

powers initialed below. If the person appointed is unable or unwilling to act as my agent, I appoint (insert name and address of alternate person appointed) to act for me in any lawful way with respect to the powers initialed below.

TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

HANDLING MY MONEY AND PROPERTY

Initials

_____ 1. *PAYMENTS OF BILLS:* My agent may make payments that are necessary or appropriate in connection with the administration of my affairs.

_____ 2. *BANKING:* My agent may conduct business with financial institutions, including endorsing all checks and drafts made payable to my order and collecting the proceeds; signing in my name checks or orders on all accounts in my name or for my benefit; withdrawing funds from accounts in my name; opening accounts in my name; and entering into and removing articles from my safe deposit box.

_____ 3. *INSURANCE:* My agent may obtain insurance of all types, as considered necessary or appropriate, settle and adjust insurance claims and borrow from insurers and 3rd parties using insurance policies as collateral.

_____ 4. *ACCOUNTS:* My agent may ask for, collect and receive money, dividends, interest, legacies and property due or that may become due and owing to me and give receipt for those payments.

_____ 5. *REAL ESTATE:* My agent may manage real property; sell, convey and mortgage realty for prices and on terms as considered advisable; foreclose mortgages and take title to property in my name; and execute deeds, mortgages, releases, satisfactions and other instruments relating to realty.

_____ 6. *BORROWING:* My agent may borrow money and encumber my assets for loans as considered necessary.

_____ 7. *SECURITIES:* My agent may buy, sell, pledge and exchange securities of all kinds in my name; sign and deliver in my name transfers and assignments of securities; and consent in my name to reorganizations, mergers or exchange of securities for new securities.

_____ 8. *INCOME TAXES:* My agent may make and sign tax returns; represent me in all income tax matters before any federal, state, or local tax collecting agency; and receive confidential information and perform any acts that I may perform, including receiving refund checks and the signing of returns.

_____ 9. *TRUSTS:* My agent may transfer at any time any of my property to a living trust that has been established by me before the execution of this document.

PROFESSIONAL AND TECHNICAL ASSISTANCE

Initials

_____ 10. *LEGAL ACTIONS:* My agent may retain attorneys on my behalf; appear for me in all actions and proceedings to which I may be a party; commence actions and proceedings in my name; and sign in my name all documents or pleadings of every description.

_____ 11. *PROFESSIONAL ASSISTANCE:* My agent may hire accountants, attorneys, clerks, workers and others for the management, preservation and protection of my property and estate.

GENERAL AUTHORITY

Initials

_____ 12. *GENERAL:* My agent may do any act or thing that I could do in my own proper person if personally present, including managing or selling tangible assets, disclaiming a probate or nonprobate inheritance and providing support for a minor child or dependent adult. The specifically enumerated powers of the basic power of attorney for finances and property are not a limitation of this intended broad general power except that my agent may not take any action prohibited by law and my agent under this document may not:

a. Make medical or health care decisions for me.

b. Make, modify or revoke a will for me.

c. Other than a burial trust agreement under section 445.125, Wisconsin Statutes, enter into a trust agreement on my behalf or amend or revoke a trust agreement, entered into by me.

d. Change any beneficiary designation of any life insurance policy, qualified retirement plan, individual retirement account or payable on death account or the like whether directly or by canceling and replacing the policy or rollover to another plan or account.

e. Forgive debts owed to me or disclaim or waive benefits payable to me, except a probate or nonprobate inheritance.

f. Appoint a substitute or successor agent for me.

g. Make gifts.

COMPENSATION TO AGENT FROM PRINCIPAL'S FUNDS

Initials

_____ 13. *COMPENSATION.* My agent may receive compensation only in an amount not greater than that usual for the services to be performed if expressly authorized in the special instructions portion of this document.

ACCOUNTING

Initials

_____ 14. *ACCOUNTING.* My agent shall render an accounting (monthly) (quarterly) (annually) (CIRCLE ONE) to me or to (insert name and address) during my lifetime and a final accounting to the personal representative of my estate, if any is appointed, after my death.

NOMINATION OF GUARDIAN

Initials

15. GUARDIAN: If necessary, I nominate (name) of (address) as guardian of my person and I nominate (name) of (address) as guardian of my estate.

SPECIAL INSTRUCTIONS

Initials

16. SPECIAL INSTRUCTIONS: ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS REGARDING THE POWERS GRANTED TO YOUR AGENT.

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TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

Initials

This basic power of attorney for finances and property becomes effective when I sign it and will continue in effect as a durable power of attorney under section 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

This basic power of attorney for finances and property becomes effective only when both of the following apply:

- a. I have signed it; and
b. I become disabled or incapacitated.

This basic power of attorney for finances and property becomes effective when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED OR INCAPACITATED.

I agree that any 3rd party who receives a copy of this document may act under it. Revocation of this basic power of attorney is not effective as to a 3rd party until the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss resulting from claims that arise against the 3rd party because of reliance on this basic power of attorney.

Signed this day of, (year)

....
(Your Signature)

....
(Your Social Security Number)

By signing as a witness, I am acknowledging the signature of the principal who signed in my presence and the presence of the other witness, and the fact that he or she has stated that this power of attorney reflects his or her wishes and is being executed voluntarily. I believe him or her to be of sound mind and capable of creating this power of attorney. I am not related to him or her by blood, marriage or adoption, and, to the best of my knowledge, I am not entitled to any portion of his or her estate under his or her will.

Witness

Witness

Dated:

Dated:

Signature:

Signature:

Print Name:

Print Name:

Address:

Address:

State of

County of

This document was acknowledged before me on (date) by (name of principal).

....
(Signature of Notarial Officer)

(Seal, if any)

(Title)

[My commission is permanent or expires:]
BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND LIABILITIES OF AN AGENT.

....
(Name of Agent)

....
(Signature of Agent)

This document was drafted by (signature of person preparing the document).

SECTION 2506. 243.10 (7) (b) of the statutes is amended to read:

243.10 (7) (b) A principal may revoke a Wisconsin basic power of attorney for finances and property and invalidate it at any time by destroying it, by directing another person to destroy it in the principal's presence or by signing a written and dated statement expressing the principal's intent to revoke. If the agent under the Wisconsin basic power of attorney for finances and property is the principal's spouse and the marriage is annulled, or the agent and principal are divorced, or the agent is the principal's domestic partner under ch. 770 and the domestic partnership is terminated under s. 770.12, after signing the document, the Wisconsin basic power of attorney for finances and property is invalid.

SECTION 2506r. 250.03 (3) (b) of the statutes is amended to read:

250.03 (3) (b) Biennially, after first consulting with the adjutant general, local health departments, health care providers, as defined in s. 146.81 (1) (a) to (p), and law enforcement agencies, as defined in s. 165.77 (1) (b), the department shall submit to the legislature under s. 13.172 (2) and to the governor a report on the preparedness of the public health system to address public health emergencies.

SECTION 2507. 250.10 (title) of the statutes is amended to read:

250.10 (title) ~~Grant for dental~~ Dental services.

SECTION 2508. 250.10 (intro.) of the statutes is repealed.

SECTION 2509. 250.10 (1) of the statutes is renumbered 250.10 (1m) (a) and amended to read:

250.10 (1m) (a) ~~The department shall provide~~ Provide funding in each fiscal year to the Marquette University School of Dentistry for clinical education of Marquette University School of Dentistry students through the provision of dental services by the students and faculty of the Marquette University School of Dentistry in underserved areas and to underserved populations in the state, as determined by the department in conjunction with the Marquette University School of Dentistry; to inmates of correctional centers in Milwaukee County; and in clinics in the city of Milwaukee.

SECTION 2510. 250.10 (1m) (intro.) of the statutes is created to read:

250.10 (1m) (intro.) The department shall do all of the following:

SECTION 2511. 250.10 (2) of the statutes is renumbered 250.10 (1m) (b) and amended to read:

250.10 (1m) (b) ~~The department shall distribute~~ Award in each fiscal year to qualified applicants grants totaling \$25,000 for fluoride supplements, \$25,000 for a fluoride mouth-rinse program, and \$120,000 for a school-based dental sealant program.

SECTION 2512. 250.15 (2) (intro.) of the statutes is created to read:

250.15 (2) (intro.) From the appropriation account under s. 20.435 (1) (fh), the department shall, in each fiscal year, award all of the following as grants:

SECTION 2513. 250.15 (2) (a) of the statutes is amended to read:

250.15 (2) (a) ~~From the appropriation under s. 20.435 (5) (fh), the department shall award \$50,000 in each fiscal year as a grant to~~ To a community health center in a 1st class city, \$50,000.

SECTION 2514. 250.15 (2) (b) of the statutes is amended to read:

250.15 (2) (b) ~~From the appropriation under s. 20.435 (5) (fh), the department shall award grants in each fiscal year to~~ To community health centers that receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the amount that results from multiplying the total amount available for grants under this paragraph in the

fiscal year in which the grants are to be awarded by the quotient obtained by dividing the amount that the community health center received under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year in which those grants were made by the total amount of federal grants under 42 USC 254b (e), (g) and (h) made in that federal fiscal year to community health centers in this state.

SECTION 2515. 250.15 (2) (c) of the statutes is amended to read:

250.15 (2) (c) ~~From the appropriation under s. 20.435 (5) (fh), the department shall award \$50,000 in each fiscal year as a grant to~~ To HealthNet of Janesville, Inc., \$50,000.

SECTION 2516. 250.16 (1) of the statutes is amended to read:

250.16 (1) ~~The~~ From the appropriation account under s. 20.435 (1) (gi), the department shall enter into an agreement with the Wisconsin Women's Health Foundation, Inc., to make payments from the appropriation under s. 20.435 (5) (fi) to the Wisconsin Women's Health Foundation, Inc., to be used by the Wisconsin Women's Health Foundation, Inc., to fund its efforts to provide women's health outreach and education programs and support for women's health research that improves the quality of life for women and families in this state.

SECTION 2517. 250.17 (1) of the statutes is amended to read:

250.17 (1) ~~The~~ From the appropriation account under s. 20.435 (1) (g), the department shall enter into an agreement with Donate Life Wisconsin to make payments from the appropriation under s. 20.435 (5) (g) to Donate Life Wisconsin, to be used to fund its efforts to encourage organ and tissue donation by providing educational programs, promoting or advancing research and patient services, and, at its the discretion of Donate Life Wisconsin, distributing portions of these payments to any other organ and tissue procurement and donation organization in this state that is exempt from taxation under section 501 (a) of the Internal Revenue Code, to be used for these same purposes.

SECTION 2518. 250.20 (3) of the statutes is amended to read:

250.20 (3) From the appropriation account under s. 20.435 (5) (1) (kb), the department shall annually award grants for activities to improve the health status of economically disadvantaged minority group members. A person may apply, in the manner specified by the department, for a grant of up to \$50,000 in each fiscal year to conduct these activities. An awardee of a grant under this subsection shall provide, for at least 50% of the grant amount, matching funds that may consist of funding or an in-kind contribution. An applicant that is not a federally qualified health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants awarded under this subsection.

SECTION 2519. 250.20 (4) of the statutes is amended to read:

250.20 (4) From the appropriation account under s. 20.435 (5) (1) (kb), the department shall award a grant of up to \$50,000 in each fiscal year to a private nonprofit corporation that applies, in the manner specified by the department, to conduct a public information campaign on minority health.

SECTION 2520. 250.20 (5) (intro.) of the statutes is amended to read:

250.20 (5) AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the appropriation under s. 20.435 (5) (1) (ke), the department shall award grants for American Indian health projects in order to address specific problem areas in the field of American Indian health. A tribe, tribal agency, or inter-tribal organization may apply, in the manner specified by the department, for a grant of up to \$10,000 to conduct an American Indian health project that is designed to do any of the following:

SECTION 2520d. 250.20 (6) of the statutes is created to read:

250.20 (6) AMERICAN INDIAN DIABETES PREVENTION AND CONTROL. From the appropriation under s. 20.435 (1) (kf), the department shall fund activities to prevent and control diabetes among American Indians.

SECTION 2521n. 252.05 (1) of the statutes is amended to read:

252.05 (1) Any health care provider, as defined in s. 146.81 (1) (a) to (p), who knows or has reason to believe that a person treated or visited by him or her has a communicable disease, or having a communicable disease, has died, shall report the appearance of the communicable disease or the death to the local health officer. The health agency of a federally recognized American Indian tribe or band may report this information to the local health officer. The local health officer shall report this information to the department or shall direct the person reporting to report to the department. Any person directed to report shall submit this information to the department.

SECTION 2523d. 252.07 (12) of the statutes is created to read:

252.07 (12) From the appropriation account under s. 20.435 (1) (e), the department may expend not more than \$81,100 annually to fund targeted prevention activities for populations at high risk for tuberculosis infection.

SECTION 2524. 252.10 (6) (g) of the statutes is amended to read:

252.10 (6) (g) The reimbursement by the state under pars. (a) and (b) shall apply only to funds that the department allocates for the reimbursement under the appropriation account under s. 20.435 (5) (1) (e).

SECTION 2525. 252.10 (7) of the statutes is amended to read:

252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the

department from the appropriation account under s. 20.435 (5) (1) (e) and dispensed to patients through the public health dispensaries, local health departments, physicians or advanced practice nurse prescribers.

SECTION 2526. 252.12 (2) (a) (intro.) of the statutes is amended to read:

252.12 (2) (a) *HIV and related infections, including hepatitis C virus infections; services.* (intro.) From the ~~appropriations~~ appropriation accounts under s. 20.435 (1) (a) and (5) (am), the department shall distribute funds for the provision of services to individuals with or at risk of contracting HIV infection, as follows:

SECTION 2527. 252.12 (2) (a) 8. (intro.) of the statutes is amended to read:

252.12 (2) (a) 8. 'Mike Johnson life care and early intervention services grants.' (intro.) The department shall award not more than ~~\$2,969,900 in fiscal year 2007-08 and not more than \$3,569,900 in fiscal year 2008-09~~ and each fiscal year thereafter in grants to applying organizations for the provision of needs assessments; assistance in procuring financial, medical, legal, social and pastoral services; counseling and therapy; homecare services and supplies; advocacy; and case management services. These services shall include early intervention services. The department shall also award not more than \$74,000 in each year from the appropriation account under s. 20.435 (7) (5) (md) for the services under this subdivision. The state share of payment for case management services that are provided under s. 49.45 (25) (be) to recipients of medical assistance shall be paid from the appropriation account under s. 20.435 (5) (1) (am). All of the following apply to grants awarded under this subdivision:

SECTION 2528. 252.12 (2) (c) 1. (intro.) of the statutes is amended to read:

252.12 (2) (c) 1. (intro.) From the appropriation account under s. 20.435 (5) (1) (md), the department shall award to applying nonprofit corporations or public agencies up to \$75,000 in each fiscal year, on a competitive basis, as grants for services to prevent HIV. Criteria for award of the grants shall include all of the following:

SECTION 2529. 252.12 (2) (c) 2. of the statutes is amended to read:

252.12 (2) (c) 2. From the appropriation account under s. 20.435 (5) (1) (am), the department shall award \$75,000 in each fiscal year as grants for services to prevent HIV infection and related infections, including hepatitis C virus infection. Criteria for award of the grants shall include the criteria specified under subd. 1. The department shall award 60% of the funding to applying organizations that receive funding under par. (a) 8. and 40% of the funding to applying community-based organizations that are operated by minority group members, as defined in s. 560.036 (1) (f).

SECTION 2530. 252.12 (2) (c) 3. of the statutes is amended to read:

252.12 (2) (c) 3. From the appropriation account under s. 20.435 (5) (1) (am), the department shall award to the African American AIDS task force of the Black Health Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to prevent HIV infection and related infections, including hepatitis C infection.

SECTION 2530r. 252.15 (1) (ar) 1. of the statutes is amended to read:

252.15 (1) (ar) 1. A person or entity that is specified in s. 146.81 (1) (a) to (p), but does not include a massage therapist or bodyworker issued a certificate under ch. 460.

SECTION 2531. 252.15 (5) (a) 19. of the statutes is amended to read:

252.15 (5) (a) 19. If the test was administered to a child who has been placed in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p), including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child's foster parent or ~~treatment foster parent~~ or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 2532. 252.16 (1) (ar) of the statutes is amended to read:

252.16 (1) (ar) "Dependent" means a spouse or domestic partner under ch. 770, an unmarried child under the age of 19 years, an unmarried child who is a full-time student under the age of 21 years and who is financially dependent upon the parent, or an unmarried child of any age who is medically certified as disabled and who is dependent upon the parent.

SECTION 2533. 252.16 (2) of the statutes is amended to read:

252.16 (2) **SUBSIDY PROGRAM.** From the appropriation account under s. 20.435 (5) (1) (am), the department shall distribute funding in each fiscal year to subsidize

the premium costs under s. 252.17 (2) and, under this subsection, the premium costs for health insurance coverage available to an individual who has HIV infection and who is unable to continue his or her employment or must reduce his or her hours because of an illness or medical condition arising from or related to HIV infection.

SECTION 2534. 252.16 (4) (b) of the statutes is amended to read:

252.16 (4) (b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation account under s. 20.435 (5) (1) (am).

SECTION 2535. 252.17 (2) of the statutes is amended to read:

252.17 (2) **SUBSIDY PROGRAM.** The department shall establish and administer a program to subsidize, ~~from the appropriation under s. 20.435 (5) (am)~~, as provided in s. 252.16 (2), the premium costs for coverage under a group health plan that are paid by an individual who has HIV infection and who is on unpaid medical leave from his or her employment because of an illness or medical condition arising from or related to HIV infection.

SECTION 2536. 252.17 (3) (d) of the statutes is amended to read:

252.17 (3) (d) Is covered under a group health plan through his or her employment and pays part or all of the premium for that coverage, including any premium for coverage of the individual's spouse or domestic partner under ch. 770 and dependents.

SECTION 2537. 252.17 (4) (a) of the statutes is amended to read:

252.17 (4) (a) Except as provided in pars. (b), (c), and (d), if an individual satisfies sub. (3), the department shall pay the amount of each premium payment for coverage under the group health plan under sub. (3) (d) that is due from the individual on or after the date on which the individual becomes eligible for a subsidy under sub. (3). The department may not refuse to pay the full amount of the individual's contribution to each premium payment because the coverage that is provided to the individual who satisfies sub. (3) includes coverage of the individual's spouse or domestic partner under ch. 770 and dependents. Except as provided in par. (b), the department shall terminate the payments under this section when the individual's unpaid medical leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of 29 months after the unpaid medical leave began, whichever occurs first.

SECTION 2538. 252.17 (4) (b) of the statutes is amended to read:

252.17 (4) (b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation account under s. 20.435 (5) (1) (am).

SECTION 2539. 252.17 (4) (d) of the statutes is amended to read:

252.17 (4) (d) For an individual who satisfies sub. (3) and who has a family income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family, the department shall pay a portion of the amount of each premium payment for the individual's coverage under the group health plan under sub. (3) (d). The portion that the department pays shall be determined according to a schedule established by the department by rule under sub. (6) (c). The department shall pay the portion of the premium determined according to the schedule regardless of whether the individual's coverage under the group health plan under sub. (3) (d) includes coverage of the individual's spouse or domestic partner under ch. 770 and dependents.

SECTION 2540. 253.07 (4) (intro.) of the statutes is amended to read:

253.07 (4) FAMILY PLANNING SERVICES. (intro.) From the appropriation account under s. 20.435 ~~(5) (1)~~ (f), the department shall ~~allocate~~ distribute funds in the following amounts, for the following services:

SECTION 2541. 253.08 of the statutes is amended to read:

253.08 Pregnancy counseling services. The department shall ~~make~~ award grants from the appropriation account under s. 20.435 ~~(5) (1)~~ (eg) to individuals and organizations to provide pregnancy counseling services. For a program to be eligible under this section, an applicant must demonstrate that moneys provided in a grant under ~~s. 20.435 (5) (eg)~~ this section will not be used to engage in any activity specified in s. 20.9275 (2) (a) 1. to 3.

SECTION 2542. 253.085 (2) of the statutes is amended to read:

253.085 (2) In addition to the amounts appropriated under s. 20.435 ~~(5) (1)~~ (ev), the department shall ~~allocate~~ distribute \$250,000 for each fiscal year from moneys received under the maternal and child health services block grant program, 42 USC 701 to 709, for the outreach program under this section.

SECTION 2543. 253.10 (3) (c) 2. c. of the statutes is amended to read:

253.10 (3) (c) 2. c. That the woman has a legal right to continue her pregnancy and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for 6 months or to petition a court for placement of the child in a foster home, ~~treatment foster home~~ or group home or with a relative; or to place the child for adoption under a process that involves court approval both of the voluntary termination of parental rights and of the adoption.

SECTION 2545d. 253.12 (7) of the statutes is created to read:

253.12 (7) FUNDING. From the appropriation account under s. 20.435 (1) (gm), the department shall allocate

\$95,000 annually for the birth defect prevention and surveillance system under this section.

SECTION 2546. 253.13 (2) of the statutes is amended to read:

253.13 (2) TESTS: DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM; FEES. The department shall contract with the state laboratory of hygiene to perform the tests specified under this section and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary treatment as prescribed by a physician for a patient with a congenital disorder as identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and his or her family. The state laboratory of hygiene board, on behalf of the department, shall impose a fee for tests performed under this section sufficient to pay for services provided under the contract. The state laboratory of hygiene board shall include as part of this fee amounts the department determines are sufficient to fund the provision of diagnostic and counseling services, special dietary treatment, and periodic evaluation of infant screening programs, the costs of consulting with experts under sub. (5), and the costs of administering the congenital disorder program under this section and shall credit these amounts to the ~~appropriations~~ appropriation accounts under s. 20.435 (1) ~~(ja) and (jb) and (5) (ja)~~.

SECTION 2547. 253.15 (2) of the statutes is amended to read:

253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or arrange with a nonprofit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The materials shall be prepared in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the board. The board shall make those written and audiovisual materials available to all hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are required to provide or make available materials to parents under sub. (3) (a) 1., to the department and to all county departments and nonprofit organizations that are required to provide the materials to day care providers under sub. (4), and to all school boards and nonprofit organizations that are permitted to provide the materials to pupils in one of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those written materials available to all county departments and Indian tribes that are providing home

visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and to all providers of prenatal, postpartum, and young child care coordination services under s. 49.45 (44). The board may make available the materials required under this subsection to be made available by making those materials available at no charge on the board's Internet site.

SECTION 2548d. 253.15 (4) of the statutes is amended to read:

253.15 (4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license to operate a day care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a day care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training. Before an individual may be certified under s. 48.651 as a day care provider of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the certifying department in a county having a population of 500,000 or more, county department, or agency contracted with under s. 48.651 (2) or that is provided by a nonprofit organization arranged by that department, county department, or contracted agency to provide that training. Before an employee or volunteer of a day care center licensed under s. 48.65, a day care provider certified under s. 48.651, or a day care program established under s. 120.13 (14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or the certifying county department or agency contracted with under s. 48.651 (2) or that is provided by a nonprofit organization arranged by the department or that county department or contracted agency to provide that training. The person conducting the training shall provide to the individual receiving the training, without cost to the individual, a copy of the written materials purchased or prepared under sub. (2), a presentation of the audiovisual materials purchased or prepared under sub. (2), and an oral explanation of those written and audiovisual materials.

SECTION 2549. 253.15 (6) of the statutes is amended to read:

253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS. A county department or Indian tribe that is providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) shall provide to a recipient of those services, without cost, a copy of the written materi-

als purchased or prepared under sub. (2) and an oral explanation of those materials.

SECTION 2550. 253.15 (7) (e) of the statutes is amended to read:

253.15 (7) (e) A county department or Indian tribe that is providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) is immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the written materials and oral explanation specified in sub. (6).

SECTION 2550d. 253.16 (2m) of the statutes is created to read:

253.16 (2m) (a) At least 90 percent of the moneys awarded under sub. (2) and distributed under 2009 Wisconsin Act ... (this act), section 9122 (5v) (j), shall be used for direct services provided to families participating in the program under sub. (2).

(b) The moneys referenced in par. (a) may be used as the state share of Medical Assistance for case management services provided under s. 49.45 (25).

SECTION 2550f. 253.16 (3) (f) of the statutes is created to read:

253.16 (3) (f) Maximize and leverage additional resources, including the maximum allowable Medical Assistance reimbursement for services provided under the program under sub. (2).

SECTION 2550h. 253.16 (5) of the statutes is created to read:

253.16 (5) The department shall do all of the following:

(a) Work with the city and the city health department by providing oversight and approval of the program under sub. (2).

(b) Explore ways to maximize the use of federally qualified health centers for the program under sub. (2).

SECTION 2551. 254.151 (intro.) of the statutes is amended to read:

254.151 Lead poisoning or lead exposure prevention grants. (intro.) From the appropriation account under s. 20.435 (~~5~~) (1) (ef), the department shall award the following grants under criteria that the department shall establish in rules promulgated under this section:

SECTION 2552. 254.34 (1) (h) 5. of the statutes is amended to read:

254.34 (1) (h) 5. Develop standards of performance for the regional radon centers and, from the appropriation account under s. 20.435 (~~5~~) (1) (ed), ~~allocate~~ distribute funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.

SECTION 2552g. 254.47 (7) of the statutes is created to read:

254.47 (7) The department may not require that a swimming pool be staffed by a lifeguard as a condition of receiving a permit under this section if the swimming pool is less than 2,500 square feet, the swimming pool is located in a private club in the city of Milwaukee, and the club has a policy that prohibits a minor from using the swimming pool when not accompanied by an adult.

SECTION 2553. 255.01 (2m) of the statutes is created to read:

255.01 (2m) "Research" means a systematic investigation through scientific inquiry, including development, testing, and evaluation, that is designed to develop or contribute to generalizable knowledge.

SECTION 2554. 255.01 (2n) of the statutes is created to read:

255.01 (2n) "Researcher" means a person who performs research.

SECTION 2555. 255.04 (3) (c) of the statutes is created to read:

255.04 (3) (c) A researcher who proposes to conduct research, if all of the following conditions are met:

1. The researcher applies in writing to the department for approval of access to individually identifiable information under sub. (1) or (5) that is necessary for performance of the proposed research, and the department approves the application. An application under this subdivision shall include all of the following:

- a. A written protocol to perform research.
- b. The researcher's professional qualifications to perform the proposed research.
- c. Documentation of approval of the research protocol by an institutional review board of a domestic institution that has a federalwide assurance approved by the office for human research protections of the federal department of health and human services.
- d. Any other information requested by the department.

2. The proposed research is for the purpose of studying cancer, cancer prevention, or cancer control.

SECTION 2556. 255.04 (6) of the statutes is created to read:

255.04 (6) The department may charge a reasonable fee for disclosing information to a researcher under sub. (3) (c).

SECTION 2557. 255.04 (7) of the statutes is created to read:

255.04 (7) Information obtained by the department under sub. (1) or (5) or obtained by a person under sub. (3) (c) is not subject to inspection, copying, or receipt under s. 19.35 (1).

SECTION 2558. 255.04 (8) of the statutes is created to read:

255.04 (8) No person to whom information is disclosed under sub. (3) (c) may do any of the following:

(a) Use the information for a purpose other than for the performance of research as specified in the application under sub. (3) (c) 1., as approved by the department.

(b) Disclose the information to a person who is not connected with performance of the research.

(c) Reveal in the final research product information that may identify an individual whose information is disclosed under sub. (3) (c).

SECTION 2559. 255.04 (9) of the statutes is created to read:

255.04 (9) Whoever violates sub. (8) (a), (b), or (c) is liable to the subject of the information for actual damages and costs, plus exemplary damages of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

SECTION 2560. 255.04 (10) of the statutes is created to read:

255.04 (10) (a) Whoever intentionally violates sub. (8) (a), (b), or (c) may be fined not more than \$15,000 or imprisoned for not more than one year in the county jail or both.

(b) Any person who violates sub. (8) (a), (b), or (c) may be required to forfeit not more than \$100 for each violation. Each day of continued violation constitutes a separate offense, except that no day in the period between the date on which a request for a hearing is filed under s. 227.44 and the date of the conclusion of all administrative and judicial proceedings arising out of a decision under this paragraph constitutes a violation.

(c) The department may directly assess forfeitures under par. (b). If the department determines that a forfeiture should be assessed for a particular violation or for failure to correct the violation, the department shall send a notice of assessment to the alleged violator. The notice shall specify the alleged violation of the statute and the amount of the forfeiture assessed and shall inform the alleged violator of the right to contest the assessment under s. 227.44.

SECTION 2561. 255.05 (2) of the statutes is amended to read:

255.05 (2) From the appropriation account under s. 20.435 (~~§~~) (1) (cc), the department shall allocate award up to \$400,000 in each fiscal year ~~to provide as~~ grants to applying individuals, institutions or organizations for the conduct of projects on cancer control and prevention. Funds shall be awarded on a matching basis, under which, for each grant awarded, the department shall provide 50%, and the grantee 50%, of the total grant funding.

SECTION 2562. 255.06 (2) (intro.) of the statutes is amended to read:

255.06 (2) (intro.) From the appropriation account under s. 20.435 (~~§~~) (1) (cb), the department shall administer a well-woman program to provide reimbursement for health care screenings, referrals, follow-ups, case man-

agement, and patient education provided to low-income, underinsured, and uninsured women. Reimbursement to service providers under this section shall be at the rate of reimbursement for identical services provided under medicare, except that, if projected costs under this section exceed the amounts appropriated under s. 20.435 (5) (1) (cb), the department shall modify services or reimbursement accordingly. Within this limitation, the department shall implement the well-woman program to do all of the following:

SECTION 2563. 255.15 (3) (b) (intro.) of the statutes is amended to read:

255.15 (3) (b) (intro.) From the appropriation account under s. 20.435 (5) (1) (fm), the department may distribute award grants for any of the following:

SECTION 2564. 255.15 (3) (bm) of the statutes is amended to read:

255.15 (3) (bm) From the appropriation account under s. 20.435 (5) (1) (fm), the department shall distribute \$96,000 annually for programs to discourage use of smokeless tobacco.

SECTION 2567. 255.35 (3) (a) of the statutes is amended to read:

255.35 (3) (a) The department shall implement a statewide poison control system, which shall provide poison control services that are available statewide, on a 24-hour per day and 365-day per year basis and shall provide poison information and education to health care professionals and the public. From the appropriation account under s. 20.435 (5) (1) (ds), the department shall, if the requirement under par. (b) is met, distribute total funding of not more than \$425,000 in each fiscal year to supplement the operation of the system and to provide for the statewide collection and reporting of poison control data. The department may, but need not, distribute all of the funds in each fiscal year to a single poison control center.

SECTION 2568. 256.04 (8) of the statutes is amended to read:

256.04 (8) Review the annual budget prepared by the department for the expenditures under s. 20.435 (5) (1) (ch).

SECTION 2570. 256.12 (2m) (a) of the statutes is amended to read:

256.12 (2m) (a) The department shall contract with a physician to direct the state emergency medical services program. The department may expend from the funding under the federal preventive health services project grant program under 42 USC 2476 under the appropriation account under s. 20.435 (1) (mc), \$25,000 in each fiscal year for this purpose.

SECTION 2571. 256.12 (4) (a) of the statutes is amended to read:

256.12 (4) (a) From the appropriation account under s. 20.435 (5) (1) (ch), the department shall annually distribute funds for ambulance service vehicles or vehicle

equipment, emergency medical services supplies or equipment or emergency medical training for personnel to an ambulance service provider that is a public agency, a volunteer fire department or a nonprofit corporation, under a funding formula consisting of an identical base amount for each ambulance service provider plus a supplemental amount based on the population of the ambulance service provider's primary service or contract area, as established under s. 256.15 (5).

SECTION 2572. 256.12 (5) (a) of the statutes is amended to read:

256.12 (5) (a) From the appropriation account under s. 20.435 (5) (1) (ch), the department shall annually distribute funds to ambulance service providers that are public agencies, volunteer fire departments, or nonprofit corporations to purchase the training required for licensure and renewal of licensure as an emergency medical technician - basic under s. 256.15 (6), and to pay for administration of the examination required for licensure or renewal of licensure as an emergency medical technician - basic under s. 256.15 (6) (a) 3. and (b) 1.

SECTION 2572g. 256.15 (12) (a) of the statutes is amended to read:

256.15 (12) (a) All records made by an ambulance service provider, an emergency medical technician or a first responder in administering emergency care procedures to and handling and transporting sick, disabled or injured individuals shall be maintained as confidential patient health care records subject to ~~ss. 146.81 to 146.84 and, if applicable, s. 252.15 (5) (a) (intro.), (6), (8) and (9).~~ For the purposes of this paragraph, ~~an ambulance service provider, an emergency medical technician or a first responder shall be considered to be a health care provider under s. 146.81 (1), if applicable.~~ Nothing in this paragraph or ss. 146.81 to 146.84 permits disclosure to an ambulance service provider, an emergency medical technician or a first responder under s. 252.15 (5) (a), except under s. 252.15 (5) (a) 11.

SECTION 2572h. 256.15 (12) (b) of the statutes is amended to read:

256.15 (12) (b) ~~Notwithstanding par. (a) Notwithstanding s. 146.82,~~ an ambulance service provider, who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained on a record of an ambulance run which identifies the ambulance service provider and emergency medical technicians involved; date of the call; dispatch and response times of the ambulance; reason for the dispatch; location to which the ambulance was dispatched; destination, if any, to which the patient was transported by ambulance; and name, age and gender of the patient. No information disclosed under this paragraph may contain details of the medical history, condition or emergency treatment of any patient.

SECTION 2572hb. 256.35 (1) (cs) of the statutes is created to read:

256.35 (1) (cs) "Communications provider" means a person that provides active voice or nonvoice communications service that is capable of accessing a public safety answering point.

SECTION 2572he. 256.35 (1) (ee) of the statutes is created to read:

256.35 (1) (ee) "Enhanced 911 service" means delivering 911 calls with automatic number identification and automatic location identification to an appropriate public safety answering point by selective routing based on the geographical location from which the call originated and providing either a specific street address or information defining the approximate geographic location, in accordance with orders promulgated by the federal communications commission.

SECTION 2572hh. 256.35 (1) (gm) of the statutes is amended to read:

256.35 (1) (gm) "Public safety answering point" means a facility to which a call on a basic or sophisticated system is initially routed for response, and on which a public agency directly dispatches the appropriate emergency service provider, relays a message to the appropriate emergency service provider or transfers the call to the appropriate emergency services provider. "Public safety answering point" includes a wireless public safety answering point, as defined in sub. (3m) (a) 7.

SECTION 2572hL. 256.35 (3) of the statutes is repealed.

SECTION 2572ho. 256.35 (3g) of the statutes is created to read:

256.35 (3g) ENHANCED 911 GRANTS. (a) *Surcharges.*
1. 'In general.' Except as provided in subd. 2., each communications provider shall impose on subscriber bills a monthly surcharge of 75 cents, subject to any adjustment under subd. 3. A communications provider may list the surcharge separately from other charges on a subscriber's bill. Any partial payment of a surcharge by a subscriber shall be applied first to any amount the subscriber owes the communications provider for communications service.

2. 'Prepaid wireless.' a. A communications provider that offers prepaid wireless service, or a seller that offers prepaid wireless service on behalf of a communications provider, shall impose a surcharge equal to one-half of the surcharge required under subd. 1., as adjusted under subd. 3., on subscribers with respect to each retail transaction for prepaid wireless service that occurs in this state. The communications provider or seller may state the amount of the surcharge separately on an invoice, receipt, or similar document provided to a subscriber, or may otherwise disclose the surcharge to the subscriber. The surcharge is the liability of the subscriber, and not of the communications provider or seller, except that a communications provider or seller is liable to remit all surcharges that the communications provider or seller collects from subscribers, including all such surcharges that

the communications provider or seller is considered to collect where the amount of the surcharge is not separately stated on an invoice, receipt, or other similar document provided to the subscriber by the communications provider or seller.

b. The commission shall promulgate rules exempting from the surcharge required under subd. 2. a. a transaction that is not considered to be a sale at retail under subch. III of ch. 77.

c. For purposes of subd. 2. a., a retail transaction effected in person by a subscriber at a business location of the communications provider occurs in this state if the business location is in this state and any other retail transaction occurs in this state if the location of the retail transaction is in this state as determined under s. 77.522.

d. Except for the surcharge authorized under this subdivision, no local government or state agency, as defined in s. 560.9810 (1), may impose a fee with respect to prepaid wireless on any communications provider, seller, or consumer, for the purpose of funding wireless emergency telephone service.

e. The commission shall promulgate rules establishing requirements and procedures for auditing sellers to determine compliance with this subdivision, including requirements and procedures for appealing determinations of the commission. To the extent practicable, the rules shall incorporate the audit and appeal provisions under ss. 77.59 and 77.61.

3. 'Adjustments.' a. Annually, the commission shall adjust the amount of the surcharge required under subd. 1. to reflect any change in the U.S. consumer price index for the midwest region as determined by the U.S. department of labor during the period beginning on August 31 of the year that is 2 years before the commission's adjustment and ending on August 31 of the year before the commission's adjustment.

b. The commission shall annually monitor the revenues, including interest, generated by the surcharges remitted under subd. 4. a. If the commission determines that the surcharges generate revenue in excess of the amount required for grants under par. (d), the commission shall reduce the amount of the surcharge required under subd. 1., but only if the reduction ensures full cost recovery for grant recipients over a reasonable period. If the commission determines that the surcharges remitted under subd. 4. a. generate revenue that is less than the amount required for grants under par. (d), the commission shall increase the surcharge required under subd. 1. by an amount that ensures full cost recovery for grant recipients over a reasonable period, except that, in a year, the commission may not increase the surcharge by an amount greater than an increase allowed for that year under subd. 3. a.

c. No later than October 1 of each year the commission shall notify communications providers and sellers who offer prepaid wireless on behalf of communications

providers of any adjustment to the surcharge required under subd. 1., and the adjustment shall be effective on January 1 of the following year.

4. 'Collection and remittance.' a. A communications provider or seller that offers prepaid wireless on behalf of a communication provider shall remit surcharges to the commission no later than the end of the month following the month that the provider or seller collects the surcharges from subscribers, except that a communications provider may deduct and retain from the remittance an administrative allowance equal to \$50, or 1 percent of the surcharges collected from subscribers, whichever is greater. The commission may require that communications providers and sellers report the amount of uncollected surcharges on an annual basis, or less frequently as determined by the commission. The commission may require that a communications provider or seller provide the commission with the name, address, and telephone number of a subscriber who refuses to pay a surcharge. The commission shall deposit all remittances under this subd. 4. a. into the 911 fund.

b. A communications provider or seller has no obligation to take any legal action to enforce the collection of the surcharge billed to a subscriber. The commission may initiate a collection action against a subscriber for an unpaid surcharge, and recover reasonable costs and, notwithstanding s. 814.04 (1), attorney fees associated with the action.

(b) *Grant applications; communications providers.* A communications provider may apply to the commission for grants for reimbursement of actual, commercially reasonable costs incurred in complying with the requirements for enhanced 911 service, including the costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide enhanced 911 service, and the recurring and non-recurring costs of providing enhanced 911 service. An application shall include invoices for the costs for which reimbursement is claimed.

(c) *Grant applications; local governments.* 1. A local government that operates a wireless public safety answering point that was in operation on November 30, 2008, and that was identified in a resolution adopted under sub. (3m) (c) 3., and a local government designated under subd. 2., may apply to the commission for grants if the local government submits annual applications to the commission that identify the expenses eligible for reimbursement under subd. 3., list the invoices for reimbursement that are related to compliance with enhanced 911 service requirements, and include the costs of land-line 911 trunks and charges for public safety answering points in the same county as the local government.

2. If enhanced 911 service was not available in a county on November 30, 2008, and the county designates one local government in the county, or the county itself,

as the operator of the primary public safety answering point for the county, the local government or county so designated is eligible for grants under subd. 1. The commission shall promulgate rules establishing requirements and procedures for a county to make a designation under this subdivision.

3. Expenses that are eligible for reimbursement under subd. 1. are the actual costs incurred by a public safety answering point in complying with the requirements of enhanced 911 service, including costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide enhanced 911 service; the recurring and nonrecurring costs of providing enhanced 911 service; and the costs associated with training public safety answering point personnel.

(d) *Payment of grants.* From the appropriation account under s. 20.155 (3) (r), the commission shall award grants to communications providers and local governments who submit applications under pars. (b) and (c) for reimbursement of costs that the commission determines are eligible for reimbursement. If the total amount of invoices for cost reimbursement that are submitted to the commission and approved for payment in a month exceeds the amount available from the 911 fund for reimbursement, the commission shall proportionately reduce the amount payable to each communications provider and local government so that the amount paid in grants does not exceed the amount available from the 911 fund, and the commission shall defer awarding grants for the balance due to each communications provider and local government until sufficient moneys are available from the 911 fund.

(e) *Information requests; audits.* A local government that receives grants for a public safety answering point shall comply with all requests by the commission for financial information related to the operation of the public safety answering point and, upon request, provide a copy of any audits conducted of the public safety answering point to the commission.

(f) *Telephone relay service for hearing impaired.* A local government that receives a grant under par. (d) shall ensure the each public safety answering point operated by or on behalf of the local government complies with requirements of the federal communications commission that all 911 answering positions are equipped with the necessary equipment for accepting 911 calls from the hearing impaired directly or through the use of a relaying service.

(g) *Audits.* The commission may require a communications provider or local government that receives a grant under par. (d) to conduct an audit to ensure that the grant application and use of the moneys received is consistent with the requirements of this subsection and may require a local government that receives a grant under

par. (d) to provide a copy of its annual audit of the public safety answering point for which the grant is received.

(h) *Unauthorized expenditures.* The commission may, on its own motion, or, at its discretion, upon the complaint of any person, give written notice of violation to any communications provider or local government alleged to be expending grant moneys for a purpose not authorized under this subsection. Upon receipt of the notice, the communications provider or local government shall cease making any unauthorized expenditure, and may petition the commission for a hearing on the question of whether an expenditure is authorized. The commission shall grant a request for a hearing within a reasonable period. If, after the hearing, the commission determines that an expenditure is not authorized, the commission shall require the communications provider or local government to refund, within 90 days of the commission's determination, the unauthorized expenditure.

(i) *Proprietary information.* Any information submitted by a communications provider to the commission or the 911 council that the communications provider designates as proprietary, and that the commission determines is proprietary, is confidential and not subject to inspection or copying under s. 19.35, except with the express consent of the communications provider. General information collected by the commission or the 911 council may be released or published only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications provider.

(j) *Statewide plan.* The commission shall develop a statewide plan for enhanced 911 services for the state. The plan shall be consistent with the plan required under 47 USC 942 (b) (3) (A) (iii).

(k) *Rules.* The commission shall promulgate rules for administering the requirements of this subsection.

(L) *Reports.* No later than February 28 of each odd-numbered year, the commission shall submit a report to the legislature under s. 13.172 (2) that has complete information regarding receipts and expenditures under this subsection during the 2-year reporting period and that describes the status of the 911 system in this state at the time of the report and the results of any related investigations completed by the commission during the 2-year reporting period.

(m) *911 council.* The commission shall consult with the 911 council in carrying out the commission's duties under this subsection.

SECTION 2572hr. 256.35 (3m) (a) 2. of the statutes is renumbered 256.35 (1) (cp).

SECTION 2572hu. 256.35 (3m) (a) 3. of the statutes is renumbered 256.35 (1) (em).

SECTION 2572hy. 256.35 (3m) (a) 4. of the statutes is renumbered 256.35 (1) (es).

SECTION 2573. 256.35 (3m) (em) of the statutes is created to read:

256.35 (3m) (em) *Fund limitation.* Except for grants under par. (d) or (e), the commission may not make any distribution from the wireless 911 fund to any person.

SECTION 2573b. 256.35 (5) of the statutes is created to read:

256.35 (5) **REQUIREMENT TO PROVIDE ENHANCED 911 SERVICE.** In accordance with the federal wireless orders, no communications provider is required to provide enhanced wireless 911 service until all of the following conditions are satisfied:

(a) The communications provider receives a request for the service from the administrator of a public safety answering point that is capable of receiving and utilizing the data elements associated with the service.

(b) The funds for reimbursement of the communications provider's costs are available.

(c) The relevant local exchange carrier is able to support the requirements of enhanced 911 service.

SECTION 2573f. 256.35 (7) of the statutes is amended to read:

256.35 (7) **LIABILITY EXEMPTION.** A telecommunications utility, wireless provider, as defined in sub. (3m) (a) 6., person that provides exchange telephone service to a telephone subscriber, cellular services, voice over Internet protocol services, or cable telephony services, person that provides services to a device that can access 911, or local government, ~~as defined in sub. (3m) (a) 4.,~~ shall not be liable to any person who uses an emergency number system created under this section or makes an emergency telephone call initially routed to a wireless public safety answering point, as defined in sub. (3m) (a) 7.

SECTION 2573h. 256.35 (8) of the statutes is created to read:

256.35 (8) **SUBSCRIBER RECORDS AND INFORMATION.** (a) Subscriber records that a communications provider discloses to a public safety answering point remain the property of the communications provider and use of the records is limited to providing emergency services in response to 911 calls. Any communications provider connection information of a subscriber, including the subscriber's address, that is obtained by a public safety answering point for public safety purposes is not subject to inspection or copying under s. 19.35.

(b) The disclosure or use of information contained in the database of the telephone network portion of a 911 system, for other than operations of the 911 system, is prohibited.

(c) No later than 2 business days after a communications provider installs service for a new subscriber, the communications provider shall provide the relevant public safety answering point with subscriber information necessary to update the master street address guide or location database used by the public safety answering point to respond to emergency calls and the public safety answering point shall make the update.

SECTION 2574h. 281.14 of the statutes is created to read:

281.14 Wisconsin River monitoring and study. (1) In this section:

(a) "Nonpoint source" has the meaning given in s. 281.16 (1) (e).

(b) "Point source" has the meaning given in s. 283.01 (12).

(2) The department shall conduct a program to monitor and study the introduction of nutrients from point sources and nonpoint sources into the Wisconsin River from the city of Merrill to the Castle Rock Flowage dam. The department shall seek to do all of the following under this subsection:

(a) Identify the amounts of nutrients being introduced into the river.

(b) Characterize and quantify the nutrients, in particular nitrogen and phosphorus, introduced into the river from nonpoint sources relative to climate, land use, soil type, elevation, and drainage.

(c) Collect water quality information for locations on the river itself and for major tributaries and major impoundments to use in evaluating the biological, physical, and chemical properties of the water and to use as data in watershed and river models.

(d) Use watershed and river models and the information collected under this subsection and from other sources to forecast the effect on water quality of different methods of reducing the amounts of nutrients introduced into the river.

(e) Develop tools to use in selecting and implementing methods of reducing the amounts of nutrients introduced into the river.

SECTION 2575. 281.16 (3) (e) of the statutes is amended to read:

281.16(3)(e) An owner or operator of an agricultural facility or practice that is in existence before October 14, 1997, may not be required by this state or a municipality to comply with the performance standards, prohibitions, conservation practices or technical standards under this subsection unless cost-sharing is available, under s. 92.14 or 281.65 or from any other source, to the owner or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), ~~92.105 (1)~~, 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that specify criteria for determining whether cost-sharing is available under s. 281.65 and the department of agriculture, trade and consumer protection shall promulgate rules that specify criteria for determining whether cost-sharing is available under s. 92.14 or from any other source. The rules may not allow a determination that cost-sharing is available to meet local regulations under s. 92.07 (2), ~~92.105 (1)~~ or 92.15 that are consistent with or that exceed the performance standards, prohibitions, conservation practices or technical standards under this subsection unless the cost-sharing

is at least 70% of the cost of compliance or is from 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the rules.

SECTION 2576n. 281.33 (3) (title) of the statutes is amended to read:

281.33 (3) (title) STANDARDS RELATED TO STORM WATER AND CERTAIN CONSTRUCTION ACTIVITIES.

SECTION 2576p. 281.33 (3m) (title) of the statutes is created to read:

281.33 (3m) (title) EROSION CONTROL RELATED TO CONSTRUCTION OF PUBLIC BUILDINGS AND BUILDINGS THAT ARE PLACES OF EMPLOYMENT.

SECTION 2577. 281.34 (3) of the statutes is renumbered 281.34 (3) (a).

SECTION 2578. 281.34 (3) (b) and (c) of the statutes are created to read:

281.34 (3) (b) The department may appoint any person who is not an employee of the department as the department's agent to accept and process notifications and collect the fees under par. (a).

(c) Any person, including the department, who accepts and processes a well notification under par. (a) shall collect in addition to the fee under par. (a) a processing fee of 50 cents. An agent appointed under par. (b) may retain the processing fee to compensate the agent for the agent's services in accepting and processing the notification.

SECTION 2578pb. 281.346 (1m) of the statutes is repealed.

SECTION 2578pd. 281.346 (2) (e) 1. of the statutes is repealed.

SECTION 2578pf. 281.346 (2) (e) 1g. of the statutes is created to read:

281.346 (2) (e) 1g. The baseline for a withdrawal that before December 8, 2008, averaged 100,000 gallons per day or more in any 30-day period but to which subd. 1m. does not apply is the amount determined under sub. (4e).

SECTION 2578ph. 281.346 (2) (e) 1r. of the statutes is created to read:

281.346 (2) (e) 1r. The baseline for a withdrawal not covered by subd. 1. or 1g. is zero.

SECTION 2578pj. 281.346 (3) (a) of the statutes is renumbered 281.346 (3) (a) 1.

SECTION 2578pL. 281.346 (3) (a) 2. of the statutes is created to read:

281.346 (3) (a) 2. Any person who, on the effective date of this subdivision ... [LRB inserts date], has a water supply system with the capacity to make a withdrawal from the waters of this state averaging 100,000 gallons per day or more in any 30-day period and who has not registered the withdrawal under s. 281.344 (3) (a) shall register the withdrawal with the department.

SECTION 2578pn. 281.346 (4e) (title), (a), (b), (d) 1. and 3., (e), (f), (g) and (h) of the statutes are amended to read:

281.346 (4e) (title) DETERMINING WITHDRAWAL AMOUNTS BASELINES FOR PREEXISTING WITHDRAWALS WITH INTERIM APPROVALS. (a) Before issuing automatic notice of coverage under a general permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal from the Great Lakes basin ~~that is covered by an interim approval under s. 281.344 (5m) for which the department is required to issue automatic notice of coverage or an automatic individual permit~~, the department shall determine a ~~withdrawal amount~~ baseline for the withdrawal under this subsection.

(b) 1. Except as provided in subds. 2. and 3e. and par. (f), the department shall estimate the ~~withdrawal amount~~ baseline for a withdrawal based on the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal as of ~~the compact's effective date~~ December 8, 2008, based on information available to the department.

2. Except as provided in subd. 3e., if the department has issued an approval under s. 30.12, 30.18, 281.34, or 281.41, or s. 281.17, 2001 stats., that is required for a withdrawal and the approval contains a limit on the amount of water that may be withdrawn, the department shall provide an estimate of the ~~withdrawal amount~~ baseline equal to the limit in the approval as of December 8, 2008.

3e. If water is withdrawn through more than one water supply system to serve a facility, the department shall determine the amount under subd. 1. for each of the water supply systems to which subd. 2. does not apply and shall determine the amount under subd. 2. for each of the water supply systems to which subd. 2. applies and shall provide an estimate of the ~~withdrawal amount~~ baseline that is equal to the sum of the amounts determined for each of the water supply systems.

(d) 1. The components of the water supply system used for the withdrawal as of December 8, 2008.

3. Plans for expanding the capacity of the water supply system submitted to the department ~~no later than 2 years after June 11 before December 8, 2008~~.

(e) Except as provided in par. (f), the department shall determine the ~~withdrawal amount~~ baseline for a withdrawal based on the estimate under par. (b) and the department's evaluation of any information provided under par. (d). The department may not consider information provided by any other person.

(f) For a public water supply system that, on June 11, 2008, has approval under s. 281.41 to provide water from the Great Lakes basin for public water supply purposes outside of the Great Lakes basin and approval under s. 283.31 to return the associated wastewater to the Great Lakes basin, the department shall determine the ~~withdrawal amount~~ baseline to be the amount of water necessary to provide water for public water supply purposes in the service territory specified in the sewer service area provisions of the areawide water quality management

plan under s. 283.83 approved by the department before December 31, 2007, based on the population and related service projections in those provisions.

(g) The department's determination of a ~~withdrawal amount~~ baseline under par. (e) or (f) is not subject to administrative review under ch. 227 except at the request of the person making the withdrawal.

(h) If 2 or more public water supply systems merge after the department determines their ~~withdrawal amounts~~ baselines under par. (e) and before the department issues the initial individual permits under sub. (5) (c) for the systems, the ~~withdrawal amount~~ baseline for the new system is the sum of the amounts determined under par. (e) for the individual systems.

SECTION 2578pp. 281.346 (4e) (i) of the statutes is repealed.

SECTION 2578pr. 281.346 (4g) of the statutes is created to read:

281.346 (4g) DETERMINING WITHDRAWAL AMOUNTS FOR PREEXISTING WITHDRAWALS. (a) Before issuing automatic notice of coverage under a general permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal from the Great Lakes basin for which the department is required to issue automatic notice of coverage or an automatic individual permit, the department shall determine a withdrawal amount for the withdrawal under this subsection.

(b) Except as provided in par. (c), the withdrawal amount for a withdrawal under this subsection is the same as the baseline determined under sub. (4e).

(c) 1. Except as provided in subd. 3., if a person making a withdrawal has increased the amount of the withdrawal over the baseline before the department issues an automatic notice of coverage under a general permit under sub. (4s) or an automatic individual permit under sub. (5) (c), the department shall specify a withdrawal amount that is, except as provided in subd. 2., equal to the smallest of the following amounts:

a. The maximum hydraulic capacity of the most restrictive component of the water supply system used for the withdrawal for which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval under one of those provisions is not required for the most restrictive component of the water supply system, the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal.

b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., specifies a maximum amount of water that may be withdrawn, that amount.

2. If water is withdrawn through more than one water supply system to serve a facility, the department shall determine the smallest amount under subd. 1. a. or b. for each of the water supply systems and shall specify a withdrawal amount that is equal to the sum of the amounts determined for each of the water supply systems.

3. For a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

SECTION 2578pt. 281.346 (4m) of the statutes is amended to read:

281.346 (4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN. ~~A Beginning on December 8, 2011,~~ a person may not make a withdrawal from the Great Lakes basin that averages 100,000 gallons per day or more in any 30-day period unless the withdrawal is covered under a general permit issued under sub. (4s) ~~or s. 281.344 (4s),~~ an individual permit issued under sub. (5) ~~or s. 281.344 (5),~~ or an interim approval under s. 281.344 (5m), except as provided in sub. (4s) (bm).

SECTION 2578pv. 281.346 (4s) (a) 1. of the statutes is amended to read:

281.346 (4s) (a) 1. Reference to the database of ~~with-~~drawal amounts under par. (i).

SECTION 2578px. 281.346 (4s) (b) of the statutes is amended to read:

281.346 (4s) (b) *General requirement.* ~~A Beginning on December 8, 2011,~~ a person who does not hold an individual permit under sub. (5) may not make a withdrawal that averages 100,000 gallons per day or more in any 30-day period, but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days, unless the withdrawal is covered under a general permit issued under this subsection ~~or s. 281.344 (4s),~~ except as provided in par. (bm). A person to whom the department has issued a notice of coverage under a general permit shall comply with the general permit.

SECTION 2578pz. 281.346 (4s) (c) of the statutes is amended to read:

281.346 (4s) (c) *Automatic notice of coverage for preexisting withdrawals with interim approvals.* The department shall automatically issue a notice of coverage under a general permit to a person who makes a withdrawal that is covered by an interim approval under s. 281.344 (5m), ~~if the withdrawal and that~~ averages 100,000 gallons per day or more in any 30-day period but does not equal at least 1,000,000 gallons per day for any 30 consecutive days, ~~or who makes a withdrawal that is not covered by an interim approval and that before December 8, 2008, averaged 100,000 gallons per day or more in any 30-day period but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days.~~ If necessary, the department may request additional information before issuing a notice under this paragraph. The department shall issue a notice under this paragraph no later than ~~one year after the compact's effective date~~ December 8, 2011. In the notice provided under this paragraph for a withdrawal, the department shall specify a ~~withdrawal amount~~ baseline equal to the ~~withdrawal~~

~~amount~~ baseline determined under sub. (4e) for the withdrawal and a withdrawal amount equal to the withdrawal amount determined under sub. (4g) for the withdrawal.

SECTION 2578qb. 281.346 (4s) (d) (title) of the statutes is amended to read:

281.346 (4s) (d) (title) *Coverage under general permit for ~~new or increased~~ withdrawals not entitled to automatic notice of coverage.*

SECTION 2578qd. 281.346 (4s) (d) 1. of the statutes is amended to read:

281.346 (4s) (d) 1. A person who proposes to begin a withdrawal from the Great Lakes basin after December 7, 2011, that will average 100,000 gallons per day or more in any 30-day period, or to increase an existing withdrawal so that it will average 100,000 gallons per day or more in any 30-day period, but who does not propose to withdraw at least 1,000,000 gallons per day for any 30 consecutive days, shall apply to the department for coverage under a general permit, unless the person applies for an individual permit under sub. (5). In the application, the person shall provide the information required by the department by rule.

SECTION 2578qf. 281.346 (4s) (d) 1m. of the statutes is created to read:

281.346 (4s) (d) 1m. A person who makes a withdrawal from the Great Lakes basin that, before December 8, 2011, averages at least 100,000 gallons per day in any 30-day period, but does not equal 1,000,000 gallons per day for any 30 consecutive days and who is not entitled to automatic issuance of notice of coverage under par. (c) shall apply to the department for coverage under a general permit, unless the person applies for an individual permit under sub. (5). In the application, the person shall provide the information required by the department by rule.

SECTION 2578qh. 281.346 (4s) (d) 3m. of the statutes is amended to read:

281.346 (4s) (d) 3m. a. The department may not approve an application under subd. 1. or 1m. for a withdrawal for the purpose of providing water to a public water supply system that serves a population of more than 10,000 unless the withdrawal is covered by an approved water supply service area plan under s. 281.348.

b. The department may not approve an application under subd. 1. or 1m. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

c. If the department approves an application under subd. 1. or 1m. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall issue a notice of coverage. In the notice of coverage the department shall specify a

withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

SECTION 2578qj. 281.346 (4s) (i) of the statutes is amended to read:

281.346 (4s) (i) *Database.* The department shall maintain a database of the withdrawal amounts for all withdrawals that are covered under general permits issued under this subsection ~~and s. 281.344 (4s).~~ Until December 8, 2021, the department shall include in the database the baselines for all withdrawals that are covered under general permits issued under this subsection.

SECTION 2578ql. 281.346 (5) (a) of the statutes is amended to read:

281.346 (5) (a) *Requirement.* ~~—A— Beginning on December 8, 2011,~~ a person may not make a withdrawal from the Great Lakes basin that equals at least 1,000,000 gallons per day for any 30 consecutive days unless the withdrawal is covered by an individual permit issued under this subsection ~~or s. 281.344 (5).~~ A person to whom the department has issued an individual permit shall comply with the individual permit.

SECTION 2578qn. 281.346 (5) (b) 1. of the statutes is amended to read:

281.346 (5) (b) 1. A withdrawal amount as determined under par. (d) 3., 3e., or 3m., (g) 3., 3e., or 3m., or (j) 3., 3e., or 3m., ~~or sub. (4e), or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e) 3., 3e., or 3m (4g).~~

SECTION 2578qp. 281.346 (5) (c) of the statutes is amended to read:

281.346 (5) (c) *Automatic issuance of individual permits for preexisting withdrawals with interim approvals.* The department shall automatically issue an individual permit to a person who makes a withdrawal from the Great Lakes basin that is covered by an interim approval under s. 281.344 (5m), ~~if the withdrawal and that equals at least 1,000,000 gallons per day for any 30 consecutive days, or who makes a withdrawal that is not covered by an interim approval, that equals at least 1,000,000 gallons per day for any 30 consecutive days, and that before December 8, 2008, averaged 100,000 gallons per day or more in any 30-day period.~~ If necessary, the department may request additional information before issuing a permit under this paragraph. The department shall issue a permit under this paragraph no later than ~~one year after the compact's effective date December 8, 2011.~~ In the permit, the department shall specify a withdrawal amount baseline equal to the withdrawal amount baseline determined under sub. (4e) for the withdrawal and a withdrawal amount equal to the withdrawal amount determined under sub. (4g) for the withdrawal.

SECTION 2578qr. 281.346 (5) (cm) of the statutes is created to read:

281.346 (5) (cm) *Initial individual permit for existing withdrawals not entitled to automatic notice of coverage.* 1. A person who makes a withdrawal from the Great Lakes basin that, before December 8, 2011, equals at least

1,000,000 gallons per day for any 30 consecutive days and who is not entitled to automatic issuance of an individual permit under par. (c) shall apply to the department for an individual permit.

2. After receiving an application under subd. 1., the department shall, within the time limit established by the department by rule, determine whether to approve the application or notify the applicant of any additional information needed to determine whether to approve the application.

3. Except as provided in subd. 5., if the department approves an application under subd. 1. and the department has issued any approvals that are required for the withdrawal under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., the department shall issue an individual permit. In the permit, the department shall specify a withdrawal amount that is, except as provided in subd. 4., equal to the smallest of the following amounts:

a. The maximum hydraulic capacity of the most restrictive component of the water supply system used for the withdrawal for which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval under one of those provisions is not required for the most restrictive component of the water supply system, the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal.

b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., specifies a maximum amount of water that may be withdrawn, that amount.

4. If water is withdrawn through more than one water supply system to serve a facility, the department shall determine the smallest amount under subd. 3. a. or b. for each of the water supply systems and shall specify a withdrawal amount that is equal to the sum of the amounts determined for each of the water supply systems.

5. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

6. If the department disapproves an application under subd. 1., the department shall notify the applicant in writing of the reason for the disapproval.

SECTION 2578qt. 281.346 (5) (d) (title) and 1. of the statutes are amended to read:

281.346 (5) (d) (title) *Initial individual permit for withdrawal begun or increased after December 7, 2011.*

1. A person who proposes to begin a withdrawal from the Great Lakes basin after December 7, 2011, that will equal at least 1,000,000 gallons per day for any 30 consecutive days or to modify an existing withdrawal so that it will equal at least 1,000,000 gallons per day for any 30 con-

secutive days shall apply to the department for an individual permit.

SECTION 2578qv. 281.346 (5) (e) 1. and 2. of the statutes are amended to read:

281.346 (5) (e) 1. Except as provided in par. (dm), the department may not approve an application under par. (d) 1. for a new withdrawal that will equal at least 1,000,000 gallons per day for any 30 consecutive days, or for an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ and that is proposed to be modified so that it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to which subd. 2. does not apply, unless the withdrawal meets the state decision-making standard under sub. (5m).

2. Except as provided in subd. 3. or par. (dm), the department may not approve an application under par. (d) 1. for a new withdrawal that will equal at least 10,000,000 gallons per day for any 30 consecutive days, or for an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ and that is proposed to be modified so that it will equal at least 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets the compact decision-making standard under sub. (6).

SECTION 2578qx. 281.346 (5) (f) of the statutes is amended to read:

281.346 (5) (f) *Standards for approval of withdrawals covered by general permits.* 1. Except as provided in par. (dm), the department may not approve an application under par. (d) 1. for a withdrawal that is covered under a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ if the applicant proposes to modify the withdrawal before December 8, 2021, so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the applicant proposes to modify the withdrawal after December 7, 2021, so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit or as of the compact's effective date, whichever is later and if subd. 2. does not apply, unless the withdrawal meets the state decision-making standard under sub. (5m).

2. Except as provided in subd. 3. or par. (dm), the department may not approve an application under par. (d) 1. for a withdrawal that is covered under a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ if the applicant proposes to modify the withdrawal before December 8, 2021, so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the applicant proposes to modify the withdrawal after December 7, 2021, so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit or as of the compact's effective date, whichever is later, unless the with-

drawal meets the compact decision-making standard under sub. (6).

3. A person who submits an application under par. (d) 1., to which subd. 2. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the withdrawal amount as of the later of the dates, whichever is applicable under subd. 2. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90-day period, the state decision-making standard under sub. (5m), rather than the compact decision-making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578qz. 281.346 (5) (h) 1. of the statutes is amended to read:

281.346 (5) (h) 1. Except as provided in par. (gm), the department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal so that it equals before December 8, 2021, and after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, the compact's effective date or the date that baseline, or, if the department issued a modified permit for the withdrawal if and the modification was subject to the state decision-making standard under sub. (5m) or the compact decision-making standard under sub. (6), whichever is latest, the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued that modified permit and if subd. 2. does not apply, unless the increased withdrawal meets the state decision-making standard under sub. (5m).

SECTION 2578rb. 281.346 (5) (h) 1m. of the statutes is created to read:

281.346 (5) (h) 1m. Except as provided in par. (gm), the department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal after December 7, 2021, and after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision-making standard under sub. (5m) or the compact decision-making standard under sub. (6), whichever is later, and if subd. 2m. does not apply, unless the increased withdrawal meets the state decision-making standard under sub. (5m).

SECTION 2578rd. 281.346 (5) (h) 2. of the statutes is amended to read:

281.346 (5) (h) 2. Except as provided in subd. 3. or par. (gm), the department may not approve an application

under par. (g) 1., if the person proposes to increase the amount of the withdrawal so that it equals before December 8, 2021, and after the increase the withdrawal would equal at least 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, the compact's effective date baseline, or the date that, if the department issued a modified permit for the withdrawal if and the modification was subject to the compact decision-making standard under sub. (6), whichever is latest, over the withdrawal amount as of the date that the department issued that modified permit unless the withdrawal meets the compact decision-making standard under sub. (6).

SECTION 2578rf. 281.346 (5) (h) 2m. of the statutes is created to read:

281.346 (5) (h) 2m. Except as provided in subd. 3. or par. (gm), the department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal after December 7, 2021, and after the increase the withdrawal would equal at least 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, or the date that the department issued a modified permit for the withdrawal if the modification was subject to the compact decision-making standard under sub. (6), whichever is later, unless the withdrawal meets the compact decision-making standard under sub. (6).

SECTION 2578rh. 281.346 (5) (h) 3. of the statutes is amended to read:

281.346 (5) (h) 3. A person who submits an application under par. (g) 1., to which subd. 2. or 2m. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the applicable withdrawal amount as of the latest of the dates, whichever applies under subd. 2. or 2m. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90-day period, the state decision-making standard under sub. (5m), rather than the compact decision-making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578rj. 281.346 (5) (k) of the statutes is amended to read:

281.346 (5) (k) *Standards for reissuance in certain cases.* 1. Except as provided in par. (jm), the department may not approve an application under par. (j) 1., if the person proposes in the application to increase the amount of the withdrawal so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, ~~the compact's effective date,~~ or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision-making

standard under sub. (5m) or the compact decision-making standard under sub. (6), whichever is ~~latest~~ later, and if subd. 2. does not apply, unless the increased withdrawal meets the state decision-making standard under sub. (5m).

2. Except as provided in subd. 3. or par. (jm), the department may not approve an application under par. (j) 1., if the person proposes in the application to increase the amount of the withdrawal so that it equals at least 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, ~~the compact's effective date,~~ or the date that the department issued a modified permit for the withdrawal if the modification was subject to the compact decision-making standard under sub. (6), whichever is ~~latest~~ later, unless the withdrawal meets the compact decision-making standard under sub. (6).

3. A person who submits an application under par. (j) 1., to which subd. 2. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the withdrawal amount as of the ~~latest~~ later of the dates under subd. 2. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90-day period, the state decision-making standard under sub. (5m), rather than the compact decision-making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578rk. 281.346 (5) (p) of the statutes is amended to read:

281.346 (5) (p) *Suspension and revocation.* The department may suspend or revoke a permit issued under this subsection ~~or s. 281.344 (5)~~ for cause, including obtaining the permit by misrepresentation or failure to disclose material facts or substantially violating the terms of the permit.

SECTION 2578rm. 281.346 (5e) (a) 1. of the statutes is amended to read:

281.346 (5e) (a) 1. Beginning ~~on the compact's effective date December 8, 2011,~~ the department may not approve a water supply service area plan under s. 281.348 that provides for a new withdrawal from the Great Lakes basin of at least 1,000,000 gallons per day for any 30 consecutive days, or for modification of an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ so that it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to which subd. 2. does not apply, unless the withdrawal meets the state decision-making standard under sub. (5m).

SECTION 2578rp. 281.346 (5e) (a) 2. of the statutes is amended to read:

281.346 (5e) (a) 2. Beginning ~~on the compact's effective date December 8, 2011,~~ except as provided in subd. 3., the department may not approve a water supply ser-

vice area plan under s. 281.348 that provides for a new withdrawal from the Great Lakes basin of at least 10,000,000 gallons per day for any 30 consecutive days, or for modification of an existing withdrawal that is not covered by a general permit under sub. (4s) or s. 281.344 (4s) so that it will equal at least 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets the compact decision-making standard under sub. (6).

SECTION 2578rr. 281.346 (5e) (b) of the statutes is amended to read:

281.346 (5e) (b) *Increased withdrawals covered by general permits.* 1. Beginning on the compact's effective date December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for modifying a withdrawal that is covered under a general permit under sub. (4s) or s. 281.344 (4s) before December 8, 2021, so that the withdrawal equals 1,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the plan provides for modifying the withdrawal after December 7, 2021, so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit ~~or as of the compact's effective date, whichever is later~~, and if subd. 2. does not apply, unless the withdrawal meets the state decision-making standard under sub. (5m).

2. Beginning on the compact's effective date December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for modifying a withdrawal that is covered under a general permit under sub. (4s) or s. 281.344 (4s) before December 8, 2021, so that the withdrawal equals 10,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the plan provides for modifying the withdrawal after December 7, 2021, so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit ~~or as of the compact's effective date, whichever is later~~, unless the withdrawal meets the compact decision-making standard under sub. (6).

3. A person who submits a water supply service area plan under s. 281.348, that provides for an increase in a withdrawal to which subd. 2. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the withdrawal amount as of the later of the dates, whichever is applicable under subd. 2. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90-day period, the state decision-making standard under sub. (5m), rather than the compact decision-making

standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578rt. 281.346 (5e) (c) 1. of the statutes is amended to read:

281.346 (5e) (c) 1. Beginning on the compact's effective date December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, before December 8, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) ~~or s. 281.344 (5) so that it equals if after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, the compact's effective date, or the date that baseline, or, if the department issued a modified permit for the withdrawal if and the modification was subject to the state decision-making standard under sub. (5m) or the compact decision-making standard under sub. (6), whichever is latest, the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued that modified permit~~ and if subd. 2. does not apply, unless the increased withdrawal meets the state decision-making standard under sub. (5m).

SECTION 2578rv. 281.346 (5e) (c) 1m. of the statutes is created to read:

281.346 (5e) (c) 1m. Beginning on the December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, after December 7, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) and after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision-making standard under sub. (5m) or the compact decision-making standard under sub. (6), whichever is later, and if subd. 2m. does not apply, unless the increased withdrawal meets the state decision-making standard under sub. (5m).

SECTION 2578rx. 281.346 (5e) (c) 2. of the statutes is amended to read:

281.346 (5e) (c) 2. Beginning on the compact's effective date December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, before December 8, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) ~~or s. 281.344 (5) so that it equals if after the increase the withdrawal would equal 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, the compact's effective date, or the date that baseline, or, if the department issued a modified permit~~

for the withdrawal if and the modification was subject to the compact decision-making standard under sub. (6), ~~whichever is latest, the withdrawal would equal 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued that modified permit,~~ unless the increased withdrawal meets the compact decision-making standard under sub. (6).

SECTION 2578rz. 281.346 (5e) (c) 2m. of the statutes is created to read:

281.346 (5e) (c) 2m. Beginning on December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, after December 7, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) and after the increase the withdrawal would equal 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term or the date that the department issued a modified permit for the withdrawal if the modification was subject to the compact decision-making standard under sub. (6), whichever is later, unless the increased withdrawal meets the compact decision-making standard under sub. (6).

SECTION 2578sb. 281.346 (5e) (c) 3. of the statutes is amended to read:

281.346 (5e) (c) 3. A person who submits a water supply service area plan under s. 281.348, that provides for an increase in a withdrawal to which subd. 2. or 2m. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the withdrawal amount ~~as of the latest of the dates, whichever is applicable~~ under subd. 2. or 2m. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90-day period, the state decision-making standard under sub. (5m), rather than the compact decision-making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578sd. 281.346 (8) (d) 1. of the statutes is amended to read:

281.346 (8) (d) 1. The amount and type of diversion, withdrawal, or consumptive use and whether the diversion, withdrawal, or consumptive use exists on ~~June 1, 2015, or the compact's effective date, whichever is earlier~~ December 8, 2008, is expanded, or is new.

SECTION 2579. 281.346 (12) of the statutes is created to read:

281.346 (12) FEES. (a) A person who has a water supply system with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30-day period shall pay to the department an annual fee of \$125, except that the department may promulgate a rule specifying a different amount.

(b) In addition to the fee under par. (a), a person who withdraws from the Great Lakes basin more than 50,000,000 gallons per year shall pay to the department an annual fee in an amount specified under par. (c).

(c) The department shall promulgate a rule specifying the amount of the fee under par. (b).

(d) A person who submits an application under sub. (4) shall pay to the department a review fee of \$5,000 and shall pay to the department an amount equal to any fees imposed on this state related to review of the proposed diversion by the Great Lakes council or the regional body.

SECTION 2579e. 281.348 (3) (d) 5. of the statutes is amended to read:

281.348 (3) (d) 5. Beginning on ~~the compact's effective date~~ December 8, 2011, if the plan covers a public water supply system that withdraws water from the Great Lakes basin, the plan complies with any applicable requirements in s. 281.346 (5e).

SECTION 2580. 281.58 (12) (a) 1. of the statutes is amended to read:

281.58 (12) (a) 1. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and 2. is 55% of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for a biennium before the 2009-11 biennium and 60% of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the 2009-11 biennium or later.

SECTION 2581. 281.59 (3e) (b) 1. of the statutes is amended to read:

281.59 (3e) (b) 1. Equal to ~~\$114,700,000~~ \$134,900,000 during the ~~2007-09~~ 2009-11 biennium.

SECTION 2582. 281.59 (3e) (b) 3. of the statutes is amended to read:

281.59 (3e) (b) 3. Equal to \$1,000 for any biennium after the ~~2007-09~~ 2009-11 biennium.

SECTION 2583. 281.59 (3m) (b) 1. of the statutes is amended to read:

281.59 (3m) (b) 1. Equal to \$2,700,000 during the ~~2007-09~~ 2009-11 biennium.

SECTION 2584. 281.59 (3m) (b) 2. of the statutes is amended to read:

281.59 (3m) (b) 2. Equal to \$1,000 for any biennium after the ~~2007-09~~ 2009-11 biennium.

SECTION 2585. 281.59 (3s) (b) 1. of the statutes is amended to read:

281.59 (3s) (b) 1. Equal to ~~\$13,400,000~~ \$17,600,000 during the ~~2007-09~~ 2009-11 biennium.

SECTION 2586. 281.59 (3s) (b) 2. of the statutes is amended to read:

281.59 (3s) (b) 2. Equal to \$1,000 for any biennium after the ~~2007-09~~ 2009-11 biennium.

SECTION 2587. 281.59 (4) (f) of the statutes is amended to read:

281.59 (4) (f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection, and all payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to revenue obligations issued under this subsection, can be fully paid on a timely basis from moneys received or anticipated to be received. Revenue obligations issued under this subsection for the clean water fund program shall not exceed ~~\$1,984,100,000~~ \$2,363,300,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes.

SECTION 2588. 281.60 (8) (a) (intro.) and 1. of the statutes are consolidated, renumbered 281.60 (8) (a) and amended to read:

281.60 (8) (a) The department shall establish a funding list for each fiscal year that ranks projects of eligible applicants that submit approvable applications under sub. (5) in the same order that they appear on the priority list under sub. (6). If sufficient funds are not available to fund all approved applications for financial assistance, the department of administration shall allocate funding to projects that are approved under sub. (7) in the order that they appear on the funding list, except as follows: ~~1. The~~ that the department of administration may not allocate more than 40% of the funds allocated in each fiscal year to projects to remedy contamination at landfills.

SECTION 2589. 281.60 (8) (a) 2. of the statutes is repealed.

SECTION 2607. 281.65 (4e) (a) of the statutes is amended to read:

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

SECTION 2608. 281.65 (4e) (b) of the statutes is amended to read:

281.65 (4e) (b) The department may grant a request under par. (a) if it determines that providing funding under this subsection is necessary to protect ~~fish and aquatic life~~ the waters of the state.

SECTION 2609. 281.65 (4e) (bm) of the statutes is created to read:

281.65 (4e) (bm) The department may provide a cost-sharing grant under this subsection directly to a landowner, or to an operator of an animal feeding operation, for a project to implement best management practices for animal waste management at an animal feeding operation for which the department has issued a notice of discharge under ch. 283 or a notice of intent to issue a notice of discharge if the department determines that providing funding under this subsection is necessary to protect the waters of the state.

SECTION 2611. 281.65 (5) (b) of the statutes is amended to read:

281.65 (5) (b) Prepare sections of the priority watershed or priority lake plan relating to farm-specific implementation schedules, requirements under ~~ss. 92.104 and 92.105~~ s. 281.16 (3), animal waste management and selection of agriculturally related best management practices and submit those sections to the department for inclusion under sub. (4m) (b). The best management practices shall be cost-effective best management practices, as specified under sub. (4) (e), except in situations in which the use of a cost-effective best management practice will not contribute to water quality improvement or will cause a water body to continue to be impaired as identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

SECTION 2612. 281.65 (5) (d) of the statutes is amended to read:

281.65 (5) (d) Develop a grant disbursement and project management schedule for agriculturally related best management practices to be included in a plan established under sub. (4) (g) and identify recommendations for implementing activities or projects under ~~ss. 92.10, 92.104 and 92.105~~ and 281.16 (3).

SECTION 2613. 281.65 (5) (e) of the statutes is amended to read:

281.65 (5) (e) Identify areas within a priority watershed or priority lake area that are subject to activities required under ~~ss. 92.104 and 92.105~~ s. 281.16 (3).

SECTION 2620. 281.65 (8) (f) of the statutes is amended to read:

281.65 (8) (f) A cost-sharing grant shall equal the percentage of the cost of implementing the best management practice that is determined by the department in providing a cost-sharing grant under sub. (4e) (a) or by the governmental unit submitting the application under sub. (4c) (a) or (4e) (a) and is approved by the board, ~~except as provided under pars. (gm) and (jm) and~~ except that a cost-sharing grant may not exceed 70% of the cost of implementing the best management practice unless par. (gm) applies.

SECTION 2621. 281.65 (8) (gm) of the statutes is amended to read:

281.65 (8) (gm) The department in providing a cost-sharing grant under sub. (4e) (a) or a governmental unit submitting the application under sub. (4c) (a) or (4e) (a) shall may exceed the limit under par. (f) in cases case of economic hardship, as defined by the department by rule. In providing a grant for a project to achieve compliance with a performance standard or prohibition established under s. 281.16 (3) (a), the department shall provide cost-sharing of 70% of the cost of compliance or 70% to 90% of the cost of compliance in case of economic hardship.

SECTION 2622. 281.65 (8) (jm) of the statutes is repealed.

SECTION 2624. 281.68 (title) of the statutes is amended to read:

281.68 (title) Lake management planning grants and lake monitoring contracts.

SECTION 2625. 281.68 (2) (b) of the statutes is amended to read:

281.68 (2) (b) The total amount of lake monitoring contracts for each fiscal year may not exceed 10 percent of the total amount appropriated under s. 20.370 (6) (ar) and (as).

SECTION 2626. 281.68 (3) (bg) of the statutes is amended to read:

281.68 (3) (bg) The department shall promulgate rules for the administration of the lake monitoring contracts program, which shall specify the eligible activities and qualifications for participation in the statewide lake monitoring network. Eligible activities shall include providing technical assistance to public or private entities that apply for, or have received, a grant under s. 23.22 (2) (c).

SECTION 2627. 281.75 (4) (b) 3. of the statutes is amended to read:

281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231, 233, 234, or 237.

SECTION 2628. 281.87 of the statutes is amended to read:

281.87 Great Lakes contaminated sediment removal. The department may expend funds from the appropriation under s. 20.866 (2) (ti) to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior or a tributary of Lake Michigan or Lake Superior if ~~federal funds are provided for the project under 33 USC 1268 (e) (12)~~ the project is in an impaired water body that the department has identified under 33 USC 1313 (d) (1) (A) and the source of the impairment is contaminated sediment.

SECTION 2628t. 283.31 (8) of the statutes is created to read:

283.31 (8) (a) The holder of a permit under this section for a concentrated animal feeding operation shall annually pay to the department a fee of \$345.

(b) Of each fee paid under par. (a), \$95 shall be credited to the appropriation account under s. 20.370 (4) (mi).

(c) The department shall annually submit a report to the joint committee on finance and, under s. 13.172 (3), to the standing committees of the legislature with jurisdiction over agricultural and environmental matters describing the use of the moneys credited to the appropriation account under s. 20.370 (4) (mi) under par. (b).

SECTION 2629. 283.35 (1m) of the statutes is created to read:

283.35 (1m) **BALLAST WATER DISCHARGES.** (a) The department may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. A general permit issued under this subsection may contain effluent limitations.

(b) If the department issues a general permit under par. (a), the department shall charge the following fees:

1. An application fee of \$1,200 to be paid by any person who applies for coverage under a general permit issued under this subsection.

2. An annual fee of \$345 to be paid upon initial coverage under the permit and annually thereafter.

(c) Paragraph (b) does not apply after June 30, 2013.

(d) On or before June 30, 2013, the department shall promulgate rules establishing application fees and annual fees for coverage under a general permit issued under this subsection. The department shall establish fees that are based on the costs to the department of administering and enforcing this subsection. The department shall charge the fees established by rule under this paragraph beginning on July 1, 2013.

(e) Coverage under a general permit issued under this subsection is valid for a period of 5 years. The department may renew coverage under a general permit issued under this subsection upon application.

(f) The department shall credit the fees collected under this subsection to the appropriation account under s. 20.370 (4) (aj).

SECTION 2632. 285.59 (1) (b) of the statutes is amended to read:

285.59 (1) (b) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care Authority, and the Wisconsin Health and Educational Facilities Authority.

SECTION 2633. 285.66 (2) (c) of the statutes is created to read:

285.66 (2) (c) Notwithstanding par. (a), the department may specify a term of longer than 5 years for an operation permit or specify that an operation permit does not expire if all of the following apply:

1. The operation permit is for a stationary source for which an operation permit is required under s. 285.60 but not under the federal clean air act.

2. The operation permit is not a registration permit or a general permit.

SECTION 2634. 285.69 (1) (a) 3. of the statutes is repealed.

SECTION 2635. 285.69 (1g) of the statutes is repealed.

SECTION 2636. 285.69 (2) (title) of the statutes is amended to read:

285.69 (2) (title) **FEEES FOR PERSONS REQUIRED TO HAVE FEDERAL OPERATION PERMITS.**

SECTION 2637. 285.69 (2) (a) (intro.) of the statutes is amended to read:

285.69 (2) (a) (intro.) The department shall promulgate rules for the payment and collection of fees by the owner or operator of a stationary source for which an operation permit is required under the federal clean air act. The rules shall provide all of the following:

SECTION 2638. 285.69 (2) (c) (intro.) of the statutes is amended to read:

285.69 (2) (c) (intro.) The fees collected under pars. (a) and (e) ~~from the owner or operator of a stationary source for which an operation permit is required under the federal clean air act~~ shall be credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh) for the following:

SECTION 2639. 285.69 (2) (f) of the statutes is repealed.

SECTION 2640. 285.69 (2) (g) of the statutes is repealed.

SECTION 2641. 285.69 (2) (h) of the statutes is repealed.

SECTION 2642. 285.69 (2) (i) of the statutes is renumbered 285.69 (2m) (b), and 285.69 (2m) (b) (intro.), as renumbered, is amended to read:

285.69 (2m) (b) (intro.) The fees collected under this subsection ~~from the owner or operator of a stationary source for which an operation permit is required under s. 285.60 but not under the federal clean air act and under sub. (1g)~~ shall be credited to the appropriation account under s. 20.370 (2) (bh) for the following purposes as they relate to stationary sources for which an operation permit is required under s. 285.60 but not under the federal clean air act:

SECTION 2643. 285.69 (2m) of the statutes is created to read:

285.69 (2m) FEES FOR STATE PERMIT SOURCES. (a) The owner or operator of a stationary source for which an operation permit is required under s. 285.60 but not under the federal clean air act shall pay to the department a fee of \$300 per year, except as provided in par. (b).

(b) An owner or operator to whom the department has issued an operation permit for one or more points of emission from an existing source in order to limit the source's potential to emit so that the existing source is not a major source shall pay to the department a fee of \$4,100 per year if the operation permit includes federally enforceable conditions that allow the amount of emissions to be at least 80 percent of the amount that results in a stationary source being classified as a major source.

SECTION 2644. 285.69 (3) (a) of the statutes is amended to read:

285.69 (3) (a) The department may promulgate rules for the payment and collection of fees for inspecting non-residential asbestos demolition and renovation projects regulated by the department. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may

not exceed \$400 ~~\$700~~ if the combined square and linear footage of friable asbestos-containing material involved in the project is less than 5,000. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed \$750 ~~\$1,325~~ if the combined square and linear footage of friable asbestos-containing material involved in the project is 5,000 or more. The fees collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of nonresidential asbestos demolition and renovation projects regulated by the department and for inspecting property proposed to be used for a community fire safety training project.

SECTION 2645. 285.69 (3) (b) of the statutes is renumbered 285.69 (3) (b) (intro.) and amended to read:

285.69 (3) (b) (intro.) In addition to the fees under par. (a), the department may charge ~~the costs~~ all of the following:

1. The costs it incurs for laboratory testing for a non-residential asbestos demolition and renovation project.

SECTION 2646. 285.69 (3) (b) 2. of the statutes is created to read:

285.69 (3) (b) 2. A fee in the amount of \$100 for the department to inspect property proposed to be used for a community fire safety training project for which the department requires inspection.

SECTION 2647. 285.69 (3) (b) 3. of the statutes is created to read:

285.69 (3) (b) 3. A fee in the amount of \$100 for the department to review a revised notice of an asbestos renovation or demolition activity, submitted by a person required by the department to provide such notice.

SECTION 2648. 285.69 (3) (b) 4. of the statutes is created to read:

285.69 (3) (b) 4. An amount equal to the inspection fee under par. (a) to inspect property for a project for which a notice of an asbestos renovation or demolition activity was not provided, as required by the department, before the project was initiated.

SECTION 2649g. 289.01 (4m) of the statutes is created to read:

289.01 (4m) "Building waste" means solid waste resulting from the construction, demolition, or razing of buildings.

SECTION 2650g. 289.01 (5m) of the statutes is created to read:

289.01 (5m) "Construction landfill" means a solid waste disposal facility used for the disposal of only construction and demolition wastes.

SECTION 2651g. 289.01 (5r) of the statutes is created to read:

289.01 (5r) "Construction and demolition waste" means solid waste resulting from the construction, demolition, or razing of buildings, roads, and other structures.

SECTION 2656. 289.33 (3) (d) of the statutes is amended to read:

289.33 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under ~~s. 91.73, 2007 stats.~~, s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (6), (7), (8), (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, ~~91.73~~, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 or, subch. VIII of ch. 60, or subch. III of ch. 91.

SECTION 2656k. 289.51 (3) of the statutes is created to read:

289.51 (3) The department may not require that ash resulting from the burning of a structure for practice or instruction of fire fighters or the testing of fire fighting equipment be disposed of in a landfill licensed under s. 289.31.

SECTION 2656h. 289.63 (1) of the statutes is amended to read:

289.63 (1) IMPOSITION OF GROUNDWATER AND WELL COMPENSATION FEES ON GENERATORS. Except as provided under sub. (6), a generator of solid or hazardous waste shall pay separate groundwater and well compensation fees for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility and for each ton or equivalent volume of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the groundwater and well compensation fees to the licensed solid or hazardous waste disposal facility or to the construction landfill or to any intermediate hauler used to transfer wastes from collection points to a licensed facility or to a construction landfill. An intermediate hauler who receives groundwater and well compensation fees under this subsection shall pay the fees to the licensed solid or hazardous waste disposal facility or to the construction landfill. Tonnage or equivalent volume shall be calculated in the same manner

as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2656i. 289.64 (1) of the statutes is amended to read:

289.64 (1) IMPOSITION OF SOLID WASTE FACILITY SITING BOARD FEE ON GENERATORS. Except as provided under sub. (4), a generator of solid waste or hazardous waste shall pay a solid waste facility siting board fee for each ton or equivalent volume of solid waste or hazardous waste that is disposed of at a licensed solid waste or hazardous waste disposal facility and for each ton or equivalent volume of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the solid waste facility siting board fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill or to any intermediate hauler used to transfer wastes from collection points to a licensed facility or to a construction landfill. An intermediate hauler who receives the solid waste facility siting board fee under this subsection shall pay the fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2656j. 289.64 (2) of the statutes is amended to read:

289.64 (2) COLLECTION. The owner or operator of a licensed solid waste or hazardous waste disposal facility or of a construction landfill shall collect the solid waste facility siting board fee from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fee required to be collected according to the amount of solid waste or hazardous waste received and disposed of at the facility or at the construction landfill during the preceding reporting period.

SECTION 2656jm. 289.64 (5) of the statutes is amended to read:

289.64 (5) REPORTING PERIOD. The reporting period under this section is the same as the reporting period under s. 289.62 (1). The owner or operator of any licensed solid waste or hazardous waste disposal facility or of any construction landfill shall pay the solid waste facility siting board fee required to be collected under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are paid.

SECTION 2656k. 289.64 (7) (a) of the statutes is amended to read:

289.64 (7) (a) If a person required under sub. (1) to pay the solid waste facility siting board fee to a licensed solid waste or hazardous waste disposal facility or to a construction landfill fails to pay the fee, the owner or operator of the licensed solid waste or hazardous waste disposal facility or of the construction landfill shall sub-

mit to the department with the payment required under sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with sub. (1).

SECTION 2656L. 289.645 (1) of the statutes is amended to read:

289.645 (1) IMPOSITION OF RECYCLING FEE ON GENERATORS. Except as provided under sub. (4), a generator of solid waste or hazardous waste shall pay a recycling fee for each ton or equivalent volume of solid waste or hazardous waste that is disposed of at a licensed solid waste or hazardous waste disposal facility and for each ton or equivalent volume of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the recycling fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill or to any intermediate hauler used to transfer wastes from collection points to a licensed facility or to a construction landfill. An intermediate hauler who receives the recycling fee under this subsection shall pay the fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2656m. 289.645 (2) of the statutes is amended to read:

289.645 (2) COLLECTION. The owner or operator of a licensed solid waste or hazardous waste disposal facility or of a construction landfill shall collect the recycling fee from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fee required to be collected according to the amount of solid waste or hazardous waste received and disposed of at the facility or at the construction landfill during the preceding reporting period.

SECTION 2657. 289.645 (3) of the statutes is amended to read:

289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is \$4 ~~\$7~~ per ton for all solid waste other than high-volume industrial waste.

SECTION 2657b. 289.645 (5) (intro.) of the statutes is amended to read:

289.645 (5) PAYMENT. (intro.) The owner or operator of any licensed solid or hazardous waste disposal facility or of any construction landfill shall pay the recycling fee required to be collected under sub. (2) as follows:

SECTION 2657d. 289.645 (7) (a) of the statutes is amended to read:

289.645 (7) (a) If a person required under sub. (1) to pay the recycling fee to a licensed solid waste or hazardous waste disposal facility or to a construction landfill fails to pay the fee, the owner or operator of the licensed solid waste or hazardous waste disposal facility or of the construction landfill shall submit to the department with

the payment required under sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with sub. (1).

SECTION 2657f. 289.67 (1) (a) of the statutes is amended to read:

289.67 (1) (a) *Imposition of fee.* Except as provided under par. (f), a generator of solid or hazardous waste shall pay an environmental repair fee for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility and for each ton of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the environmental repair fee to the licensed solid or hazardous waste disposal facility or to the construction landfill to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives environmental repair fees under this paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2657h. 289.67 (1) (b) of the statutes is amended to read:

289.67 (1) (b) *Collection.* The owner or operator of a licensed solid or hazardous waste disposal facility or of a construction landfill shall collect the environmental repair fee from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fees required to be collected according to the amount of solid or hazardous waste received and disposed of at the facility or at the construction landfill during the preceding reporting period.

SECTION 2657u. 289.67 (1) (cm) of the statutes is amended to read:

289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under ~~par. (cv) and~~ (d), the environmental repair fee imposed under par. (a) is 20 cents per ton.

SECTION 2658. 289.67 (1) (cp) of the statutes is amended to read:

289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm) and except as provided under ~~par. (cv) and~~ (d), the environmental repair fee imposed under par. (a) is ~~50 cents~~ \$1.60 per ton for solid or hazardous waste, other than high-volume industrial waste, disposed of before ~~November 1, 2007~~ July 1, 2009, and \$1.60 ~~\$5.70~~ per ton disposed of on or after ~~November 1, 2007~~ July 1, 2009.

SECTION 2658e. 289.67 (1) (cv) of the statutes is created to read:

289.67 (1) (cv) *Environmental repair fee for certain sediments.* The environmental repair fee imposed under par. (a) is \$4.05 per ton for solid or hazardous waste dis-

posed of on or after July 1, 2009, that consists of sediments that are contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from the bed of a navigable water of this state in connection with a phase of a project to remedy contamination of the bed of the navigable water if the quantity of the sediments removed, either in the phase or in combination with other planned phases of the project, will exceed 200,000 cubic yards and if removal of sediments under the project began before the effective date of this paragraph [LRB inserts date].

SECTION 2658g. 289.67 (1) (g) of the statutes is amended to read:

289.67 (1) (g) *Reporting period.* The reporting period under this subsection is the same as the reporting period under s. 289.62 (1). The owner or operator of any licensed solid or hazardous waste disposal facility or of any construction landfill shall pay environmental repair fees required to be collected under par. (b) at the same time as any tonnage fees under s. 289.62 (1).

SECTION 2658m. 289.67 (1) (i) 1. of the statutes is amended to read:

289.67 (1) (i) 1. If a person required under par. (a) to pay an environmental repair fee to a licensed solid or hazardous waste disposal facility or to a construction landfill fails to pay the fee, the owner or operator of the licensed solid or hazardous waste disposal facility or of the construction landfill shall submit to the department with the payment required under par. (b) an affidavit stating facts sufficient to show the person's failure to comply with par. (a).

SECTION 2659. 289.67 (2) (b) 1. of the statutes is amended to read:

289.67 (2) (b) 1. A generator of hazardous waste shall pay a base fee of ~~\$240~~ \$470, if the generator is a large quantity generator, or \$350, if the generator is a small quantity generator if the generator has generated more than zero pounds in that particular year, plus \$20 per ton of hazardous waste generated during the reporting year.

SECTION 2660. 289.67 (2) (b) 2. of the statutes is amended to read:

289.67 (2) (b) 2. No generator ~~may is required to~~ pay a fee that is greater than ~~\$17,000~~ \$17,500.

SECTION 2661. 289.67 (2) (c) (intro.) of the statutes is amended to read:

289.67 (2) (c) (intro.) No tonnage fees may be assessed under par. (a) for the following hazardous wastes:

SECTION 2662. 289.67 (2) (de) of the statutes is created to read:

289.67 (2) (de) The department shall promulgate a rule that defines "large quantity generator" and "small quantity generator" for the purposes of this subsection.

SECTION 2663. 292.11 (7) (b) of the statutes is renumbered 292.11 (7) (b) 1.

SECTION 2664. 292.11 (7) (b) 2. of the statutes is created to read:

292.11 (7) (b) 2. If the department authorizes reimbursement under subd. 1. to be paid over time, it shall require monthly payments of interest, at a rate determined by the department, on the unpaid balance of the reimbursement.

SECTION 2665. 292.31 (8) (e) of the statutes is created to read:

292.31 (8) (e) *Interest payment.* If the department authorizes an amount that the state is entitled to recover under this subsection to be paid over time, it shall require monthly payments of interest, at a rate determined by the department, on the unpaid balance of that amount.

SECTION 2665e. 292.68 (7) (b) of the statutes is amended to read:

292.68 (7) (b) The department may only approve reimbursement for costs incurred on or after the first day of the 24th month before the month in which the application is submitted, except that the department may approve reimbursement for costs incurred between May 1, 2007, and June 30, 2009, if the application is submitted before July 1, 2011.

SECTION 2665m. 299.15 (3) (am) 3. of the statutes is amended to read:

299.15 (3) (am) 3. After June 30, 1992, the fee under this paragraph shall be paid by each person required to obtain a permit under s. 283.31, other than a person who owns or operates a concentrated animal feeding operation. After June 30, 1992, the fee to be paid by a person under this paragraph shall be an amount determined under a rule promulgated by the department and shall be based on those pollutants included in the permit under s. 283.31 that are specified by the department by rule, the environmental harm caused by the pollutants discharged, the quantity of the pollutants discharged and the quality of the water receiving the discharge.

SECTION 2665r. 299.93 (1) of the statutes is renumbered 299.93 (1) (intro.) and amended to read:

299.93 (1) (intro.) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or chs. 280 to 285 or 289 to 295 or a rule or order issued under this chapter or chs. 280 to 285 or 289 to 295, the court shall impose an environmental surcharge under ch. 814 equal to ~~10%~~ the following:

(a) If the violation was committed before the effective date of this paragraph [LRB inserts date], 10 percent of the amount of the fine or forfeiture.

SECTION 2665s. 299.93 (1) (b) of the statutes is created to read:

299.93 (1) (b) If the violation was committed on or after the effective date of this paragraph [LRB inserts date], 20 percent of the amount of the fine or forfeiture.

SECTION 2666. 301.03 (3) of the statutes is amended to read:

301.03 (3) Administer parole, extended supervision, and probation matters, except that the decision to grant or deny parole or to grant extended supervision under s. 304.06 (1) to inmates shall be made by the parole earned release review commission and the decision to revoke probation, extended supervision or parole in cases in which there is no waiver of the right to a hearing shall be made by the division of hearings and appeals in the department of administration. The secretary may grant special action parole releases under s. 304.02. The department may discharge inmates from extended supervision under s. 973.01 (4m) and may modify a bifurcated sentence under s. 302.113 (9h), and the earned release review commission may modify a sentence under s. 302.1135. The department shall promulgate rules establishing a drug testing program for probationers, parolees and persons placed on extended supervision. The rules shall provide for assessment of fees upon probationers, parolees and persons placed on extended supervision to partially offset the costs of the program.

SECTION 2666m. 301.03 (6t) of the statutes is amended to read:

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

SECTION 2666r. 301.03 (21) of the statutes is created to read:

301.03 (21) Notify the director of the office of state employee relations whenever a unit supervisor position in the division of adult institutions becomes vacant.

SECTION 2667. 301.046 (4) (a) 1. of the statutes is amended to read:

301.046 (4) (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2668. 301.048 (2) (am) 3. of the statutes is amended to read:

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

SECTION 2669. 301.048 (4m) (a) 1. of the statutes is amended to read:

301.048 (4m) (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2669h. 301.068 of the statutes is created to read:

301.068 Community services to reduce recidivism. (1) The department shall establish community services that have the goals of increasing public safety,

reducing the risk that offenders on community supervision will reoffend, and reducing by 25 percent between the fiscal years 2007-08 and 2010-11 the recidivism rate of persons who are on probation, parole, or extended supervision following a felony conviction. In establishing community services under this section, the department shall consider the capacity of existing services and any needs that are not met by existing services.

(2) The community services to reduce recidivism under sub. (1) shall include all of the following:

(a) Alcohol and other drug treatment, including residential treatment, outpatient treatment, and aftercare.

(b) Cognitive group intervention.

(c) Day reporting centers.

(d) Treatment and services that evidence has shown to be successful and to reduce recidivism.

(3) The department shall ensure that community services established under sub. (1) meet all of the following conditions:

(a) The community services target offenders at a medium or high risk for revocation or recidivism as determined by valid, reliable, and objective risk assessment instruments that the department has approved.

(b) The community services provide offenders with necessary supervision and services that improve their opportunity to complete their terms of probation, parole, or extended supervision. The community services may include employment training and placement, educational assistance, transportation, and housing. The community services shall focus on mitigating offender attributes and factors that are likely to lead to criminal behavior.

(c) The community services use a system of intermediate sanctions on offenders for violations.

(d) The community services are based upon assessments of offenders using valid, reliable, and objective instruments that the department has approved.

(4) The department shall develop a system for monitoring offenders receiving community services under this section that evaluates how effective the services are in decreasing the rates of arrest, conviction, and imprisonment of the offenders receiving the services.

(5) The department shall provide to probation, extended supervision, and parole agents training and skill development in reducing offenders' risk of reoffending and intervention techniques and shall by rule set forth requirements for the training and skill development. The department shall develop policies to guide probation, extended supervision, and parole agents in the supervision and revocation of offenders on probation, extended supervision, and parole and develop practices regarding alternatives to revocation of probation, extended supervision, or parole.

(6) The department shall annually submit a report to the governor, the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), and the director of state courts.

The report shall set forth the scope of the community services established under sub. (1); the number of arrests of, convictions of, and prison sentences imposed on offenders receiving the community services under this section; and the progress toward the 25 percent recidivism reduction goal under sub. (1) and any adjustment that will be made to reach that goal.

SECTION 2669k. 301.095 of the statutes is created to read:

301.095 Council on offender reentry. The council on offender reentry shall do all of the following:

(1) Inform the public as to the time and place of council meetings and, for at least one meeting per year, encourage public participation and receive public input in a means determined by the chairperson.

(2) Coordinate reentry initiatives across the state and research federal grant opportunities to ensure initiatives comply with eligibility requirements for federal grants.

(3) Identify methods to improve collaboration and coordination of offender transition services, including training across agencies and sharing information that will improve the lives of the offenders and the families of offenders.

(4) Establish a means to share data, research, and measurement resources that relate to reentry initiatives.

(5) Identify funding opportunities that should be coordinated across agencies to maximize the use of state and community-based services as the services relate to reentry.

(6) Identify areas in which improved collaboration and coordination of activities and programs would increase effectiveness or efficiency of services.

(7) Promote research and program evaluation that can be coordinated across agencies with an emphasis on research and evaluation practices that are based on evidence of success in treatment and intervention programs.

(8) Identify and review existing reentry policies, programs, and procedures to ensure that each policy, program, and procedure is based on evidence of success in allowing an offender to reenter the community, improves the chances of successful offender reentry into the community, promotes public safety, and reduces recidivism.

(9) Promote collaboration and communication between the department and community organizations that work in offender reentry.

(10) Work to include victims in the reentry process; facilitate dialogue between a victim and an offender if the victim requests; and promote services for victims, including payments of any restitution and fines by the offenders, safety training, and support and counseling, while the offenders are incarcerated and after the offenders are released.

(11) Annually submit a report to the governor, any relevant state agencies, as identified by the council, and to the chief clerk of each house of the legislature for dis-

tribution to the legislature under s. 13.172 (2) that provides information on all of the following:

(a) The progress of the council's work.

(b) Any impact the council's work has had on recidivism.

(c) The effectiveness of agency coordination and communication.

(d) The implementation of a reentry strategic plan.

(e) Recommendations on legislative initiatives and policy initiatives that are consistent with the duties of the council.

SECTION 2670. 301.12 (14) (a) of the statutes is amended to read:

301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes~~, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules ~~which that~~ include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17, unless the liable person has prevented payment by any act or omission.

SECTION 2671. 301.12 (14) (b) of the statutes is amended to read:

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

SECTION 2671m. 301.185 of the statutes is created to read:

301.185 Pre-release transition facility. (1) The department shall designate the Felmers Chaney Correctional Center in the city of Milwaukee as a pre-release transition facility for inmates who are scheduled to be released to extended supervision or parole not less than 5 months nor more than 12 months prior to the date of the transfer.

(2) The department shall provide at the pre-release transition facility described in sub. (1) programs to assist inmates with reintegration to society and shall assist the inmates in obtaining birth certificates, state identification, social security cards, and driver's licenses, preparing for employment, acquiring transportation to employment sites, achieving a basic level of education, and gaining access to community resources.

SECTION 2672. 301.21 (1m) (c) of the statutes is amended to read:

301.21 (1m) (c) Any hearing to consider parole or whether to grant extended supervision, if the inmate is sentenced under s. 973.01 to which an inmate confined under this contract may be entitled by the laws of Wisconsin will be conducted by the Wisconsin parole earned release review commission under rules of the department.

SECTION 2673. 301.21 (2m) (c) of the statutes is amended to read:

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

SECTION 2674d. 301.26 (3) (c) of the statutes is amended to read:

301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd) and, (ko), and (o), the department shall allocate funds to each county for services under this section.

SECTION 2675. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. Beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2008~~ 2010, the per person daily cost assessment to counties shall be ~~\$259~~ \$270 for care in a Type I juvenile correctional facility, as defined in s. 938.02 (19), ~~\$259~~ \$270 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$277~~ \$298 for care in a residential care center for children and youth, ~~\$165~~ \$190 for care in a group home for children, ~~\$67~~ \$72 for care in a foster home, ~~\$132~~ \$124 for care in a treatment foster home, ~~\$99~~ \$101 for departmental corrective sanctions services, and ~~\$35~~ \$40 for departmental aftercare services.

SECTION 2676. 301.26 (4) (d) 2. of the statutes, as affected by 2009 Wisconsin Act ... (this act), is amended to read:

301.26 (4) (d) 2. Beginning on ~~July 1, 2009~~ January 1, 2010, and ending on June 30, 2010, the per person daily cost assessment to counties shall be \$270 for care in a Type I juvenile correctional facility, as defined in s. 938.02 (19), \$270 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$298 for care in a residential care center for children and youth,

\$190 for care in a group home for children, \$72 for care in a foster home, \$124 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101 for departmental corrective sanctions services, and \$40 for departmental aftercare services.

SECTION 2677. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 (4) (d) 3. Beginning on July 1, ~~2008~~ 2010, and ending on June 30, ~~2009~~ 2011, the per person daily cost assessment to counties shall be ~~\$268~~ \$275 for care in a Type I juvenile correctional facility, as defined in s. 938.02 (19), ~~\$268~~ \$275 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$296~~ \$313 for care in a residential care center for children and youth, ~~\$172~~ \$200 for care in a group home for children, ~~\$74~~ \$75 for care in a foster home, ~~\$145~~ \$130 for care in a treatment foster home, ~~\$104~~ \$103 for departmental corrective sanctions services, and ~~\$37~~ \$41 for departmental aftercare services.

SECTION 2678. 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act ... (this act), is amended to read:

301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the per person daily cost assessment to counties shall be \$275 for care in a Type I juvenile correctional facility, as defined in s. 938.02 (19), \$275 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$313 for care in a residential care center for children and youth, \$200 for care in a group home for children, \$75 for care in a foster home, \$130 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), \$103 for departmental corrective sanctions services, and \$41 for departmental aftercare services.

SECTION 2679. 301.26 (4) (e) of the statutes is amended to read:

301.26 (4) (e) For foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 2680. 301.26 (4) (ed) of the statutes is amended to read:

301.26 (4) (ed) For foster care, ~~treatment foster care~~, group home care, and institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 2681d. 301.26 (6) (a) of the statutes is amended to read:

301.26 (6) (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the

appropriations under s. 20.410 (3) (cd) ~~and, (ko), and (o)~~ for purposes described in this section.

SECTION 2682d. 301.26 (7) (intro.) of the statutes is amended to read:

301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of federal funds and of the appropriations under s. 20.410 (3) (cd) ~~and, (ko), and (o)~~, the department shall allocate funds for community youth and family aids for the period beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2009~~ 2011, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 2683d. 301.26 (7) (a) (intro.) of the statutes is amended to read:

301.26 (7) (a) (intro.) For community youth and family aids under this section, amounts not to exceed ~~\$49,395,100~~ \$50,395,100 for the last 6 months of ~~2007~~, ~~\$99,790,200 for 2008, 2009~~, \$100,790,200 for 2010, and \$50,395,100 for the first 6 months of 2009 2011.

SECTION 2684. 301.26 (7) (b) (intro.) of the statutes is amended to read:

301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall allocate \$2,000,000 for the last 6 months of ~~2007 2009~~, \$4,000,000 for ~~2008 2010~~, and \$2,000,000 for the first 6 months of ~~2009 2011~~ to counties based on each of the following factors weighted equally:

SECTION 2685. 301.26 (7) (bm) of the statutes is amended to read:

301.26 (7) (bm) Of the amounts specified in par. (a), the department shall allocate ~~\$5,250,000~~ \$6,250,000 for the last 6 months of ~~2007, \$11,500,000 for 2008 2009,~~ \$12,500,000 for 2010, and \$6,250,000 for the first 6 months of 2009 2011 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent 3-year period for which that information is available.

SECTION 2686. 301.26 (7) (c) of the statutes is amended to read:

301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate \$1,053,200 for the last 6 months of ~~2007 2009~~, \$2,106,500 for ~~2008 2010~~, and \$1,053,300 for the first 6 months of ~~2009 2011~~ to counties based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that no county may receive an allocation under this paragraph that is less than 93% nor more than 115% of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 2687. 301.26 (7) (e) of the statutes is amended to read:

301.26 (7) (e) For emergencies related to community youth and family aids under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2007 2009~~,

\$250,000 for ~~2008 2010~~, and \$125,000 for the first 6 months of ~~2009 2011~~. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

SECTION 2688. 301.26 (7) (h) of the statutes is amended to read:

301.26 (7) (h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2007 2009~~, \$2,124,800 in ~~2008 2010~~, and \$1,062,400 in the first 6 months of ~~2009 2011~~ for the provision of corrective sanctions services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

SECTION 2689. 301.26 (8) of the statutes is amended to read:

301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last 6 months of ~~2007 2009~~, \$1,333,400 in ~~2008 2010~~, and \$666,700 in the first 6 months of ~~2009 2011~~ for alcohol and other drug abuse treatment programs.

SECTION 2690. 301.38 (1) (a) of the statutes is amended to read:

301.38 (1) (a) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2691. 301.46 (3) (a) 1. of the statutes is amended to read:

301.46 (3) (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, parent, sibling or legal guardian.

SECTION 2692. 301.46 (4) (a) 6. of the statutes is amended to read:

301.46 (4) (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.

SECTION 2693. 301.48 (1) (d) of the statutes is amended to read:

301.48 (1) (d) "Lifetime tracking" means global positioning system tracking that is required for a person for the remainder of the person's life ~~or until terminated under sub. (2m), sub. (6), if applicable, or sub. (7) or (7m)~~. "Lifetime tracking" does not include global positioning system tracking under sub. (2) (d), regardless of how long it is required.

SECTION 2694. 301.48 (2) (a) (intro.) of the statutes is amended to read:

301.48 (2) (a) (intro.) Except as provided in ~~sub. subs. (2m), (6), (7), and (7m)~~, the department shall main-

tain lifetime tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

SECTION 2695. 301.48 (2) (b) (intro.) of the statutes is amended to read:

301.48 (2) (b) (intro.) The Except as provided in subs. (7) and (7m), the department shall maintain lifetime tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

SECTION 2696. 301.48 (2) (d) of the statutes is amended to read:

301.48 (2) (d) If, on or after January 1, 2008, a person is being placed on probation, extended supervision, parole, or lifetime supervision for committing a sex offense and par. (a) or (b) does not apply, the department may have the person tracked using a global positioning system tracking device, or passive positioning system tracking, as a condition of the person's probation, extended supervision, parole, or lifetime supervision.

SECTION 2699. 301.48 (7m) of the statutes is amended to read:

301.48 (7m) **TERMINATION IF PERSON MOVES OUT OF STATE.** ~~Notwithstanding sub. (2),~~ If a person who is subject to being tracked under this section moves out of state, the department shall terminate the person's tracking. If the person returns to the state, the department shall reinstate the person's tracking except as provided under sub. (6) or (7).

SECTION 2699m. 302.042 of the statutes is created to read:

302.042 Risk reduction program. (1) The department shall provide risk reduction programming and treatment for inmates sentenced to a risk reduction sentence under s. 973.031.

(2) For each inmate sentenced to a risk reduction sentence under s. 973.031, the department shall:

(a) Conduct a validated and objective assessment of the inmate's criminogenic factors and risk of reoffending.

(b) Develop a program plan for the inmate that is designed to reduce the risk and address the factors identified pursuant to par. (a).

(3) The department may modify an inmate's program plan if programming or treatment specified in a plan is unavailable to the inmate because of the inmate's security classification, the department discontinues the programming or treatment, or there is a waiting list for the programming or treatment.

(4) The department shall release an inmate who is serving a risk reduction sentence to extended supervision when he or she serves not less than 75 percent of the term of confinement portion of his or her sentence imposed under s. 973.01 and the department determines that he or she has completed the programming or treatment under his or her plan and that the inmate maintained a good conduct record during his or her term of confinement. Not

less than 30 days prior to release under this subsection, the department shall notify the sentencing court that the inmate has thus far successfully completed the requirements of his or her risk reduction sentence.

SECTION 2700. 302.045 (1) of the statutes is amended to read:

302.045 (1) **PROGRAM.** The department shall provide a challenge incarceration program for inmates selected to participate under sub. (2). The program shall provide participants with manual labor, ~~personal development counseling, substance abuse treatment and education,~~ military drill and ceremony, ~~counseling,~~ and strenuous physical exercise, for participants who have not attained the age of 30 as of the date on which they begin participating in the program, or age-appropriate strenuous physical exercise, for all other participants, in preparation for release on parole or extended supervision. The program shall provide, according to each participant's needs as assessed under sub. (2) (d), substance abuse treatment and education, including intensive intervention when indicated, personal development counseling, education, employment readiness training, and other treatment options that are directly related to the participant's criminal behavior. The department shall design the program to include not less than 50 participants at a time and so that a participant may complete the program in not more than 180 days. The department may restrict participant privileges as necessary to maintain discipline.

SECTION 2701. 302.045 (2) (d) of the statutes is repealed and recreated to read:

302.045 (2) (d) The department determines, using evidence-based assessment instruments, that one of the following applies:

1. The inmate has a substance abuse treatment need that requires an intensive level of treatment.

2. The inmate has a substance abuse treatment need that does not require an intensive level of treatment but does require education or outpatient services, and the inmate's substance use is not a key factor in his or her criminal behavior.

3. The inmate has one or more treatment needs not related to substance use that is directly related to his or her criminal behavior.

SECTION 2702. 302.045 (3) of the statutes is amended to read:

302.045 (3) **PAROLE ELIGIBILITY.** Except as provided in sub. (4), if the department determines that an inmate serving a sentence other than one imposed under s. 973.01 has successfully completed the challenge incarceration program, the parole earned release review commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. When the parole earned release review commission grants parole under this subsection, it must require the parolee to participate in an intensive supervision pro-

gram for ~~drug abusers~~ appropriate to the parolee's rehabilitation needs as a condition of parole.

SECTION 2702m. 302.045 (3m) (d) of the statutes is created to read:

302.045 (3m) (d) Upon receiving a court order modifying an inmate's bifurcated sentence, the department shall release the inmate within 6 working days, as defined in s. 227.01 (14) and as computed in s. 990.001 (4).

SECTION 2703. 302.05 (title) of the statutes is amended to read:

302.05 (title) Wisconsin substance-abuse earned release program.

SECTION 2704. 302.05 (1) (am) (intro.) of the statutes is renumbered 302.05 (1) and amended to read:

302.05 (1) ~~The department of corrections and the department of health services may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse of inmates transferred from Wisconsin state prisons. This section shall be administered by the department of corrections and shall be known as the Wisconsin substance abuse program. The department of corrections and the department of health services shall ensure that the residents at the institution and the residents in the substance abuse program shall, at any correctional facility the department determines is appropriate, provide a rehabilitation program for inmates for the purposes of the earned release program described in sub. (3).~~

SECTION 2705. 302.05 (1) (am) 1. of the statutes is repealed.

SECTION 2706. 302.05 (1) (am) 2. of the statutes is repealed.

SECTION 2707. 302.05 (1) (c) of the statutes is repealed.

SECTION 2708. 302.05 (2) of the statutes is amended to read:

302.05 (2) Transfer to a correctional ~~treatment~~ facility for the ~~treatment of substance abuse~~ participation in a program described in sub. (1) shall be considered a transfer under s. 302.18.

SECTION 2709. 302.05 (3) (b) of the statutes is amended to read:

302.05 (3) (b) Except as provided in par. (d), if the department determines that an eligible inmate serving a sentence other than one imposed under s. 973.01 has successfully completed a ~~treatment rehabilitation~~ program described in sub. (1), the ~~parole earned release review~~ commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. If the ~~parole earned release review~~ commission grants parole under this paragraph, it shall require the parolee to participate in an intensive supervision program for ~~drug abusers~~ appropriate to the parolee's rehabilitation needs as a condition of parole.

SECTION 2710. 302.05 (3) (c) 1. of the statutes is amended to read:

302.05 (3) (c) 1. Except as provided in par. (d), if the department determines that an eligible inmate serving the term of confinement in prison portion of a bifurcated sentence imposed under s. 973.01 has successfully completed a ~~treatment rehabilitation~~ program described in sub. (1), the department shall inform the court that sentenced the inmate.

SECTION 2711. 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd. 1. that an inmate whom the court sentenced under s. 973.01 has successfully completed a ~~treatment rehabilitation~~ program described in sub. (1), the court shall modify the inmate's bifurcated sentence as follows:

SECTION 2711m. 302.05 (3) (c) 3. of the statutes is created to read:

302.05 (3) (c) 3. Upon receiving a court order modifying an inmate's bifurcated sentence, the department shall release the inmate within 6 working days, as defined in s. 227.01 (14) and as computed in s. 990.001 (4).

SECTION 2712. 302.05 (3) (d) of the statutes is amended to read:

302.05 (3) (d) The department may place intensive sanctions program participants in a ~~treatment rehabilitation~~ program described in sub. (1), but pars. (b) and (c) do not apply to those participants.

SECTION 2713. 302.105 (1) (a) of the statutes is amended to read:

302.105 (1) (a) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2714. 302.11 (1g) (b) (intro.) of the statutes is amended to read:

302.11 (1g) (b) (intro.) Before an incarcerated inmate with a presumptive mandatory release date reaches the presumptive mandatory release date specified under par. (am), the ~~parole earned release review~~ commission shall proceed under s. 304.06 (1) to consider whether to deny presumptive mandatory release to the inmate. If the ~~parole earned release review~~ commission does not deny presumptive mandatory release, the inmate shall be released on parole. The ~~parole earned release review~~ commission may deny presumptive mandatory release to an inmate only on one or more of the following grounds:

SECTION 2715. 302.11 (1g) (b) 2. of the statutes is amended to read:

302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate, including pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (1q) (a). The ~~parole earned release review~~ commission may not deny presumptive mandatory

release to an inmate because of the inmate's refusal to participate in a rehabilitation program under s. 301.047.

SECTION 2716. 302.11 (1g) (c) of the statutes is amended to read:

302.11 (1g) (c) If the parole earned release review commission denies presumptive mandatory release to an inmate under par. (b), the parole earned release review commission shall schedule regular reviews of the inmate's case to consider whether to parole the inmate under s. 304.06 (1).

SECTION 2717. 302.11 (1g) (d) of the statutes is amended to read:

302.11 (1g) (d) An inmate may seek review of a decision by the parole earned release review commission relating to the denial of presumptive mandatory release only by the common law writ of certiorari.

SECTION 2718. 302.11 (1m) of the statutes is amended to read:

302.11 (1m) An inmate serving a life term is not entitled to mandatory release. Except as provided in ss. 939.62 (2m) (c) and 973.014, the parole earned release review commission may parole the inmate as specified in s. 304.06 (1).

SECTION 2719. 302.11 (7) (c) of the statutes is amended to read:

302.11 (7) (c) The parole earned release review commission may subsequently parole, under s. 304.06 (1), and the department may subsequently parole, under s. 304.02, a parolee who is returned to prison for violation of a condition of parole.

SECTION 2720. 302.113 (1) of the statutes is amended to read:

302.113 (1) An inmate is subject to this section if he or she is serving a bifurcated sentence imposed under s. 973.01. An inmate convicted of a misdemeanor or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2) (b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01 (3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s. 304.06.

SECTION 2721. 302.113 (2) of the statutes is renumbered 302.113 (2) (a) and amended to read:

302.113 (2) (a) Except as provided in par. (b) and subs. (3) and (9) and s. 304.06, an inmate subject to this section is entitled to release to extended supervision after he or she has served the term of confinement in prison portion of the sentence imposed under s. 973.01, as modified by the department under sub. (9h), as modified under s. 302.1135 by the earned release review commission in

the manner specified in s. 302.1135 (6) (a), or as modified by the sentencing court under ~~sub. (9g)~~ or s. 302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., or 973.195 (1r), if applicable.

SECTION 2722. 302.113 (2) (b) of the statutes is created to read:

302.113 (2) (b) An inmate sentenced under s. 973.01 for a misdemeanor or for a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., may earn one day of positive adjustment time for every 2 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. An inmate convicted of a misdemeanor or a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., shall be released to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., if applicable, less positive adjustment time he or she has earned. This paragraph does not apply to any of the following:

1d. A person sentenced on or after the effective date of this subdivision [LRB inserts date].

1m. A person who is the subject of a bulletin issued under s. 301.46 (2m).

2. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

3. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

4. A person who is required to register under s. 301.45.

5. A person who has, in his or her lifetime, been committed under ch. 975.

6. A violent offender, as defined in s. 16.964 (12) (a).

7. A person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1.

8. A person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class C to Class E felony.

9. A person who is ineligible for positive adjustment time under this paragraph pursuant to s. 973.01 (3d) (b).

10. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

11. A person who is serving a sentence for an offense related to ethical government, as defined in s. 939.22 (20m).

12. A person who is serving a sentence for an offense related to school safety, as defined in s. 939.22 (20s).

13. A person who is serving a sentence for a felony murder under s. 940.03.

14. A person who is serving a sentence for a violation of s. 940.11 (1).

15. A person who is serving a sentence for a violation of s. 940.235.

16. A person who is serving a sentence for a violation of s. 940.32 (3).

17. A person who is serving a sentence for a violation of s. 941.21.

18. A person who is serving a sentence for a violation of s. 946.465.

SECTION 2722L. 302.113 (2) (c) of the statutes is created to read:

302.113 (2) (c) 1. When an inmate is within 90 days of release to extended supervision under par. (b), the department shall notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision under par. (b), and the court may hold a review hearing. If the court does not schedule a review hearing within 30 days after notification under this subsection, the department may proceed under par. (b).

2. a. If the sentencing court opts to conduct a review, it shall hold the hearing and issue an order relating to the inmate's sentence modification and release to extended supervision within 60 days of its notification under subd. 1.

b. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending, based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the department's determination that the inmate has earned positive adjustment time under par. (b), reject the department's determination that the inmate has earned positive adjustment time under par. (b), or order the inmate to remain in prison for a period that does not exceed the time remaining on the inmate's term of confinement.

SECTION 2723. 302.113 (3) (d) of the statutes is amended to read:

302.113 (3) (d) If the term of confinement in prison portion of a bifurcated sentence for a Class B felony is increased under this subsection, the term of extended supervision is reduced so that the total length of the bifurcated sentence does not change.

SECTION 2724. 302.113 (3) (e) of the statutes is created to read:

302.113 (3) (e) If an inmate is released to extended supervision under sub. (2) (b) after he or she has served less than his or her entire confinement in prison portion of the sentence imposed under s. 973.01, the term of extended supervision is increased so that the total length of the bifurcated sentence does not change.

SECTION 2724h. 302.113 (3m) (a) and (b) of the statutes are created to read:

302.113 (3m) (a) The warden or superintendent shall keep a record of the conduct of each inmate who is

returned to prison after revocation of extended supervision, specifying each infraction of the rules. If a person violates any regulation of the prison or refuses or neglects to participate in required programming or treatment, the department may extend the period imposed under sub. (9) by not more than 90 days.

(b) No extension under par. (a) may require a person to serve more days in prison than the total length of the bifurcated sentence imposed on the person under s. 973.01.

SECTION 2725. 302.113 (7) of the statutes is amended to read:

302.113 (7) Any inmate released to extended supervision under this section is subject to all conditions and rules of extended supervision until the expiration of the term of extended supervision portion of the bifurcated sentence or until the department discharges the inmate under s. 973.01 (4m), whichever is appropriate. The department may set conditions of extended supervision in addition to any conditions of extended supervision required under s. 302.116, if applicable, or set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the court's conditions.

SECTION 2726. 302.113 (9) (am) of the statutes is renumbered 302.113 (9) (am) 1. and amended to read:

302.113 (9) (am) 1. If a person released to extended supervision under this section or under s. 302.1135 violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the ~~person shall be returned to the circuit court for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court reviewing authority shall order the person to be returned to prison for any specified period of time that does not exceed, except as provided in subd. 2., 6 months or the time remaining on the bifurcated sentence. The, whichever is less.~~

3. For purposes of subs. 1. and 2., the time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served by the person in confinement under the sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the sentence.

4. ~~The court~~ order returning a person to prison under ~~this paragraph~~ subd. 1. shall provide the person whose extended supervision was revoked with credit in accordance with ss. 304.072 and 973.155.

SECTION 2726h. 302.113 (9) (am) 2. of the statutes is created to read:

302.113 (9) (am) 2. The reviewing authority shall order the person whose extended supervision is revoked to be returned to prison for a period the department determines is appropriate that is more than 6 months but that

does not exceed the time remaining on the bifurcated sentence if any of the following applies:

a. The department determines that the person's conduct that was the violation of the condition of extended supervision leading to the revocation indicates that the person would be a substantial risk to public safety if the period were less than 6 months.

b. The person is a person specified in sub. (2) (b) 1. to 5.

SECTION 2726p. 302.113 (9) (am) 3m. of the statutes is created to read:

302.113 (9) (am) 3m. For purposes of subd. 2. a., the department shall promulgate rules defining "substantial risk to public safety."

SECTION 2727. 302.113 (9) (at) of the statutes is repealed.

SECTION 2728. 302.113 (9) (b) of the statutes is amended to read:

302.113 (9) (b) A person who is returned to prison after revocation of extended supervision shall be incarcerated for the entire period of time specified by the ~~court~~ order under par. (am). The period of time specified under par. (am) may be extended in accordance with sub. ~~(3)~~ (3m). If a person is returned to prison under par. (am) for a period of time that is less than the time remaining on the bifurcated sentence, the person shall be released to extended supervision after he or she has served the period of time specified by the ~~court~~ order under par. (am) and any periods of extension imposed in accordance with sub. ~~(3)~~ (3m).

SECTION 2729. 302.113 (9) (c) of the statutes is amended to read:

302.113 (9) (c) A person who is subsequently released to extended supervision after service of the period of time specified by the ~~court~~ order under par. (am) is subject to all conditions and rules under subs. (7) and, if applicable, (7m) until the expiration of the remaining extended supervision portion of the bifurcated sentence or until the department discharges the person under s. 973.01 (4m), whichever is appropriate. The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence.

SECTION 2729j. 302.113 (9g) (a) (intro.) of the statutes is renumbered 302.1135 (1) (intro.) and amended to read:

302.1135 (1) (intro.) In this ~~subsection~~ section:

SECTION 2729L. 302.113 (9g) (a) 1. of the statutes is repealed.

SECTION 2729p. 302.113 (9g) (a) 2. of the statutes is renumbered 302.1135 (1) (b) and amended to read:

302.1135 (1) (b) "~~Terminal condition~~" "Extraordinary health condition" means ~~an incurable a condition afflicting a person, caused by injury, disease, or illness, as a result of which the person has a medical prognosis that his or her life expectancy is 6 months or less, even with available life-sustaining treatment provided in accordance with the prevailing standard of medical care such as advanced age, infirmity, or disability of the person or a need for medical treatment or services not available within a correctional institution.~~

SECTION 2729r. 302.113 (9g) (b) (intro.) of the statutes is renumbered 302.1135 (2) (intro.) and amended to read:

302.1135 (2) (intro.) An inmate who is serving a bifurcated sentence ~~for a crime other than a Class B felony imposed under s. 973.01 or, notwithstanding s. 973.014 (1g) (a) or (2), an inmate who is serving a life sentence imposed under s. 973.014~~ may seek modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f) sub. (6)~~ if he or she meets one of the following criteria:

SECTION 2729t. 302.113 (9g) (b) 1. of the statutes is renumbered 302.1135 (2) (a) and amended to read:

302.1135 (2) (a) The inmate is 65 years of age or older and has served at least 5 years of the term of confinement in prison portion of the bifurcated sentence for a sentence imposed under s. 973.01 or has served at least 5 years in prison for a life sentence imposed under s. 973.014.

SECTION 2729v. 302.113 (9g) (b) 2. of the statutes is renumbered 302.1135 (2) (b) and amended to read:

302.1135 (2) (b) The inmate is 60 years of age or older and has served at least 10 years of the term of confinement in prison portion of the bifurcated sentence for a sentence imposed under s. 973.01 or has served at least 10 years in prison for a life sentence imposed under s. 973.014.

SECTION 2729x. 302.113 (9g) (b) 3. of the statutes is renumbered 302.1135 (2) (c) and amended to read:

302.1135 (2) (c) The inmate has ~~a terminal an~~ extraordinary health condition.

SECTION 2729y. 302.113 (9g) (c) of the statutes is renumbered 302.1135 (3) and amended to read:

302.1135 (3) An inmate who meets the criteria under ~~par. (b) sub. (2)~~ may submit a petition to the ~~program review committee at the correctional institution in which the inmate is confined~~ commission requesting a modification of the inmate's ~~bifurcated~~ sentence in the manner specified in ~~par. (f) sub. (6)~~. If the inmate alleges in the petition that he or she has ~~a terminal an extraordinary health~~ health condition, the inmate shall attach to the petition affidavits from 2 physicians setting forth a diagnosis that the inmate has ~~a terminal an extraordinary health~~ health condition.

SECTION 2730. 302.113 (9g) (cm) of the statutes is repealed.

SECTION 2731. 302.113 (9g) (d) of the statutes is renumbered 302.1135 (4) and amended to read:

302.1135 (4) When ~~a court is notified by the department that it is referring to the court~~ the commission receives under sub. (3) an inmate's petition for modification of the inmate's ~~bifurcated~~ sentence, the ~~court~~ commission shall set a hearing to determine whether the public interest would be served by a modification of the inmate's ~~bifurcated~~ sentence in the manner specified in ~~par. (f) sub. (6)~~. The inmate and the district attorney have the right to be present at the hearing, and any victim of the inmate's crime has the right to be present at the hearing and to provide a statement concerning the modification of the inmate's ~~bifurcated~~ sentence. The ~~court~~ commission shall order such notice of the hearing date as it considers adequate to be given to ~~the department, the inmate, the attorney representing the inmate, if applicable, and the district attorney.~~ Victim notification shall be provided as specified under ~~par. (g) sub. (7)~~.

SECTION 2732. 302.113 (9g) (e) of the statutes is renumbered 302.1135 (5) and amended to read:

302.1135 (5) At a hearing scheduled under ~~par. (d) sub. (4)~~, the inmate has the burden of proving by the greater weight of the credible evidence that a modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f) sub. (6)~~ would serve the public interest. If the inmate proves that a modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f) sub. (6)~~ would serve the public interest, the ~~court~~ commission shall modify the inmate's ~~bifurcated~~ sentence in that manner. If the inmate does not prove that a modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f) sub. (6)~~ would serve the public interest, the ~~court~~ commission shall deny the inmate's petition for modification of the ~~bifurcated~~ sentence.

SECTION 2733c. 302.113 (9g) (f) (intro.) of the statutes is renumbered 302.1135 (6) (intro.) and amended to read:

302.1135 (6) (intro.) ~~A court~~ The commission may modify an inmate's ~~bifurcated~~ sentence under this section only as follows:

SECTION 2733e. 302.113 (9g) (f) 1. and 2. of the statutes are renumbered 302.1135 (6) (a) 1. and 2. and amended to read:

302.1135 (6) (a) 1. ~~The court shall reduce~~ Reduce the term of confinement in prison portion of the inmate's bifurcated sentence in a manner that provides for the release of the inmate to extended supervision within 30 days after the date on which the ~~court issues its order modifying~~ commission modifies the bifurcated sentence.

2. ~~The court shall lengthen~~ Lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

SECTION 2733h. 302.113 (9g) (g) 1. of the statutes is renumbered 302.1135 (7) (a) and amended to read:

302.1135 (7) (a) In this ~~paragraph~~ subsection, "victim" has the meaning given in s. 950.02 (4).

SECTION 2734b. 302.113 (9g) (g) 2. and 3. of the statutes are renumbered 302.1135 (7) (b) and (c) and amended to read:

302.1135 (7) (b) When ~~a court~~ the commission sets a hearing date under ~~par. (d) sub. (4)~~, the ~~clerk of the circuit court~~ commission shall send a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under ~~subd. 3. par. (c)~~ requesting notification. The notice shall inform the victim that he or she may appear at the hearing scheduled under ~~par. (d) sub. (4)~~ and shall inform the victim of the manner in which he or she may provide a statement concerning the modification of the inmate's ~~bifurcated~~ sentence in the manner provided in ~~par. (f) sub. (6)~~. The ~~clerk of the circuit court~~ commission shall make a reasonable attempt to send the notice of hearing to the last-known address of the inmate's victim, postmarked at least 10 days before the date of the hearing.

(c) The ~~director of state courts~~ commission shall design and prepare cards for a victim to send to the ~~clerk of the circuit court for the county in which the inmate was convicted and sentenced~~ commission. The cards shall have space for a victim to provide his or her name and address, the name of the applicable inmate, and any other information that the ~~director of state courts~~ commission determines is necessary. The ~~director of state courts~~ commission shall provide the cards, without charge, to ~~clerks of circuit court.~~ district attorneys. District attorneys shall provide the cards, without charge, to victims. Victims may send completed cards to the ~~clerk of the circuit court for the county in which the inmate was convicted and sentenced~~ commission. All ~~court~~ commission records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a victim is made a part of the documentary record considered in connection with a hearing under this section, the commission shall obliterate from the statement all references to the mailing addresses of the victim. A victim who attends an interview or hearing under this section may not be required to disclose at the interview or hearing his or her mailing addresses.

SECTION 2736. 302.113 (9g) (h) of the statutes is renumbered 302.1135 (8) and amended to read:

302.1135 (8) An inmate may ~~appeal a court's decision to deny the inmate's petition for modification of his or her bifurcated sentence~~ seek review of a decision under sub. (5) to deny the inmate's petition for modification of the inmate's sentence only by the common law writ of certiorari. The state may ~~appeal a court's decision under sub. (5) to grant an inmate's petition for a modification of the inmate's bifurcated sentence.~~ In an appeal

under this paragraph subsection, the appellate reviewing court may reverse a decision granting or denying a petition for modification of a bifurcated sentence only if it determines that the sentencing court commission erroneously exercised its discretion in granting or denying the petition.

SECTION 2737. 302.113 (9g) (i) of the statutes is renumbered 302.1135 (9) and amended to read:

302.1135 (9) If the program review committee commission denies an inmate's petition under par. (em) sub. (5), the inmate may not file another petition within one year after the date of the program review committee's denial. If the program review committee approves an inmate's petition for referral to the sentencing court under par. (em) but the sentencing court denies the petition, the inmate may not file another petition under par. (em) within one year after the date of the court's decision.

SECTION 2738. 302.113 (9g) (j) of the statutes is renumbered 302.1135 (10) and amended to read:

302.1135 (10) An inmate eligible to seek modification of his or her bifurcated sentence under this subsection section has a right to be represented by counsel in proceedings under this subsection section. An inmate, or the department on the inmate's behalf, may apply to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm) before or after the filing of a petition with the program review committee commission under par. (c). If an inmate whose petition has been referred to the court under par. (em) is without counsel, the court shall refer the matter to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm) sub. (3).

SECTION 2739. 302.113 (9h) of the statutes is created to read:

302.113 (9h) (a) The department may release to extended supervision certain persons serving the confinement portion of a bifurcated sentence using the sentence modification procedure described in this subsection.

(b) The department shall promulgate rules for the determination of whether a bifurcated sentence should be modified under this subsection.

(c) A person who is serving the confinement portion of a bifurcated sentence is eligible for sentence modification under this subsection if all of the following conditions are met:

1. The person is serving the confinement portion of a bifurcated sentence for a misdemeanor or a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1.

2. The prison social worker or extended supervision agent of record has reason to believe that the person will be able to maintain himself or herself while not confined without engaging in assaultive activity.

3. The release to extended supervision date is not more than 12 months before the person's extended supervision eligibility date.

(d) If the conditions under pars. (b) and (c) are met, the department may modify, in the manner specified under par. (e), the sentence of any person by releasing him or her to extended supervision under this subsection, and, if the department releases the person to extended supervision, the department shall:

1. Notify the office of the court that participated in the trial or that accepted the person's plea of guilty or no contest, whichever is applicable.

2. Notify the office of the district attorney that participated in the trial of the person or that prepared for proceedings under s. 971.08 regarding the person's plea of guilty or no contest, whichever is applicable.

(e) The department may modify a person's bifurcated sentence under this subsection only as follows:

1. The department shall reduce the term of confinement in prison portion of the person's bifurcated sentence in a manner that provides for the release of the person to extended supervision within 30 days after the date on which the department modifies the bifurcated sentence.

2. The department shall lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

(em) 1. When a person is within 90 days of release to extended supervision under par. (e), the department shall notify the sentencing court that it intends to modify the person's sentence and release the person to extended supervision under par. (e), and the court may hold a review hearing. If the court does not schedule a review hearing within 30 days after notification under this subsection, the department may proceed under par. (e).

2. a. If the sentencing court opts to conduct a review, it shall hold the hearing and issue an order relating to the person's sentence modification and release to extended supervision within 60 days of its notification under subd. 1.

b. At the hearing, the court may consider the person's conduct in prison, his or her level of risk of reoffending, based on a verified, objective instrument, and the nature of the offense committed by the person. The court may accept the department's modification of the person's sentence, reject the department's modification of the person's sentence, or order the person to remain in prison for a period that does not exceed the time remaining on the person's term of confinement.

(f) This subsection does not apply to any of the following:

1. A person who is the subject of a bulletin issued under s. 301.46 (2m).

2. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

3. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

4. A person who is required to register under s. 301.45.

5. A person who has, in his or her lifetime, been committed under ch. 975.

SECTION 2739d. 302.1135 (title) of the statutes is created to read:

302.1135 (title) Release to extended supervision for extraordinary health circumstances.

SECTION 2739f. 302.1135 (1) (a) of the statutes is created to read:

302.1135 (1) (a) "Commission" means the earned release review commission under s. 15.145.

SECTION 2739h. 302.1135 (6) (a) (intro.) of the statutes is created to read:

302.1135 (6) (a) (intro.) If the inmate was sentenced to a bifurcated sentence under s. 973.01, the commission shall do all of the following:

SECTION 2739j. 302.1135 (6) (b) of the statutes is created to read:

302.1135 (6) (b) If the inmate was sentenced to life imprisonment under s. 973.014, notwithstanding s. 973.014 (1g) (a) or (2), the commission shall release the inmate to extended supervision within 30 days after the date on which the commission modifies the sentence and shall impose the term of extended supervision so that the total length of the sentence originally imposed does not change.

SECTION 2739p. 302.114 (9) (am) of the statutes is amended to read:

302.114 (9) (am) If a person released to extended supervision under this section or under s. 302.1135 violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the person shall be returned to the circuit court for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court shall order the person to be returned to prison for a specified period of time before he or she is eligible for being released again to extended supervision. The period of time specified under this paragraph may not be less than 5 years and may be extended in accordance with sub. (3).

SECTION 2740. 302.114 (9) (c) of the statutes is amended to read:

302.114 (9) (c) A person who is subsequently released to extended supervision under par. (bm) is subject to all conditions and rules under sub. (8) until the expiration of the sentence or until the department dis-

charges the person under s. 973.01 (4m), whichever is appropriate.

SECTION 2740b. 302.388 (1) (a) of the statutes is amended to read:

302.388 (1) (a) "Health care provider" has the meaning given in s. 146.81 (1) (a) to (p).

SECTION 2740c. 302.425 (2) of the statutes is amended to read:

302.425 (2) SHERIFF'S OR SUPERINTENDENT'S GENERAL AUTHORITY. Subject to the limitations under sub. (3), a county sheriff or a superintendent of a house of correction may place in the home detention program any person confined in jail ~~who has been arrested for, charged with, convicted of or sentenced for a crime.~~ The sheriff or superintendent may transfer any prisoner in the home detention program to the jail.

SECTION 2740g. 302.425 (3) of the statutes is amended to read:

302.425 (3) PLACEMENT OF A PRISONER IN THE PROGRAM. ~~If a prisoner described under sub. (2) and the department agree, the~~ The sheriff or superintendent may, if he or she determines that the home detention program is appropriate for a prisoner, place the prisoner in the home detention program and provide that the prisoner be detained at the prisoner's place of residence or other place designated by the sheriff or superintendent and be monitored by an active electronic monitoring system. The sheriff or superintendent shall establish reasonable terms of detention and ensure that the prisoner is provided a written statement of those terms, including a description of the detention monitoring procedures and requirements and of any applicable liability issues. The terms may include a requirement that the prisoner pay the county a daily fee to cover the county costs associated with monitoring him or her. The county may obtain payment under this subsection or s. 302.372, but may not collect for the same expenses twice.

SECTION 2740n. 302.425 (7) of the statutes is renumbered 302.425 (7) (intro.) and amended to read:

302.425 (7) ~~COURT-ORDERED DETENTION EXCEPTIONS.~~ EXCEPTIONS. (intro.) This section does not apply to ~~persons sentenced under s. 973.04.~~

SECTION 2740r. 302.425 (7) (a) of the statutes is created to read:

302.425 (7) (a) A person sentenced under s. 973.04.

SECTION 2740w. 302.425 (7) (b) of the statutes is created to read:

302.425 (7) (b) A person in jail pending the disposition of his or her parole, extended supervision, or probation revocation proceedings.

SECTION 2740y. 302.46 (1) (a) of the statutes is amended to read:

302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123

(2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

SECTION 2741e. 303.065 (5) (dm) of the statutes is amended to read:

303.065 (5) (dm) Payment for legal representation under s. 977.07 (2) (2m), 977.075 or 977.076;

SECTION 2742. 304.01 (title) of the statutes is amended to read:

304.01 (title) Parole Earned release review commission and commission chairperson; general duties.

SECTION 2743. 304.01 (1) of the statutes is amended to read:

304.01 (1) The chairperson of the parole earned release review commission shall administer and supervise the commission and its activities and shall be the final parole granting authority for granting parole or release to extended supervision, except as provided in s. 304.02.

SECTION 2744. 304.01 (2) (intro.) of the statutes is amended to read:

304.01 (2) (intro.) The parole earned release review commission shall conduct regularly scheduled interviews to consider the parole or release to extended supervision of eligible inmates of the adult correctional institutions under the control of the department of corrections, eligible inmates transferred under ch. 51 and under the control of the department of health services and eligible inmates in any county house of correction. The department of corrections shall provide all of the following to the parole earned release review commission:

SECTION 2745. 304.01 (2) (b) of the statutes is amended to read:

304.01 (2) (b) Scheduling assistance for parole interviews for prisoners who have applied for parole or release to extended supervision at the correctional institutions.

SECTION 2746. 304.01 (2) (c) of the statutes is amended to read:

304.01 (2) (c) Clerical support related to the parole interviews for prisoners who have applied for parole or release to extended supervision.

SECTION 2747. 304.01 (2) (d) of the statutes is amended to read:

304.01 (2) (d) Appropriate physical space at the correctional institutions to conduct the parole interviews for prisoners who have applied for parole or release to extended supervision.

SECTION 2748. 304.06 (title) of the statutes is amended to read:

304.06 (title) Paroles Release to parole or extended supervision from state prisons and house of correction.

SECTION 2749. 304.06 (1) (a) 1. of the statutes is amended to read:

304.06 (1) (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2750. 304.06 (1) (b) of the statutes is amended to read:

304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s. 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole earned release review commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole earned release review commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable. The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole earned release review commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation for parole or release to extended supervision until the person has been confined at least 60 days following sentencing.

SECTION 2751. 304.06 (1) (bg) of the statutes is created to read:

304.06 (1) (bg) 1. A person sentenced under s. 973.01 for a Class F to Class I felony or a misdemeanor that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., and who is ineligible for positive adjustment time under s. 302.113 (2) (b) pursuant to s. 973.01 (3d) (b) or for a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., may earn one day of positive adjustment time for every 3 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. The person may petition the earned release

review commission for release to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., less positive adjustment time he or she has earned. This subdivision does not apply to any of the following:

ad. A person sentenced on or after the effective date of this subd. 1. ad. [LRB inserts date].

am. A person who is the subject of a bulletin issued under s. 301.46 (2m).

b. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

c. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

d. A person who is required to register under s. 301.45.

e. A person who has, in his or her lifetime, been committed under ch. 975.

f. A person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class C to Class E felony.

g. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

h. A person who is serving a sentence for an offense related to ethical government, as defined in s. 939.22 (20m).

i. A person who is serving a sentence for an offense related to school safety, as defined in s. 939.22 (20s).

j. A person who is serving a sentence for a felony murder under s. 940.03.

k. A person who is serving a sentence for a violation of s. 940.11 (1).

L. A person who is serving a sentence for a violation of s. 940.235.

m. A person who is serving a sentence for a violation of s. 940.32 (3).

n. A person who is serving a sentence for a violation of s. 941.21.

o. A person who is serving a sentence for a violation of s. 946.465.

2. A person sentenced under s. 973.01 for a Class C to Class E felony may earn one day of positive adjustment time for every 5.7 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. An inmate convicted of a Class C to Class E felony may petition the earned release review commission for release to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., less positive

adjustment time he or she has earned. This subdivision does not apply to any of the following:

ad. A person sentenced on or after the effective date of this subd. 2. ad. [LRB inserts date].

am. A person who is the subject of a bulletin issued under s. 301.46 (2m).

b. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

c. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

d. A person who is required to register under s. 301.45.

e. A person who has, in his or her lifetime, been committed under ch. 975.

f. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

g. A person who is serving a sentence for an offense related to ethical government, as defined in s. 939.22 (20m).

h. A person who is serving a sentence related school safety, as defined in s. 939.22 (20s).

i. A person who is serving a sentence for a felony murder under s. 940.03.

j. A person who is serving a sentence for a violation of s. 940.06.

k. A person who is serving a sentence for a violation of s. 940.302.

L. A person who is serving a sentence for a violation of s. 940.31 (1).

m. A person who is serving a sentence for a violation of s. 948.03 (2) (a).

n. A person who is serving a sentence for a violation of s. 948.40 (4) (a).

3. A person sentenced under s. 973.01 for a misdemeanor or for a Class F to Class I felony committed prior to the effective date of this subdivision [LRB inserts date], and who has not petitioned a sentencing court for a sentence adjustment under s. 973.195 (1r) for any offense for which he or she is incarcerated may apply for release to extended supervision when he or she has served at least 75 percent of the term of confinement portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a. This subdivision does not apply to a person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class C to Class E felony.

4. A person sentenced under s. 973.01 for a Class C to Class E felony committed prior to the effective date of this subdivision [LRB inserts date], and who has not petitioned a sentencing court for a sentence adjustment under s. 973.195 (1r) for any offense for which he or she

is incarcerated may apply for release to extended supervision when he or she has served at least 85 percent of the term of confinement portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a.

SECTION 2751m. 304.06 (1) (bk) of the statutes is created to read:

304.06 (1) (bk) 1. When an inmate is within 90 days of release to extended supervision under par. (bg), the earned release review committee shall notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision under par. (bg), and the court may hold a review hearing. If the court does not schedule a review hearing within 30 days after notification under this subsection, the earned release review committee may proceed under par. (bg).

2. a. If the sentencing court opts to conduct a review, it shall hold the hearing and issue an order relating to the inmate's sentence modification and release to extended supervision within 60 days of its notification under subd. 1.

b. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending, based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the earned release review committee's determination that the inmate has earned positive adjustment time under par. (bg), reject the earned release review committee's determination that the inmate has earned positive adjustment time under par. (bg), or order the inmate to remain in prison for a period that does not exceed the time remaining on the inmate's term of confinement.

SECTION 2752. 304.06 (1) (bn) of the statutes is created to read:

304.06 (1) (bn) The earned release review commission may consider any of the following as a ground for a petition under par. (bg) for release to extended supervision:

1. The inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced.

2. The inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported.

3. Sentence adjustment is otherwise in the interests of justice.

SECTION 2753. 304.06 (1) (br) of the statutes is created to read:

304.06 (1) (br) The earned release review commission may reduce the term of confinement of a person who petitions under par. (bg) only as follows:

1. If the inmate is serving the term of confinement in prison portion of the sentence, a reduction in the term of confinement in prison by the amount of time remaining in the term of confinement in prison portion of the sen-

tence, less up to 30 days, and a corresponding increase in the term of extended supervision.

2. If the inmate is confined in prison upon revocation of extended supervision, a reduction in the amount of time remaining in the period of confinement in prison imposed upon revocation, less up to 30 days, and a corresponding increase in the term of extended supervision.

SECTION 2754. 304.06 (1) (c) (intro.) of the statutes is amended to read:

304.06 (1) (c) (intro.) If an inmate applies for parole or release to extended supervision under this subsection, the parole earned release review commission shall make a reasonable attempt to notify the following, if they can be found, in accordance with par. (d):

SECTION 2755. 304.06 (1) (d) 1. of the statutes is amended to read:

304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1. to 3. of the manner in which they may provide written statements under this subsection, shall inform persons under par. (c) 3. of the manner in which they may attend interviews or hearings and make statements under par. (eg) and shall inform persons under par. (c) 3. who are victims, or family members of victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or~~ (2), or (3), 948.02 (1) or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input in the ~~parole~~ decision-making process under par. (em) for parole or release to extended supervision. The ~~parole earned release review~~ commission shall provide notice under this paragraph for an inmate's first application for parole or release to extended supervision and, upon request, for subsequent applications for parole or release to extended supervision.

SECTION 2756. 304.06 (1) (d) 2. of the statutes is amended to read:

304.06 (1) (d) 2. The notice shall be by 1st class mail to an office's or a person's last-known address sent at least 3 weeks before the interview or hearing upon the ~~parole~~ application for parole or release to extended supervision.

SECTION 2757. 304.06 (1) (d) 3m. of the statutes is amended to read:

304.06 (1) (d) 3m. If applicable, the notice shall state the manner in which the person may have direct input in the ~~parole~~ decision-making process for parole or release to extended supervision.

SECTION 2758. 304.06 (1) (d) 4. of the statutes is amended to read:

304.06 (1) (d) 4. If the notice is for a first application for parole or release to extended supervision, the notice shall inform the offices and persons under par. (c) 1. to 3. that notification of subsequent applications for parole or release to extended supervision will be provided only upon request.

SECTION 2759. 304.06 (1) (e) of the statutes is amended to read:

304.06 (1) (e) The parole earned release review commission shall permit any office or person under par. (c) 1. to 3. to provide written statements. The parole earned release review commission shall give consideration to any written statements provided by any such office or person and received on or before the date specified in the notice. This paragraph does not limit the authority of the parole earned release review commission to consider other statements or information that it receives in a timely fashion.

SECTION 2760. 304.06 (1) (eg) of the statutes is amended to read:

304.06 (1) (eg) The parole earned release review commission shall permit any person under par. (c) 3. to attend any interview or hearing on the parole application for parole or release to extended supervision of an applicable inmate and to make a statement at that interview or hearing.

SECTION 2761. 304.06 (1) (em) of the statutes is amended to read:

304.06 (1) (em) The parole earned release review commission shall promulgate rules that provide a procedure to allow any person who is a victim, or a family member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or~~ (2), or (3), 948.02 (1) or (2), 948.025, 948.06 or 948.07 to have direct input in the parole decision-making process for parole or release to extended supervision.

SECTION 2762. 304.06 (1) (f) of the statutes is amended to read:

304.06 (1) (f) The parole earned release review commission shall design and prepare cards for persons specified in par. (c) 3. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the parole earned release review commission determines is necessary. The parole earned release review commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (c) 3. These persons may send completed cards to the parole earned release review commission. All commission records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3. is made a part of the documentary record considered in connection with a parole hearing for parole, or release to extended supervision under this section, the parole earned release review commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.

SECTION 2763. 304.06 (1) (g) of the statutes is amended to read:

304.06 (1) (g) Before a person is released on parole or released to extended supervision under this subsection, the parole earned release review commission shall so notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement under this paragraph does not apply if a municipal department or county sheriff submits to the parole earned release review commission a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063.

SECTION 2764. 304.06 (1m) (intro.) of the statutes is amended to read:

304.06 (1m) (intro.) The parole earned release review commission may waive the 25% or 6-month service of sentence requirement under sub. (1) (b) under any of the following circumstances:

SECTION 2765. 304.06 (1q) (b) of the statutes is amended to read:

304.06 (1q) (b) The parole earned release review commission or the department may require as a condition of parole that a serious child sex offender undergo pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen. This paragraph does not prohibit the department from requiring pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen as a condition of probation.

SECTION 2766. 304.06 (1q) (c) of the statutes is amended to read:

304.06 (1q) (c) In deciding whether to grant a serious child sex offender release on parole under this subsection, the parole earned release review commission may not consider, as a factor in making its decision, that the offender is a proper subject for pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen or that the offender is willing to participate in pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

SECTION 2767. 304.06 (1x) of the statutes is amended to read:

304.06 (1x) The parole earned release review commission may require as a condition of parole that the person is placed in the intensive sanctions program under s. 301.048. In that case, the person is in the legal custody of the department under that section and is subject to revocation of parole under sub. (3).

SECTION 2768. 304.06 (2m) (d) of the statutes is amended to read:

304.06 (2m) (d) The parole earned release review commission or the department shall determine a prisoner's county of residence for the purposes of this subsection by doing all of the following:

1. The parole earned release review commission or the department shall consider residence as the voluntary concurrence of physical presence with intent to remain in

a place of fixed habitation and shall consider physical presence as prima facie evidence of intent to remain.

2. The parole earned release review commission or the department shall apply the criteria for consideration of residence and physical presence under subd. 1. to the facts that existed on the date that the prisoner committed the serious sex offense that resulted in the sentence the prisoner is serving.

SECTION 2769. 304.06 (3) of the statutes is amended to read:

304.06 (3) Every ~~paroled~~ prisoner paroled or released to extended supervision remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole or extended supervision has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole or extended supervision has been violated it shall afford the prisoner such administrative hearings as are required by law. Unless waived by the parolee or person on extended supervision, the final administrative hearing shall be held before a hearing examiner from the division of hearings and appeals in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or not revoking parole or extended supervision. Upon request by either party, the administrator of the division of hearings and appeals shall review the order. The hearing examiner may order that a deposition be taken by audiovisual means and allow the use of a recorded deposition under s. 967.04 (7) to (10). If the parolee or person on extended supervision waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole or extended supervision. If the examiner, the administrator upon review, or the secretary in the case of a waiver finds that the prisoner has violated the rules or conditions of parole or extended supervision, the examiner, the administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole or extended supervision. If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

SECTION 2770. 304.06 (3e) of the statutes is amended to read:

304.06 (3e) The division of hearings and appeals in the department of administration shall make either an electronic or stenographic record of all testimony at each parole or extended supervision revocation hearing. The division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who

wants a written transcript may record the hearing at his or her own expense.

SECTION 2771. 304.06 (3m) of the statutes is amended to read:

304.06 (3m) If the convicting court is informed by the department that a prisoner on parole or extended supervision has absconded and that the prisoner's whereabouts are unknown, the court may issue a writ of execution by the sheriff.

SECTION 2772. 304.071 (1) of the statutes is amended to read:

304.071 (1) The parole earned release review commission may at any time grant a parole or release to extended supervision to any prisoner in any penal institution of this state, or the department may at any time suspend the supervision of any person who is on probation ~~or~~ parole, or extended supervision to the department, if the prisoner or person on probation ~~or~~ parole, or extended supervision is eligible for induction into the U.S. armed forces. The suspension of parole, extended supervision, or probation shall be for the duration of his or her service in the armed forces; and the parole, extended supervision, or probation shall again become effective upon his or her discharge from the armed forces in accordance with regulations prescribed by the department. If he or she receives an honorable discharge from the armed forces, the governor may discharge him or her and the discharge has the effect of a pardon. Upon the suspension of parole, extended supervision, or probation by the department, the department shall issue an order setting forth the conditions under which the parole, extended supervision, or probation is suspended, including instructions as to where and when and to whom the ~~paroled~~ person on parole or extended supervision shall report upon discharge from the armed forces.

SECTION 2773. 304.09 (1) (a) of the statutes is amended to read:

304.09 (1) (a) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2773s. 321.45 of the statutes is created to read:

321.45 Military family financial aid. (1) In this section:

(a) "Immediate family" means the spouse and dependent children of a service member who are residents of this state.

(b) "Service member" means a member of a reserve unit of the U.S. armed forces or of the national guard who is a resident of this state and who is serving on active duty in the U.S. armed forces.

(2) The department shall provide financial aid to eligible members of the immediate family of service members. The department shall promulgate rules establishing eligibility criteria and the amount of financial aid.

SECTION 2774. 321.62 (11) (a) of the statutes is amended to read:

321.62 (11) (a) No eviction may be made during the period of state active duty in respect to any premises for which the agreed rent does not exceed the amount specified in 50 USC App. 531, occupied chiefly for dwelling purposes by the spouse, children, domestic partner under ch. 770, or other dependents of a service member who is in state active duty, except upon order of a court in an action affecting the right of possession.

SECTION 2796. 341.135 (1) (title) of the statutes is repealed.

SECTION 2797. 341.135 (1) and (2m) of the statutes are consolidated, renumbered 341.135 and amended to read:

341.135 Rebasing registration plates. ~~Every 10th year, the~~ At intervals determined by the department, the department shall establish new designs of registration plates to be issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for registration plates specified in this ~~subsection~~ section shall be as similar in appearance as practicable during each ~~10-year~~ design interval. Except as provided in ss. 341.13 (2r) and 341.14 (1), each registration plate issued under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each ~~10-year~~ design interval shall be of the design established under this ~~subsection~~ section. The department may not redesign registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until July 1, 2010. ~~Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle for registration plates issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am) began July 1, 2000. (2m) APPLICABILITY. Notwithstanding s. 341.13 (3), as the department establishes new designs for registration plates under this section, the department shall, at the time determined appropriate by the department, issue registration plates of the new design to replace registration plates previously issued. This section does not apply to special group plates under s. 341.14 (6r) (f) 19m.~~

SECTION 2798. 341.135 (2) of the statutes is repealed.

SECTION 2810. 341.14 (6r) (b) 1. of the statutes is amended to read:

341.14 (6r) (b) 1. Upon application to register an automobile or motor home, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm

truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group. The department may not issue any special group plates under par. (f) 55. ~~or 60.~~ until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol designating, respectively, the professional football team or the professional baseball team have been obtained.

SECTION 2811. 341.14 (6r) (b) 1. of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

341.14 (6r) (b) 1. Upon application to register an automobile or motor home, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group. The department may not issue any special group plates under par. (f) 55. or 60. until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol designating, respectively, the professional football team or the professional baseball team have been obtained. Notwithstanding s. 341.12 (2), if the department of corrections does not have flat-plate technology available for use in manufacturing license plates at quality and cost comparable to that available from the state of Minnesota, the department of transportation may not issue any special group plates under par. (f) 59. unless the department of transportation purchases the plates from the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the state of Minnesota.

SECTION 2813. 341.14 (6r) (b) 10. of the statutes is amended to read:

341.14 (6r) (b) 10. An additional fee of \$25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 57. An additional fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 57. if the plate is issued or renewed during the first year of the biennial registration period or \$25 for the issuance or renewal if the plate is issued or

renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision, in excess of \$27,600 for the initial costs of production of the special group plate under par. (f) 57., shall be credited to the appropriation account under s. 20.435 ~~(5)~~ ~~(f)~~ (1) ~~(g)~~. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 2814. 341.14 (6r) (b) 11. of the statutes is amended to read:

341.14 (6r) (b) 11. An additional fee of \$25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 58. An additional fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 58. if the plate is issued or renewed during the first year of the biennial registration period or \$25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71. All moneys received under this subdivision, in excess of \$43,200 for the initial costs of production of the special group plate under par. (f) 58., shall be credited to the appropriation account under s. 20.435 ~~(5)~~ (1) (g).

SECTION 2815. 341.14 (6r) (b) 12. of the statutes is created to read:

341.14 (6r) (b) 12. A fee of \$25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 59. A fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 59. if the plate is issued or renewed during the first year of the biennial registration period or \$25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of \$23,500 shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (fs). To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 2816. 341.14 (6r) (b) 13. of the statutes is created to read:

341.14 (6r) (b) 13. An additional fee of \$25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 60. An additional fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 60. if the plate is issued or renewed dur-

ing the first year of the biennial registration period or \$25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. For each professional baseball team for which plates are produced under par. (f) 60., all moneys received under this subdivision, in excess of \$24,300 for the initial costs of production for each team's special group plates, shall be deposited into the general fund and credited as follows:

a. An amount equal to the costs of licensing fees under par. (i) that are related to that team shall be credited to the appropriation account under s. 20.395 (5) (ej).

b. The remainder after crediting the appropriation account as provided in subd. 13. a. shall be credited to the appropriation account under s. 20.835 (4) (gb). The department of transportation shall identify and record the percentage of moneys that are attributable to each professional baseball team represented by a plate under par. (f) 60.

SECTION 2817. 341.14 (6r) (c) of the statutes is amended to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special group under par. (f) 50., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP.

SECTION 2818. 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special ~~group~~ groups under par. (f) 50. and 59., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate.

SECTION 2819. 341.14 (6r) (e) of the statutes is amended to read:

341.14 (6r) (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35. to 47. and 50. and, for each professional football team under par. (f) 55., and for each professional baseball team under par. (f) 60. The department shall specify one combination of colors for special group plates under par. (f) 35. to 47. Subject to par. (c), the department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization. The department shall require that the word or words and symbol for a university specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35. to 47. that the

president of the University of Wisconsin System specifies.

SECTION 2820. 341.14 (6r) (e) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

341.14 (6r) (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35. to 47. and 50., and 59., for each professional football team under par. (f) 55., and for each professional baseball team under par. (f) 60. The department shall specify one combination of colors for special group plates under par. (f) 35. to 47. Subject to par. (c), the department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization. The department shall require that the word or words and symbol for a university specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35. to 47. that the president of the University of Wisconsin System specifies.

SECTION 2821. 341.14 (6r) (f) 59. of the statutes is created to read:

341.14 (6r) (f) 59. Persons interested in supporting endangered resources.

SECTION 2822. 341.14 (6r) (f) 60. of the statutes is created to read:

341.14 (6r) (f) 60. Persons interested in expressing their support of a major league professional baseball team that uses as its home field baseball park facilities that are constructed under subch. III of ch. 229.

SECTION 2823. 341.14 (6r) (fm) 7. of the statutes is amended to read:

341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., and 58., and 60.

SECTION 2824. 341.14 (6r) (fm) 7. of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply

to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., and 60.

SECTION 2826. 341.14 (6r) (i) of the statutes is created to read:

341.14 (6r) (i) From the appropriation under s. 20.395 (5) (ej), the department shall pay 2 percent of all moneys received under par. (b) 13. that are deposited into the general fund for licensing fees relating to the word or words or the symbol on, or otherwise required for, special group plates under par. (f) 60.

SECTION 2851. 341.255 (3) of the statutes is repealed.

SECTION 2852. 341.255 (4) of the statutes is repealed.

SECTION 2874t. 341.307 of the statutes is created to read:

341.307 Optional vehicle fleet registration. (1) The owner of a fleet of vehicles, of a fleet size determined by the department by rule, may register the vehicles for a 3-year period under this section if all of the vehicles are any of the following:

(a) An automobile.

(b) A motor truck which has a gross weight of not more than 8,000 pounds.

(c) A commercial motor vehicle operated solely in intrastate commerce that has a maximum gross weight of less than 55,000 pounds.

(2) The registration of vehicles under this section shall be valid for a 3-year period. Upon receipt of an application and the initial registration fees under sub. (4), the department shall issue registration plates, insert tags, or decals for all of the vehicles in the fleet, with each vehicle having the same registration expiration date. A vehicle may be registered as part of a fleet under this section regardless of whether, at the time of application for the initial registration of the fleet, the vehicle is currently registered with the department.

(3) After the initial registration of a fleet of vehicles under this section, the owner of the vehicles may register additional vehicles added to the fleet. The registration of vehicles added to the fleet during the 3-year registration period shall expire on the expiration date of the original fleet registration.

(4) (a) Subject to pars. (b) to (d), the fleet owner shall pay a registration fee for each vehicle registered under this section in an amount equal to 3 times the applicable fee prescribed for the vehicle in s. 341.25 or 341.26.

(b) If a vehicle that is being initially registered as part of a vehicle fleet under this section has more than one month remaining in its current registration period, the department shall prorate the fee under par. (a) to account for the unexpired portion of the vehicle's current registration period.

(c) For any vehicle added to the fleet after initial registration as provided in sub. (3), the department shall prorate the fee under par. (a) according to the remaining

number of months in the fleet's current registration period.

(d) After the initial registration of a fleet of vehicles, if the applicable registration fee prescribed in s. 341.25 or 341.26 for any vehicle in the fleet increases and at least one year remains in the current registration period for the fleet at the time this increase takes effect, the department may require the owner to pay additional registration fees for the vehicle corresponding to the increase. The department shall calculate these additional registration fees based upon the amount of the increase multiplied by the number of full years remaining in the fleet's current registration period. Any fees received by the department under authority of this paragraph shall be considered to be received under par. (a).

(e) After the initial registration of a fleet of vehicles, if the owner withdraws any vehicle from the fleet during the vehicle's registration period, the department shall refund to the owner the unused portion of the fee under par. (a) calculated according to the number of calendar quarters remaining in the vehicle's registration period. This paragraph applies only if at least one year remains in the current registration period at the time the owner notifies the department that the vehicle is withdrawn from the fleet.

(f) In addition to the fee under par. (a), if the vehicle being registered under this section is subject to a fee under s. 341.35, the department shall collect and remit that fee, as provided under s. 341.35 (6), in an amount sufficient to cover the vehicle's entire registration period under this section.

(5) The provisions of this section apply notwithstanding any other provision of this chapter related to the period or fees applicable to vehicle registration.

(6) The department shall promulgate rules specifying the minimum number of vehicles that must be in a fleet for the fleet to be eligible for registration under this section and establishing procedures for the registration of vehicle fleets under this section, including provisions imposing any restrictions that the department determines to be appropriate and any provisions deemed necessary for vehicles that require inspection under s. 110.20 (6).

SECTION 2896. 342.01 (2) (ac) of the statutes is created to read:

342.01 (2) (ac) "Automated format," with respect to any document, record, or other information, includes that document, record, or other information generated or maintained in an electronic or digital form or medium.

SECTION 2898. 342.09 (4) of the statutes is created to read:

342.09 (4) (a) The department may maintain any certificate of title or other information required to be maintained under this section in an automated format and may consider any record maintained in an automated format under this paragraph to be the original and controlling

record, notwithstanding the existence of any printed version of the same record.

(b) Records maintained by the department under this section are the official vehicle title records.

SECTION 2899. 342.14 (1r) of the statutes is amended to read:

342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental impact fee of \$9, by the person filing the application. All moneys collected under this subsection shall be ~~credited to~~ deposited in the environmental fund for environmental management. ~~This subsection does not apply after December 31, 2009.~~ This subsection does not apply to an application for a certificate of title for a neighborhood electric vehicle.

SECTION 2900. 342.14 (2) of the statutes is amended to read:

342.14 (2) For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee of ~~\$4~~ \$10, by the ~~owner of the vehicle applicant~~.

SECTION 2901. 342.14 (3m) of the statutes is amended to read:

342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with respect to an application under sub. (3) for transfer of a decedent's interest in a vehicle to his or her surviving spouse or domestic partner under ch. 770. The fee specified under this subsection is in addition to any other fee specified in this section. This subsection does not apply to an application for a certificate of title for a neighborhood electric vehicle.

SECTION 2905. 342.17 (4) (b) 1. (intro.) and c. and 4. of the statutes are amended to read:

342.17 (4) (b) 1. (intro.) The department shall transfer the decedent's interest in any vehicle to his or her surviving spouse or domestic partner under ch. 770 upon receipt of the title executed by the surviving spouse or domestic partner and a statement by the spouse or domestic partner which shall state:

c. That the spouse or domestic partner is personally liable for the decedent's debts and charges to the extent of the value of the vehicle, subject to s. 859.25.

4. The limit in subd. 3. does not apply if the surviving spouse or domestic partner is proceeding under s. 867.03 (1g) and the total value of the decedent's property subject to administration in the state, including the vehicles transferred under this paragraph, does not exceed \$50,000.

SECTION 2906. 342.19 (2) of the statutes is renumbered 342.19 (2) (a) (intro.) and amended to read:

342.19 (2) (a) (intro.) Except as provided in sub. (2m), a security interest is perfected in one of the following ways:

1. If the secured party is an individual or a person exempted by rule under s. 342.245 (3), by the delivery to

the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party, and the required fee. ~~It~~

(b) A security interest is perfected as of the later of the following:

1. The time of its delivery or the to the department of the certificate of title if perfection occurs under par. (a) 1. or of the application if perfection occurs under par. (a) 2.

2. The time of the attachment of the security interest.

SECTION 2907. 342.19 (2) (a) 2. of the statutes is amended to read:

342.19 (2) (a) 2. Except as provided in s. 342.245 (3), if the secured party is not an individual, by the filing of a security interest statement containing the name and address of the secured party, and payment of the required fee, in the manner specified in s. 342.245 (1).

SECTION 2908. 342.20 (2) of the statutes is amended to read:

342.20 (2) The secured party shall immediately cause the certificate, application, and the required fee to be mailed or delivered to the department, except that if the secured party is not an individual or a person exempted by rule under s. 342.245 (3), the secured party shall follow the procedure specified in ss. 342.19 (2) (a) 2. and 342.245 (1) and (2).

SECTION 2909. 342.20 (3) of the statutes is amended to read:

342.20 (3) Upon receipt of the certificate of title, application, and the required fee, or upon receipt of the security interest statement and required fee if the secured party has utilized the process specified in s. 342.245 (1), the department shall issue to the owner a new certificate containing the name and address of the new secured party. The department shall deliver to such new secured party and to the register of deeds of the county of the owner's residence, memoranda, in such form as the department prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.

SECTION 2910. 342.22 (1) of the statutes is renumbered 342.22 (1) (intro.) and amended to read:

342.22 (1) (intro.) Within one month or within 10 days following written demand by the debtor after there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a vehicle under any security agreement between the owner and the secured party, the secured party shall do one of the following:

(a) If the secured party is an individual or a person exempted by rule under s. 342.245 (3), execute and deliver to the owner, as the department prescribes, a release of the security interest in the form and manner prescribed by the department and a notice to the owner

stating in no less than 10-point boldface type the owner's obligation under sub. (2). If the secured party fails to execute and deliver the release and notice of the owner's obligation as required by this ~~subsection~~ paragraph, the secured party is liable to the owner for \$25 and for any loss caused to the owner by the failure.

SECTION 2911. 342.22 (1) (b) of the statutes is created to read:

342.22 (1) (b) If the secured party is not described in par. (a), deliver to the department a release of the security interest in the manner specified in s. 342.245 (1) and deliver to the owner a notice stating that the release has been provided to the department.

SECTION 2912. 342.22 (2) of the statutes is amended to read:

342.22 (2) ~~The~~ An owner, other than a dealer holding the vehicle for resale, upon receipt of the release and notice of obligation delivered under sub. (1) (a) shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the secured party's rights on the certificate and issue a new certificate. Upon receipt of the notice under sub. (1) (b), the owner may, in the form and manner prescribed by the department and without additional fee, deliver an application and the certificate of title to the department and the department shall issue a new certificate of title free of the security interest notation.

SECTION 2913. 342.245 of the statutes is created to read:

342.245 Electronic processing of certain applications. (1) Except as provided in sub. (3), a secured party shall file a security interest statement and pay the fee under s. 342.19 (2) (a) 2. and deliver a release of a security interest under s. 342.22 (1) (b) utilizing an electronic process prescribed by the department under sub. (4).

(2) Upon receipt of a certificate of title as provided in s. 342.20 (1), a person required to file a security interest statement under sub. (1) shall destroy the certificate of title.

(3) The department may, by rule, exempt a person or a type of transaction from the requirements of sub. (1). Any person who is exempted under this subsection shall pay a fee to the department for processing applications submitted by the person under s. 342.19 (2) (a) 1. and releases submitted under s. 342.22, utilizing a process other than an electronic process.

(4) The department shall promulgate rules to implement and administer this section.

SECTION 2916. 343.03 (7) (c) of the statutes is amended to read:

343.03 (7) (c) Within 10 days after a conviction of the holder of a commercial driver license issued by another jurisdiction for violating any state law or local ordinance of this state or any law of a federally recognized American Indian tribe or band in this state in conformity with any state law relating to motor vehicle traffic control,

other than parking violations, or after a conviction of the holder of an operator's license issued by another jurisdiction, other than a commercial driver license, for any such violation while operating a commercial motor vehicle ~~without a commercial driver license~~, the department shall notify the driver licensing agency of the jurisdiction that issued the license of the conviction.

SECTION 2916b. 343.06 (1) (c) of the statutes is amended to read:

343.06 (1) (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools that meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1g). The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the department. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) ~~(bm) and~~ (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's examination has been administered by the department.

SECTION 2917. 343.15 (4) (a) 3. of the statutes is amended to read:

343.15 (4) (a) 3. A person who is a ward of the state, county, or court and who has been placed in a foster home ~~or a treatment foster home~~ or in the care of a religious welfare service.

SECTION 2917g. 343.16 (1) (a) of the statutes is amended to read:

343.16 (1) (a) *General.* ~~The~~ Except when examination by a 3rd-party tester is permitted under pars. (b) to (c), the department shall examine every applicant for an operator's license, including applicants for license

renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The department may not require a person applying for authorization to operate "Class M" vehicles who has successfully completed a basic rider course approved by the department to hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles. The department may not require a person applying for authorization to operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to hold it for a minimum period of time before administering a driving skills test. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

SECTION 2917r. 343.16 (1) (b) (intro.) of the statutes is amended to read:

343.16 (1) (b) *Third-party testing for commercial motor vehicle and school bus operators.* (intro.) The department may contract with a person, including an agency or department of this state or its political subdivisions or another state, or a private employer of commercial motor vehicle drivers, to administer commercial

motor vehicle skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h), and abbreviated driving skills tests required by sub. (3) (b). The department may not enter into such testing contracts with a private driver training school or other private institution. A contract with a 3rd-party tester under this paragraph shall include all of the following provisions:

SECTION 2918. 343.16 (1) (b) 2. of the statutes is amended to read:

343.16 (1) (b) 2. The department, the applicable federal highway administration agency, or its a representative of the applicable federal agency may conduct random examinations, inspections, and audits of the 3rd-party tester without any prior notice.

SECTION 2918m. 343.16 (1) (bm) of the statutes is created to read:

343.16 (1) (bm) *Third-party testing for other vehicle operators.* The department may contract with any law enforcement agency, other than a local law enforcement agency of a municipality in which an examining station of the department is located, to administer knowledge, driving skills, and eyesight tests required by par. (a) and sub. (2) (b) and (c) for authorization to operate "Class D" vehicles. A contract with a 3rd-party tester under this paragraph shall include all of the following provisions:

1. All tests conducted by the 3rd-party tester shall be the same as those given by the department.

2. The department or its representative may conduct random examinations, inspections, and audits of the 3rd-party tester without any prior notice.

3. The department may conduct an on-site inspection of the 3rd-party tester to determine compliance with the contract and with department and federal standards for testing applicants for operators' licenses to operate "Class D" vehicles. The department may also evaluate testing given by the 3rd-party tester by one of the following means:

a. Department employees may take the tests actually administered by the 3rd-party tester as if the department employees were applicants.

b. The department may retest a sample of drivers who were tested by the 3rd-party tester to compare the pass and fail results.

4. Examiners of the 3rd-party tester shall meet the same qualifications and training standards as the department's license examiners to the extent established by the department as necessary to satisfactorily perform the knowledge, driving skills, and eyesight tests required by par. (a) and sub. (2) (b) and (c) for authorization to operate "Class D" vehicles.

5. The department shall take prompt and appropriate remedial action against the 3rd-party tester in the event that the tester fails to comply with department or federal standards for testing for operators' licenses to operate "Class D" vehicles or with any provision of the contract,