7) (a) The commission shall appraise and fix the price of any dam, land  
8 or flowage rights to be purchased by the company under this section. The  
9 commission shall approve any lease of property by the company prior to the payment  
10 of rent. The commission may require the department or the department of natural  
11 resources to aid in appraising the value of the land.

12 (b) If the company intends to acquire and overflow property, the commission  
13 shall approve the need to overflow the property. The department, in consultation  
14 with the department of natural resources, shall mark the height to which any dam  
15 may raise the water level by permanent monuments and bench marks, shall  
16 supervise and control the time and extent of the drawing of water from the reservoirs,  
17 and may compel the maintenance of all reservoirs established. The commission and  
18 the department may employ, at the expense of the company, hydraulic engineers and  
19 other persons to assist in obtaining information necessary to enforce this section.  
20 The cost of hiring the engineers shall be included as a part of the cost of construction  
21 or maintenance and operation of the reservoir system.

22 **SECTION 953.** 196.025 (2m) (title) of the statutes is amended to read:

23 196.025 (2m) (title) COORDINATION WITH DEPARTMENT OF ~~NATURAL RESOURCES~~  
24 ENVIRONMENTAL QUALITY.

25 **SECTION 954.** 196.025 (2m) (a) 1. of the statutes is amended to read:

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1           196.025 **(2m)** (a) 1. "Department" means the department of ~~natural resources~~  
2 environmental quality.

3           **SECTION 955.** 196.374 (3) (a) of the statutes is amended to read:

4           196.374 **(3)** (a) *In general.* The commission shall have oversight of programs  
5 under sub. (2). The commission shall maximize coordination of program delivery,  
6 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)  
7 and (7), ordered programs, low-income weatherization programs under s. 16.957,  
8 renewable resource programs under s. 196.378, and other energy efficiency or  
9 renewable resource programs. The commission shall cooperate with the department  
10 of ~~natural resources~~ environmental quality to ensure coordination of energy  
11 efficiency and renewable resource programs with air quality programs and to  
12 maximize and document the air quality improvement benefits that can be realized  
13 from energy efficiency and renewable resource programs.

14           **SECTION 956.** 196.491 (1) (c) of the statutes is amended to read:

15           196.491 **(1)** (c) "Department" means the department of ~~natural resources~~  
16 environmental quality.

17           **SECTION 957.** 196.491 (2) (b) 5. of the statutes is amended to read:

18           196.491 **(2)** (b) 5. Department of ~~natural resources~~ environmental quality.

19           **SECTION 958.** 196.86 (1) (a) of the statutes is amended to read:

20           196.86 **(1)** (a) "Department" means the department of ~~natural resources~~  
21 environmental quality.

22           **SECTION 959.** 196.86 (1) (d) of the statutes is amended to read:

23           196.86 **(1)** (d) "Initial compliance date" means the date specified in a notice by  
24 the department of ~~natural resources~~ environmental quality under s. 285.48 (2) by

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1 which electric generating facilities in the midcontinent area of this state are required  
2 to comply with initial nitrogen oxide emission reduction requirements.

3 **SECTION 960.** 196.86 (2) of the statutes is amended to read:

4 196.86 (2) If the department of ~~natural resources~~ environmental quality makes  
5 a notification to the commission under s. 285.48 (2), the commission shall assess  
6 against electric public utility affiliates a total of \$2,400,000, or a decreased amount  
7 specified in a notice by the department of natural resources under s. 285.48 (3) (d)  
8 3., in each fiscal year of the 10-year period that commences on July 1 of the fiscal year  
9 ending before the initial compliance date. An assessment in a fiscal year against an  
10 electric public utility affiliate under this subsection shall be in an amount that is  
11 proportionate to the electric public utility affiliate's heat throughput ratio for the  
12 prior fiscal year.

13 **SECTION 961.** 198.22 (7) of the statutes is amended to read:

14 198.22 (7) BOUNDARIES. Immediately upon the organization of the board of  
15 directors the clerk shall cause to be recorded in the office of the register of deeds of  
16 each county in which any part of said district is located, and shall file with the  
17 secretary of state, the department of ~~natural resources~~ environmental quality, the  
18 governor and the clerk of each town, city or village, wholly or partly within the  
19 district, a certified copy of the boundaries of the district as set forth in the notice of  
20 election pursuant to sub. (3) or as thereafter amended. Thereafter, in any proceeding  
21 wherein the boundaries of the district are concerned, it shall be sufficient in  
22 describing said boundaries to refer to such record of such description.

23 **SECTION 962.** 198.22 (13) of the statutes is amended to read:

24 198.22 (13) DISTRIBUTION SYSTEM STANDARDS IN MILWAUKEE COUNTY. When any  
25 such district is established in any county having a population of 500,000 or more and

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1 containing a city of the 1st class, no municipality in such district shall construct any  
2 part of its distribution system except according to the standard of sizes and grades  
3 of materials as used by such city of the 1st class, or the standards of the American  
4 waterworks association and the department of ~~natural resources~~ environmental  
5 quality.

6 **SECTION 963.** 200.01 (2) of the statutes is amended to read:

7 200.01 (2) "Department" means the department of ~~natural resources~~  
8 environmental quality.

9 **SECTION 964.** 200.11 (1) (e) of the statutes is amended to read:

10 200.11 (1) (e) *Annual report.* The commission shall prepare annually a full and  
11 detailed report of its official transactions and expenses and of all presently planned  
12 additions and major changes in district facilities and services and shall file a copy  
13 of such report with the department of ~~natural resources~~ environmental quality, the  
14 department of health services and the governing bodies of all cities, villages and  
15 towns having territory in such district.

16 **SECTION 965.** 200.27 (9) of the statutes is amended to read:

17 200.27 (9) ANNUAL REPORT. The commission shall prepare annually a full report  
18 of its official transactions and expenditures and shall mail the report to the governor,  
19 to the secretary of ~~natural resources~~ environmental quality and to the governing  
20 body of each municipality.

21 **SECTION 966.** 200.29 (1) (c) 4. b. of the statutes is amended to read:

22 200.29 (1) (c) 4. b. Any area not included within the redefined boundary under  
23 subd. 1. or 2. ceases to be a part of the district for all purposes upon the filing of a  
24 certified copy of the resolution describing the area not within the district with the  
25 clerk of each county in which the district is located. The commission shall also record

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1 the resolution with the register of deeds for each county in which the district is  
2 located, and file a certified copy of the resolution with the clerk of each city, village  
3 and town in the district and with the department of ~~natural resources~~ environmental  
4 quality.

5 **SECTION 967.** 200.29 (1) (d) 3. of the statutes is amended to read:

6 200.29 (1) (d) 3. Any area added to the district under this paragraph becomes  
7 a part of the district for all purposes upon the filing of a certified copy of the resolution  
8 describing the area being added with the clerk of each county in which the district  
9 is located. The commission shall also record the resolution with the register of deeds  
10 for each county in which the district is located, and file certified copies with the clerk  
11 of each city, village and town in the district and with the department of ~~natural~~  
12 ~~resources~~ environmental quality.

13 **SECTION 968.** 200.35 (4) of the statutes is amended to read:

14 200.35 (4) DELIVERY OF DEEDS; ~~DNR~~ STATE PERMITS. Upon application of the  
15 commission the proper officers of this state shall execute, acknowledge and deliver  
16 to the proper officers of the district any deed or other instrument as may be proper  
17 for the purpose of fully confirming the grants under subs. (2) and (3).  
18 Notwithstanding s. 30.05, the district may not commence an action under sub. (2) or  
19 (3) without obtaining all of the necessary permits from the department of ~~natural~~  
20 ~~resources~~ environmental quality under ch. 30.

21 **SECTION 969.** 200.35 (8) (a) of the statutes is amended to read:

22 200.35 (8) (a) Subject to s. 30.20 and to any applicable rule of the department  
23 of ~~natural resources~~ environmental quality, the commission may improve any river  
24 or stream within the district by deepening, widening or otherwise changing it as the  
25 commission finds necessary in order to carry off surface or drainage water.

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1           **SECTION 970.** 200.35 (9) (b) of the statutes is amended to read:

2           200.35 (9) (b) The commission shall apply to the department of ~~natural~~  
3 ~~resources~~ environmental quality for a permit for the diversion. Upon receipt of an  
4 application for a permit, the department shall fix a time, not more than 8 weeks after  
5 receiving the application, and a convenient place for a public hearing on the  
6 application. The department shall notify the commission of the time and place and  
7 the commission shall publish a notice of the time and place of the hearing once each  
8 week for 3 successive weeks before the hearing in at least one newspaper designated  
9 by the department of ~~natural resources~~ environmental quality and published in the  
10 district.

11           **SECTION 971.** 200.35 (9) (c) of the statutes is amended to read:

12           200.35 (9) (c) In addition to the publication required under par. (b) the  
13 commission, not less than 20 days prior to the hearing, shall mail a notice of the  
14 hearing to every person who has recorded an interest in any lands that are likely to  
15 be affected by the proposed diversion and whose post-office address can be  
16 ascertained by due diligence. The notice shall specify the time and place of the  
17 hearing, shall be accompanied by a general statement of the nature of the application  
18 and shall be forwarded to these persons by registered mail in a sealed and postpaid  
19 envelope properly addressed. The commission shall file proof of the publication and  
20 mailing of notice with the department of ~~natural resources~~ environmental quality.  
21 At the hearing or any adjournment thereof, the department of ~~natural resources~~  
22 environmental quality shall consider the application and shall take evidence offered  
23 by the commission and other persons in support of or in opposition to the application.  
24 The department may require that the application be amended. If the department  
25 finds after the hearing that the application is in the public interest, will not violate

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1 public rights and will not pose an unreasonable risk to life, health or property, the  
2 department shall issue a permit to the commission.

3 **SECTION 972.** 200.35 (12) of the statutes is amended to read:

4 200.35 (12) DISPOSAL OF TREATED SEWAGE. Subject to any applicable rule of the  
5 department of ~~natural resources~~ environmental quality, the commission may dispose  
6 of treated sewage by commercial or charitable means and may expend an amount  
7 reasonably necessary for this purpose.

8 **SECTION 973.** 200.35 (14) (d) 1. of the statutes is amended to read:

9 200.35 (14) (d) 1. The commission shall pay for the portion of the cost of a project  
10 constructed by the commission under this subsection which equals the difference  
11 between the cost of disposing of the waste rock at a disposal site which is approved  
12 by the department of ~~natural resources~~ environmental quality and which is outside  
13 of the district's service area and the cost of disposing of the waste rock in the project.

14 **SECTION 974.** 200.47 (2) (a) of the statutes is amended to read:

15 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases  
16 of supplies and materials by the commission shall be by contract awarded to the  
17 lowest responsible bidder complying with the invitation to bid, if the work or  
18 purchase involves an expenditure of \$20,000 or more. If the commission decides to  
19 proceed with construction of any sewer after plans and specifications for the sewer  
20 are completed and approved by the commission and by the department of ~~natural~~  
21 ~~resources~~ environmental quality under ch. 281, the commission shall advertise by  
22 a class 2 notice under ch. 985 for construction bids. All contracts and the awarding  
23 of contracts are subject to s. 66.0901.

24 **SECTION 975.** 200.49 (7) (b) of the statutes is amended to read:

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1           200.49 (7) (b) The executive director shall submit the plan to the secretary of  
2 ~~natural resources~~ environmental quality for review and comment. The secretary of  
3 ~~natural resources~~ environmental quality shall provide the executive director with  
4 comments or recommendations for changes in the plan, if any, within 30 days after  
5 the plan is submitted. No contracts may be awarded under sub. (5) until 30 days after  
6 the date the plan is submitted to the secretary of ~~natural resources~~ environmental  
7 quality or until the date the executive director receives the secretary's comments or  
8 recommendations, whichever is earlier.

9           **SECTION 976.** 218.21 (2) (eg) of the statutes is amended to read:

10           218.21 (2) (eg) A copy of correspondence on department of ~~natural resources~~  
11 environmental quality letterhead indicating that the applicant has permit coverage  
12 under s. 283.33, or a statement from the department of ~~natural resources~~  
13 environmental quality that the applicant is not required to have a permit under s.  
14 283.33.

15           **SECTION 977.** 218.21 (2) (em) of the statutes is amended to read:

16           218.21 (2) (em) A copy of correspondence on department of ~~natural resources~~  
17 environmental quality letterhead indicating that the applicant has registered or  
18 certified its compliance with refrigerant recovery to the department of ~~natural~~  
19 ~~resources~~ environmental quality, under its rules promulgated pursuant to s. 285.59,  
20 or a statement from the department of ~~natural resources~~ environmental quality that  
21 the applicant is not required to register or certify under rules promulgated by the  
22 department of ~~natural resources~~ environmental quality pursuant to s. 285.59.

23           **SECTION 978.** 227.137 (1) of the statutes is amended to read:

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1           227.137 (1) In this section, “agency” means the departments of agriculture,  
2 trade, and consumer protection; commerce; ~~natural resources~~ environmental  
3 quality; transportation; and workforce development.

4           **SECTION 979.** 227.42 (5) of the statutes is amended to read:

5           227.42 (5) Except as provided under s. 289.27 (1), this section does not apply  
6 to any part of the process for approving a feasibility report, plan of operation or  
7 license under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31, any decision  
8 by the department of ~~natural resources~~ environmental quality relating to the  
9 environmental impact of a proposed action under ch. 289 or 291 or ss. 292.31 and  
10 292.35, or any part of the process of negotiation and arbitration under s. 289.33.

11           **SECTION 980.** 227.43 (1) (bd) of the statutes is created to read:

12           227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a  
13 contested case that is required to be conducted by the department of environmental  
14 quality and that is not conducted by the secretary of environmental quality.

15           **SECTION 981.** 227.43 (1) (be) of the statutes is created to read:

16           227.43 (1) (be) Assign a hearing examiner to preside over any hearing of a  
17 contested case that primarily concerns forestry and that is required to be conducted  
18 by the department of agriculture, trade and consumer protection and that is not  
19 conducted by the secretary of agriculture, trade and consumer protection.

20           **SECTION 982.** 227.43 (2) (am) of the statutes is created to read:

21           227.43 (2) (am) The department of environmental quality shall notify the  
22 division of hearings and appeals of every pending hearing to which the administrator  
23 of the division is required to assign a hearing examiner under sub. (1) (bd) after the  
24 department of environmental quality is notified that a hearing on the matter is  
25 required.

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1           **SECTION 983.** 227.43 (2) (as) of the statutes is created to read:

2           227.43 (2) (as) The department of agriculture, trade and consumer protection  
3 shall notify the division of hearings and appeals of every pending hearing to which  
4 the administrator of the division is required to assign a hearing examiner under sub.  
5 (1) (be) after the department of agriculture, trade and consumer protection is notified  
6 that a hearing on the matter is required.

7           **SECTION 984.** 227.43 (3) (am) of the statutes is created to read:

8           227.43 (3) (am) The administrator of the division of hearings and appeals may  
9 set the fees to be charged for any services rendered to the department of  
10 environmental quality by a hearing examiner under this section. The fee shall cover  
11 the total cost of the services less any costs covered by the appropriation under s.  
12 20.505 (4) (f).

13           **SECTION 985.** 227.43 (3) (as) of the statutes is created to read:

14           227.43 (3) (as) The administrator of the division of hearings and appeals may  
15 set the fees to be charged for any services rendered to the department of agriculture,  
16 trade and consumer protection by a hearing examiner under this section. The fee  
17 shall cover the total cost of the services less any costs covered by the appropriation  
18 under s. 20.505 (4) (f).

19           **SECTION 986.** 227.43 (4) (am) of the statutes is created to read:

20           227.43 (4) (am) The department of environmental quality shall pay all costs of  
21 the services of a hearing examiner assigned to the department under sub. (1) (bd),  
22 according to the fees set under sub. (3) (am).

23           **SECTION 987.** 227.43 (4) (as) of the statutes is created to read:

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1           227.43 (4) (as) The department of agriculture, trade and consumer protection  
2 shall pay all costs of the services of a hearing examiner assigned to the department  
3 under sub. (1) (bd), according to the fees set under sub. (3) (am).

4           **SECTION 988.** 227.44 (2) (d) of the statutes is amended to read:

5           227.44 (2) (d) If the subject of the hearing is a decision of the department of  
6 natural resources, the department of environmental quality, or the department of  
7 transportation, the name and title of the person who will conduct the hearing.

8           **SECTION 989.** 227.46 (8) of the statutes is amended to read:

9           227.46 (8) If the hearing examiner assigned under s. 227.43 (1) (b) renders the  
10 final decision in a contested case and the decision is subject to judicial review under  
11 s. 227.52, the department of natural resources may petition for judicial review. If the  
12 hearing examiner assigned under s. 227.43 (1) (bd) renders the final decision in a  
13 contested case and the decision is subject to judicial review under s. 227.52, the  
14 department of environmental quality may petition for judicial review. If the hearing  
15 examiner assigned under s. 227.43 (1) (be) renders the final decision in a contested  
16 case and the decision is subject to judicial review under s. 227.52, the department of  
17 agriculture, trade and consumer protection may petition for judicial review. If the  
18 hearing examiner assigned under s. 227.43 (1) (br) renders the final decision in a  
19 contested case and the decision is subject to judicial review under s. 227.52, the  
20 department of transportation may petition for judicial review.

21           **SECTION 990.** 230.08 (2) (e) 2. of the statutes is amended to read:

22           230.08 (2) (e) 2. Agriculture, trade and consumer protection — 6 7.

23           **SECTION 991.** 230.08 (2) (e) 4b. of the statutes is created to read:

24           230.08 (2) (e) 4b. Environmental quality — 2.

25           **SECTION 992.** 230.08 (2) (e) 8. of the statutes is amended to read:

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1           230.08 (2) (e) 8. Natural resources — 7 3.

2           **SECTION 993.** 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

3           230.36 (1m) (b) 1. (intro.) A state forest ranger or field employee of the  
4 department of natural resources or the department of agriculture, trade and  
5 consumer protection who is subject to call for forest fire control duty at a Wisconsin  
6 veterans home operated by the department of veterans affairs under s. 45.50, and  
7 lifeguard, at all times while:

8           **SECTION 994.** 230.36 (1m) (b) 2. (intro.) of the statutes is amended to read:

9           230.36 (1m) (b) 2. (intro.) A conservation warden, state forest ranger,  
10 conservation patrol boat captain, conservation patrol boat engineer, environmental  
11 warden, member of the state patrol, state motor vehicle inspector, University of  
12 Wisconsin System police officer, security officer, or security person, other state  
13 facilities police officer, special tax agent, excise tax investigator employed by the  
14 department of revenue, and special criminal investigation agent employed by the  
15 department of justice at all times while:

16           **SECTION 995.** 230.36 (2m) (a) 5. of the statutes is amended to read:

17           230.36 (2m) (a) 5. A conservation field employee of the department of natural  
18 resources or the department of agriculture, trade and consumer protection, who is  
19 subject to call for fire control duty.

20           **SECTION 996.** 230.36 (2m) (a) 5m. of the statutes is created to read:

21           230.36 (2m) (a) 5m. An environmental warden.

22           **SECTION 997.** 234.86 (1) (b) of the statutes is amended to read:

23           234.86 (1) (b) “Department” means the department of ~~natural resources~~  
24 environmental quality.

25           **SECTION 998.** 236.13 (2m) of the statutes is amended to read:

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1           236.13 (2m) As a further condition of approval when lands included in the plat  
2 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake  
3 or other body of navigable water or if land in the proposed plat involves lake or stream  
4 shorelands referred to in s. 236.16, the department of ~~natural resources~~  
5 environmental quality, to prevent pollution of navigable waters, or the department  
6 of commerce, to protect the public health and safety, may require assurance of  
7 adequate drainage areas for private sewage disposal systems and building setback  
8 restrictions, or provisions by the owner for public sewage disposal facilities for  
9 waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s.  
10 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal  
11 facilities may consist of one or more systems as the department of ~~natural resources~~  
12 environmental quality or the department of commerce determines on the basis of  
13 need for prevention of pollution of the waters of the state or protection of public  
14 health and safety.

15           **SECTION 999.** 236.16 (3) (a) of the statutes is amended to read:

16           236.16 (3) (a) All subdivisions abutting on a navigable lake or stream shall  
17 provide public access at least 60 feet wide providing access to the low watermark so  
18 that there will be public access, which is connected to existing public roads, at not  
19 more than one-half mile intervals as measured along the lake or stream shore except  
20 where greater intervals and wider access is agreed upon by the department of  
21 natural resources, the department of environmental quality, and the department,  
22 and excluding shore areas where public parks or open-space streets or roads on  
23 either side of a stream are provided.

24           **SECTION 1000.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

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1           236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public  
2 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may  
3 petition the city, village, town or county that owns the public access to construct  
4 shoreline erosion control measures. Subject to par. (e), the city, village, town or  
5 county shall construct the requested shoreline erosion control measures or request  
6 the department of ~~natural resources~~ environmental quality to determine the need for  
7 shoreline erosion control measures. Upon receipt of a request under this paragraph  
8 from a city, village, town or county, the department of ~~natural resources~~  
9 environmental quality shall follow the notice and hearing procedures in s. 30.208 (3)  
10 to (5). Subject to par. (e), the city, village, town or county shall construct shoreline  
11 erosion control measures as required by the department of ~~natural resources~~  
12 environmental quality if the department of ~~natural resources~~ environmental quality  
13 determines all of the following:

14           **SECTION 1001.** 254.02 (3) (a) of the statutes is amended to read:

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

22           **SECTION 1002.** 254.51 (2) of the statutes is amended to read:

23           254.51 (2) The department shall enter into memoranda of understanding with  
24 the department of agriculture, trade and consumer protection, the department of  
25 commerce, the department of environmental quality, and the department of natural

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1 resources regarding the investigation and control of animal-borne and vector-borne  
2 disease.

3 **SECTION 1003.** Chapter 278 of the statutes is created to read:

**CHAPTER 278****DEPARTMENT OF****ENVIRONMENTAL QUALITY****SUBCHAPTER I****GENERAL**

9 **278.01 Definitions.** (1) In this chapter:

10 (a) "Department" means the department of environmental quality.

11 (b) "Secretary" means the secretary of environmental quality.

12 **278.10 Environmental wardens.** (1) The department shall secure the  
13 enforcement of all laws that it is required to administer. The persons appointed by  
14 the department to enforce those laws shall be known as environmental wardens.

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

18 STATE OF WISCONSIN

19 DEPARTMENT OF ENVIRONMENTAL QUALITY.

20 To all to whom these presents shall come, greeting:

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



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1 department shall include information covering all its work and such other  
2 information as is valuable to the state in relation thereto and an itemized statement  
3 of receipts and disbursements.

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

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

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1 warden shall cause the person arrested to be delivered to the chief of police or sheriff  
2 in the jurisdiction where the arrest is made, along with the documents and reports  
3 pertaining to the arrest. The environmental warden shall be available as a witness  
4 for the state. An environmental warden may not conduct investigations for  
5 violations of state law except as authorized in sub. (3). An environmental warden  
6 acting under the authority of this subsection is considered an employee of the  
7 department and is subject to its direction, benefits, and legal protection. The  
8 authority granted in this subsection does not apply to special environmental  
9 wardens.

10 (3) INVESTIGATIONS. The department and its environmental wardens shall,  
11 upon receiving notice or information of the violation of the laws enumerated in s.  
12 278.51 (1), as soon as possible make a thorough investigation and cause proceedings  
13 to be instituted if the evidence warrants it.

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

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

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1 remittance shall be accompanied by a report of the sales, supported by vouchers for  
2 expenses and commissions, and shall be filed with the department.

3 (b) Of the remittance from the sales of confiscated vehicles, boats, or objects,  
4 18 percent shall be paid into the general fund to reimburse it for expenses incurred  
5 in seizure and sale, and the remaining 82 percent shall be paid into the common  
6 school fund.

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

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

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

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1 remain for the full payment of the amount due under the security agreement after  
2 making the other deductions authorized under par. (a), the amount remaining shall  
3 be paid to the one entitled.

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

6 **278.12 Exemption from liability.** Each environmental warden, in the  
7 performance of official duties, is exempt from liability to any person for acts done or  
8 permitted or property destroyed by authority of law. No taxable costs or attorney fees  
9 shall be allowed to either party in an action against an environmental warden.

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

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

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

23 **(2) ADVERTISING.** The department may advertise and sell advertising space in  
24 its magazines and other periodicals. The department may advertise or otherwise

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1 publicize its magazines and other periodicals. The advertising and publicizing shall  
2 be consistent with the goals, purposes, and functions of the department.

3 (3) SUBSCRIBER LISTS. The department may refuse to reveal names and  
4 addresses of persons on any magazine or periodical subscriber list. The department  
5 may charge a fee to recover the actual costs for providing or for the use of any  
6 magazine or periodical subscriber list. No person who obtains or uses any magazine  
7 or periodical subscriber list from the department may refer to the department, the  
8 magazine, or the periodical as the source of names or addresses unless the person  
9 clearly states that the provision of, or permission to use, the subscriber list in no way  
10 indicates any of the following:

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

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

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

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

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

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

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

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

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

13 (4) SUBSCRIBER LISTS. The department may refuse to reveal names and  
14 addresses of persons on any publication subscriber list. The department may charge  
15 a fee to recover the actual costs for providing or for the use of a publication subscriber  
16 list. No person who obtains or uses a publication subscriber list from the department  
17 may refer to the department or the publication as the source of names or addresses  
18 unless the person clearly states that the provision of, or permission to use, the  
19 subscriber list in no way indicates any of the following:

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

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

24 (5) COSTS. Notwithstanding ss. 20.908 and 35.78 (2), any price set or fee  
25 charged by the department in selling a publication, photograph, slide, videotape,

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1 artwork, or promotional merchandise shall be at least equal to the amount necessary  
2 to cover the production, promotional, storage, handling, and distribution costs of the  
3 publication, photograph, slide, videotape, artwork, or promotional merchandise.

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

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

13 **278.322 Fees for computer accessible water resource management**  
14 **information.** The department may charge a fee for providing any information that  
15 it maintains in a format that may be accessed by computer concerning the waters of  
16 this state, including maps and other water resource management information.

17 **278.40 Environmental impact report and statement. (1) DETERMINATION**  
18 **IF ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED.** Any person who files an application  
19 for a permit, license, or approval granted or issued by the department, shall submit  
20 with the application a statement of the estimated cost of the project or proposed  
21 action for which the person seeks a permit, license, or approval. The department may  
22 seek such further information as it considers necessary to determine whether it must  
23 prepare an environmental impact statement under s. 1.11.

24 **(1m) ENVIRONMENTAL IMPACT REPORT.** The department may require an applicant  
25 for a permit, license, or approval, to submit an environmental impact report if the

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1 area affected exceeds 40 acres, the estimated cost of the project exceeds \$25,000, or  
2 the applicant is requesting approval for a high capacity well described in s. 281.34  
3 (4) (a) 1. to 3.

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

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

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

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

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

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

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

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

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

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

21 **278.41 Construction and service contracts. (1)** In this section:

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

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

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

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

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

12 (5) Each contract for construction work entered into by the department under  
13 this section shall be awarded on the basis of bids or competitive sealed proposals in  
14 accordance with procedures established by the department. Each contract for  
15 construction work shall be awarded to the lowest responsible bidder or the person  
16 submitting the most advantageous competitive sealed proposal as determined by the  
17 department. If the bid of the lowest responsible bidder or the proposal of the person  
18 submitting the most advantageous competitive sealed proposal is determined by the  
19 department to be in excess of the estimated reasonable value of the work or not in  
20 the public interest, the department may reject all bids or competitive sealed  
21 proposals. Every such contract is exempted from ss. 16.70 to 16.75, 16.755, 16.76,  
22 16.767 to 16.77, 16.78 to 16.82, 16.855, 16.87, and 16.89, but ss. 16.528, 16.753  
23 16.754, and 16.765 apply to the contract. Every such contract involving an  
24 expenditure of more than \$60,000 is not valid until the contract is approved by the  
25 governor.

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1           **(5m)** If the governor or the governor's designee determines that it is in the best  
2 interest of this state, he or she may waive the requirement under sub. (5) for bids or  
3 competitive sealed proposals under any of the following circumstances:

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

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

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

13           **278.49 Credit card use charges.** The department shall certify to the  
14 secretary of administration the amount of charges associated with the use of credit  
15 cards that is assessed to the department on deposits accepted under s. 278.66 (1m)  
16 by environmental wardens, and the secretary of administration shall pay the  
17 charges from moneys received under s. 59.25 (3) (j) and (k) that are reserved for  
18 payment of the charges under s. 20.907 (5) (e) 12e.

## SUBCHAPTER II

## ENFORCEMENT OF CERTAIN

## ENVIRONMENTAL LAWS

19  
20  
21  
22           **278.50 Words and phrases defined.** In ss. 278.50 to 278.90 the following  
23 words and phrases have the designated meanings unless the context clearly  
24 indicates a different meaning:

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

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

6           **(2L)** “Corporation” includes a limited liability company.

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

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

11           **278.51 Procedure in forfeiture actions.** (1) The procedure in this  
12 subchapter applies to all actions in circuit court to recover forfeitures, plus costs,  
13 fees, and surcharges imposed under ch. 814, for violations of ss. 281.48 (2) to (5),  
14 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08, 287.81, and 299.64 (2),  
15 subchs. I to III of ch. 30, and ch. 31, and any administrative rules promulgated  
16 thereunder, violations to which s. 299.85 (7) (a) 2. or 4. applies, and violations  
17 specified under s. 280.98 (2) or 285.86.

18           **(2)** All actions to recover these forfeitures and costs, fees, and surcharges  
19 imposed under ch. 814 are civil actions in the name of the state of Wisconsin.

20           **(3)** If a fine or imprisonment, or both, is imposed for a violation specified in sub.  
21 (1), the procedure in ch. 968 applies.

22           **278.52 Two forms of action.** Actions under this subchapter may be  
23 commenced by a citation, or by a complaint and summons.

24           **278.53 Use of citation.** (1) If an action under this subchapter is commenced  
25 by a citation, the citation form under s. 278.54 shall be used, except that the uniform

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1 traffic citation created under s. 345.11 may be used by an officer of a law enforcement  
2 agency of a municipality or county or a traffic officer employed under s. 110.07 in  
3 enforcing s. 287.81.

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

7 **278.54 Citation form.** (1) The citation form for actions under this subchapter  
8 shall contain a complaint, a case history, and a report of court action on the case.

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

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

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

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

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

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

21 (e) The maximum forfeiture, plus costs, fees, and surcharges imposed under ch.  
22 814, for which the defendant might be found liable.

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

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

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

3 (i) Notice that, if the defendant makes a deposit and fails to appear in court at  
4 the time fixed in the citation, the defendant will be considered to have tendered a plea  
5 of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed  
6 ch. 814, not to exceed the amount of the deposit. The notice shall also state that the  
7 court may decide to summon the defendant rather than accept the deposit and plea.

8 (j) Notice that, if the defendant makes a deposit and signs the stipulation, the  
9 defendant will be considered to have tendered a plea of no contest and submitted to  
10 a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, not to exceed the  
11 amount of the deposit. The notice shall also state that the court may decide to  
12 summon the defendant rather than accept the deposit and stipulation, and that the  
13 defendant may, at any time prior to or at the time of the court appearance date, move  
14 the court for relief from the effects of the stipulation.

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

18 (L) Any other pertinent information.

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

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

3 (b) A plain and concise statement of the violation identifying the event or  
4 occurrence from which the violation arose and showing that the plaintiff is entitled  
5 to relief, the statute upon which the cause of action is based and a demand for a  
6 forfeiture, the amount of which may not exceed the maximum set by the statute  
7 involved, plus costs, fees, and surcharges imposed under ch. 814, and any other relief  
8 that is sought by the plaintiff.

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

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

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

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

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

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

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1           (2) In actions to collect forfeitures, plus costs, fees, and surcharges imposed  
2 under ch. 814, the judge who issues a warrant under sub. (1) may endorse upon the  
3 warrant the amount of the deposit. If no endorsement is made, the deposit schedule  
4 under s. 278.66 (4) shall apply, unless the court directs that the person be brought  
5 before the court.

6           **278.57 Arrest without a warrant.** (1) A person may be arrested without a  
7 warrant when the arresting officer has probable cause to believe that the person is  
8 committing or has committed a violation specified in s. 278.51 (1) and any of the  
9 following applies:

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

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

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

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

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

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1           **278.59 Search during temporary questioning.** When an enforcing officer  
2 has stopped a person for temporary questioning under s. 278.58 and reasonably  
3 suspects that the enforcing officer or another is in danger of physical injury, the  
4 enforcing officer may search the person for weapons or any instrument, article, or  
5 substance readily capable of causing physical injury and of a sort not ordinarily  
6 carried in public places by law abiding persons. If the enforcing officer finds such a  
7 weapon or instrument, or any other property possession of which he or she  
8 reasonably believes may constitute the commission of a violation specified in s.  
9 278.51 (1) or that may constitute a threat to his or her safety, the enforcing officer  
10 may take it and keep it until the completion of the questioning, at which time he or  
11 she shall return it, if lawfully possessed, arrest the person so questioned for  
12 possession of the weapon, instrument, article, or substance, if he or she has the  
13 authority to do so, or detain the person until a proper arrest can be made by  
14 appropriate authorities. Searches during temporary questioning as provided under  
15 this section may be conducted only by those enforcing officers who have the authority  
16 to make arrests for crimes.

17           **278.60 Search incident to the issuance of a lawfully issued citation.** If  
18 the enforcing officer has stopped a person to issue a citation under s. 278.62 and  
19 reasonably suspects that the enforcing officer or another is in danger of physical  
20 injury, the officer may search the person for weapons or any instrument, article, or  
21 substance readily capable of causing physical injury and of a sort not ordinarily  
22 carried in public places by law abiding persons. If the officer finds such a weapon or  
23 instrument, or any other property possession of which he or she reasonably believes  
24 may constitute the commission of a violation specified in s. 278.51 (1), or that may  
25 constitute a threat to his or her safety, the officer may take it and keep it until he or

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1 she has completed issuing the citation, at which time the officer shall return it, if  
2 lawfully possessed, arrest the person for possession of the weapon, instrument,  
3 article, or substance, if he or she has the authority to do so, or detain the person until  
4 a proper arrest can be made by appropriate authorities.

5 **278.61 Search and seizure; when authorized.** Under this subchapter, a  
6 search of a person, object, or place may be made and things may be seized when the  
7 search is made as follows:

8 (1) Incident to a lawful arrest.

9 (2) With consent.

10 (3) Pursuant to a valid search warrant.

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

12 (5) Incident to the issuance of a lawfully issued citation in accordance with s.  
13 278.60.

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

15 (7) As otherwise authorized by law.

16 **278.62 Issuance of a citation.** (1) Whenever an enforcing officer has  
17 probable cause to believe that a person subject to his or her authority is committing  
18 or has committed a violation of those statutes specified in s. 278.51 (1), the officer  
19 may proceed in the following manner:

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

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

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

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1           (2) (a) If the defendant is a resident of this state, a law enforcement officer may  
2           serve a citation anywhere in the state by following the procedures used for the service  
3           of a summons under s. 801.11 (1) (a) or (b) 1. or 1m. or (2) or by mailing a copy to the  
4           defendant's last-known address.

5           (b) If the defendant is not a resident of the state, a law enforcement officer may  
6           serve a citation by delivering a copy to the defendant personally or by mailing a copy  
7           to the defendant's last-known address.

8           **278.63 Officer's action after issuance of citation.** (1) After an enforcing  
9           officer has issued a citation under this subchapter, the officer shall release the  
10          defendant if he or she makes a deposit under s. 278.66 or a deposit and stipulation  
11          of no contest under s. 278.67.

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

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

16          **278.64 Deposit after release.** A person who is released under s. 278.63 (2)  
17          may make a deposit any time prior to the court appearance date. The person shall  
18          make the deposit with the clerk of the circuit court of the county in which the  
19          violation occurred.

20          **278.65 Issuance of complaint and summons.** (1) When it appears to the  
21          district attorney that a violation specified in s. 278.51 (1) has been committed the  
22          district attorney may proceed by complaint and summons.

23          (2) The complaint shall be prepared in the form specified in s. 278.55. After  
24          a complaint is prepared, it shall be filed with the judge and a summons shall be

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1 issued or the complaint shall be dismissed pursuant to s. 968.03. The filing  
2 commences the action.

3 (3) If a district attorney refuses or is unavailable to issue a complaint, a circuit  
4 judge, after conducting a hearing, may permit the filing of a complaint if he or she  
5 finds there is probable cause to believe that the person charged has committed a  
6 violation specified in s. 278.51 (1) or a rule promulgated thereunder. The district  
7 attorney shall be informed of the hearing and may attend.

8 **278.66 Deposit.** (1) If under the procedure in s. 278.62 a person is cited or  
9 arrested, the person may make a deposit as follows:

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

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

23 (1m) The enforcing officer or the person receiving the deposit may allow the  
24 alleged violator to submit a check, share draft, or other draft for the amount of the  
25 deposit or make the deposit by use of a credit card.

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1           (2) The person receiving the deposit shall prepare a receipt in triplicate  
2 showing the purpose for which the deposit is made, stating that the defendant may  
3 inquire at the office of the clerk of circuit court regarding the disposition of the  
4 deposit, and notifying the defendant that if he or she fails to appear in court at the  
5 time fixed in the citation he or she will be considered to have tendered a plea of no  
6 contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under  
7 ch. 814, not to exceed the amount of the deposit that the court may accept. The  
8 original of the receipt shall be delivered to the defendant in person or by mail. If the  
9 defendant pays by check, share draft, or other draft, the check, share draft, or other  
10 draft or a microfilm copy of the check, share draft, or other draft shall be considered  
11 a receipt. If the defendant makes the deposit by use of a credit card, the credit charge  
12 receipt shall be considered a receipt.

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

16           (4) The basic amount of the deposit shall be determined in accordance with a  
17 deposit schedule that the judicial conference shall establish. Annually, the judicial  
18 conference shall review and may revise the schedule. In addition to the basic amount  
19 determined according to the schedule, the deposit shall include costs, fees, and  
20 surcharges imposed under ch. 814.

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

24           (2) The deposit and stipulation of no contest may be made at any time prior to  
25 the court appearance date. By signing the stipulation, the defendant is considered

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1 to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees,  
2 and surcharges imposed under ch. 814, not to exceed the amount of the deposit.

3 (3) The person receiving the deposit and stipulation of no contest shall prepare  
4 a receipt in triplicate showing the purpose for which the deposit is made, stating that  
5 the defendant may inquire at the office of the clerk of circuit court regarding the  
6 disposition of the deposit, and notifying the defendant that, if the stipulation of no  
7 contest is accepted by the court, the defendant will be considered to have submitted  
8 to a forfeiture, plus costs, fees and surcharges imposed under ch. 814, not to exceed  
9 the amount of the deposit. Delivery of the receipt shall be made in the same manner  
10 as in s. 278.66.

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

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

17 **278.68 Pleading.** The citation or complaint issued under s. 278.62 or 278.65  
18 may serve as the initial pleading and is adequate process to give the appropriate  
19 court jurisdiction over the person upon the filing of the citation or complaint with the  
20 court.

21 **278.69 Motions.** In a case under this subchapter, any motion that is capable  
22 of determination without the trial of the general issue shall be made before trial.

23 **278.70 Arraignment; plea.** (1) Under this subchapter, if a defendant  
24 appears in response to a citation or a summons, or is arrested and brought before a  
25 court with jurisdiction to try the case, the defendant shall be informed that he or she

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1 is entitled to a jury trial and then asked whether he or she wishes to plead. If the  
2 defendant wishes to plead, he or she may plead guilty, not guilty, or no contest.

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

5 **278.71 Not guilty plea; immediate trial.** Under this subchapter, if a  
6 defendant pleads not guilty, states that he or she waives the right to jury trial, and  
7 wishes an immediate trial and, if the state consents, the case may be tried  
8 immediately.

9 **278.72 Not guilty plea.** Under this subchapter, if a defendant pleads not  
10 guilty and the trial is not held under s. 278.71, the court shall set a date for trial or  
11 advise the defendant that he or she will be notified of the date set for trial. The  
12 defendant shall be released upon payment of a deposit as set forth in s. 278.66, or the  
13 court may release the defendant on his or her own recognizance. If a defendant fails  
14 to appear at the date set under this section, the court may issue a warrant under ch.  
15 968 and, if the defendant has posted a deposit for appearance at that date, the court  
16 may order the deposit forfeited.

17 **278.73 Discovery.** In a case under this subchapter, neither party is entitled  
18 to pretrial discovery except that, if the defendant moves within 10 days after the  
19 alleged violation and shows cause therefor, the court may order that the defendant  
20 be allowed to inspect and test, under any conditions that the court prescribes, any  
21 devices used by the plaintiff to determine whether a violation has been committed  
22 and may inspect the reports of experts relating to those devices.

23 **278.74 Mode of trial.** In a case under this subchapter, all of the following  
24 apply:

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

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

5           **278.75 Proceedings in court.** In a case under this subchapter, all of the  
6 following apply:

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

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

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

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

17           2. If the court considers the nonappearance to be a plea of no contest and enters  
18 judgment accordingly, the court shall promptly mail a copy or notice of the judgment  
19 to the defendant. The judgment shall allow the defendant not less than 20 working  
20 days from the date on which the judgment copy or notice is mailed to pay the  
21 forfeiture, plus costs, fees, and surcharges imposed under ch. 814.

22           (b) If the defendant has made a deposit, the citation may serve as the initial  
23 pleading and the defendant shall be considered to have tendered a plea of no contest  
24 and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814,  
25 not exceeding the amount of the deposit. The court may either accept the plea of no

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1 contest and enter judgment accordingly, or reject the plea and issue a summons. If  
2 the defendant fails to appear in response to the summons, the court shall issue an  
3 arrest warrant. If the court accepts the plea of no contest, the defendant may move  
4 within 90 days after the date set for appearance to withdraw the plea of no contest,  
5 open the judgment, and enter a plea of not guilty if the defendant shows to the  
6 satisfaction of the court that failure to appear was due to mistake, inadvertence,  
7 surprise, or excusable neglect. If a party is relieved from the plea of no contest, the  
8 court or judge may order a written complaint to be filed and set the matter for trial.  
9 After trial the costs, fees, and surcharges imposed under ch. 814 shall be taxed as  
10 provided by law. If on reopening the defendant is found not guilty, the court shall  
11 delete the record of conviction and shall order the defendant's deposit returned.

12 (c) If the defendant has made a deposit and stipulation of no contest, the  
13 citation may serve as the initial pleading and the defendant shall be considered to  
14 have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees and  
15 surcharges imposed under ch. 814, not exceeding the amount of the deposit. The  
16 court may either accept the plea of no contest and enter judgment accordingly, or  
17 reject the plea and issue a summons. If the defendant fails to appear in response to  
18 the summons, the court shall issue an arrest warrant. After signing a stipulation of  
19 no contest, the defendant may, at any time prior to or at the time of the court  
20 appearance date, move the court for relief from the effect of the stipulation. The court  
21 may act on the motion, with or without notice, for cause shown by affidavit and upon  
22 just terms, and relieve the defendant from the stipulation and the effects of the  
23 stipulation. If the defendant is relieved from the stipulation of no contest, the court  
24 may order a citation or complaint to be filed and set the matter for trial. After trial

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1 the costs, fees, and surcharges imposed under ch. 814 shall be taxed as provided by  
2 law.

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

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

14 **278.76 Burden of proof.** In all actions under this subchapter, the state must  
15 convince the trier of fact to a reasonable certainty of every element of the offense by  
16 evidence that is clear, satisfactory, and convincing.

17 **278.77 Jury trial.** (1) If in an action under this subchapter either party files  
18 a written demand for a jury trial within 20 days after the court appearance date and  
19 immediately pays the fee prescribed in s. 814.61 (4), the court shall place the case on  
20 the jury calendar. The number of jurors shall be determined under s. 756.06 (2) (b).  
21 If no party demands a trial by jury, the right to trial by jury is permanently waived.

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

24 **278.78 Verdict.** A verdict in an action under this subchapter is valid if agreed  
25 to by five-sixths of the jury. If a verdict relates to more than one count, it shall be

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1 valid as to any count if any five-sixths of the jury agree on that count. The form of  
2 the verdict shall be guilty or not guilty. The court shall state the amount of the  
3 forfeiture after a finding of guilty.

4 **278.79 Judgment.** In an action under this subchapter, all of the following  
5 apply:

6 (1) If the defendant is found guilty, the court may enter judgment against the  
7 defendant for a monetary amount not to exceed the maximum forfeiture provided by  
8 the statute for the violation, plus costs, fees, and surcharges imposed under ch. 814.

9 (2) The payment of any judgment may be suspended or deferred for not more  
10 than 90 days in the discretion of the court. In cases in which a deposit has been made,  
11 any forfeitures, costs, and surcharges imposed under ch. 814 shall be taken out of the  
12 deposit and the balance, if any, returned to the defendant.

13 (3) In addition to any monetary penalties, the court may order the defendant  
14 to perform or refrain from performing any acts that may be necessary to fully protect  
15 and effectuate the public interest. The court may order abatement of a nuisance,  
16 restoration of a natural resource, or other appropriate action designed to eliminate  
17 or minimize any environmental damage caused by the defendant.

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

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

22 **278.795 Nonpayment of judgments.** If a defendant fails to timely pay a  
23 judgment entered under s. 278.75 (3) (a) 2. or 278.79, the court may issue an arrest  
24 warrant or a summons ordering the defendant to appear in court or both. If the  
25 defendant appears before the court pursuant to a warrant or summons or the

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1 defendant otherwise notifies the court that he or she is unable to pay the judgment,  
2 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, the  
3 court shall determine if the defendant is unable to pay the amount specified in the  
4 judgment for good cause or because of the defendant's indigence. If the court  
5 determines that the failure of the defendant to comply with the judgment is for good  
6 cause or because of the defendant's indigence, the court may order that the amount  
7 of the judgment be modified, suspended, or permanently stayed. If the defendant  
8 fails to appear before the court for a hearing under this section or if the court  
9 determines at the hearing that the failure of a defendant to pay the judgment is not  
10 for good cause or not because of the defendant's indigence, the court shall order one  
11 of the following:

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

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

16 **278.80 Judgment against a corporation or municipality.** In a case under  
17 this subchapter, all of the following apply:

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

22 (2) Upon default of a defendant corporation or municipality, or upon conviction,  
23 judgment for the amount of the forfeiture, plus costs, fees, and surcharges imposed  
24 under ch. 814, shall be entered.