



2009 ASSEMBLY BILL 926

April 5, 2010 – Introduced by Representatives HUEBSCH, SUDER, KERKMAN, VAN ROY, VOS, PETERSEN, STRACHOTA, NYGREN, KNODL, BIES, ROTH, RHOADES, LOTHIAN, BROOKS, LEMAHIEU, PRIDEMORE, FRISKE and J. OTT, cosponsored by Senators HOPPER, DARLING and SCHULTZ. Referred to Committee on Natural Resources.

1 **AN ACT** *to repeal* 15.05 (1) (c), 20.370 (1) (cq) (title), 20.370 (1) (mv), 20.370 (2)
2 (intro.) (except 20.370 (2) (title)), 20.370 (3) (title), 20.370 (3) (bL), 20.370 (6)
3 (intro.) (except 20.370 (6) (title)), 20.370 (6) (ac), 20.370 (8) (title), 20.370 (9)
4 (title), 23.125, 23.40 (3) (e), 23.41 (1) (a), 23.41 (2), 23.41 (5), 23.41 (5m), 27.016
5 (1) (c), 30.01 (1j), 30.01 (6), 31.307 (4), 31.309 (1) (a) and (am), 31.309 (2) (b),
6 70.114 (1) (a), 85.245 (2) and 814.77 (5); **to renumber** 20.370 (1) (cq), 20.370 (1)
7 (ct), 20.370 (1) (cu), 20.370 (1) (cy), 20.370 (1) (ea), 20.370 (1) (es), 20.370 (1) (Lt),
8 20.370 (1) (mz), 20.370 (2) (bh), 20.370 (2) (bi), 20.370 (2) (bq), 20.370 (2) (br),
9 20.370 (2) (cf), 20.370 (2) (cg), 20.370 (2) (ch), 20.370 (2) (ci), 20.370 (2) (cL),
10 20.370 (2) (dg), 20.370 (2) (dh), 20.370 (2) (dq), 20.370 (2) (dt), 20.370 (2) (du),
11 20.370 (2) (dv), 20.370 (2) (dw), 20.370 (2) (dy), 20.370 (2) (dz), 20.370 (2) (eg),
12 20.370 (2) (eh), 20.370 (2) (eq), 20.370 (2) (fq), 20.370 (2) (gh), 20.370 (2) (gr),
13 20.370 (2) (hq), 20.370 (2) (hr), 20.370 (2) (ma), 20.370 (2) (mi), 20.370 (2) (mk),
14 20.370 (2) (mm), 20.370 (2) (mq), 20.370 (2) (mr), 20.370 (2) (mu), 20.370 (2)

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1 (my), 20.370 (3) (ad), 20.370 (3) (ak), 20.370 (3) (aq), 20.370 (3) (ar), 20.370 (3)
2 (as), 20.370 (3) (at), 20.370 (3) (aw), 20.370 (3) (ax), 20.370 (3) (dg), 20.370 (3)
3 (is), 20.370 (3) (mr), 20.370 (3) (ms), 20.370 (3) (mt), 20.370 (4) (title), 20.370 (4)
4 (ac), 20.370 (4) (ar), 20.370 (4) (as), 20.370 (4) (at), 20.370 (4) (au), 20.370 (4)
5 (bh), 20.370 (4) (kk), 20.370 (4) (kr), 20.370 (4) (ku), 20.370 (4) (kv), 20.370 (4)
6 (kw), 20.370 (4) (ky), 20.370 (4) (mq), 20.370 (4) (mr), 20.370 (4) (mt), 20.370 (4)
7 (mw), 20.370 (4) (mx), 20.370 (4) (my), 20.370 (4) (nz), 20.370 (5) (av), 20.370 (5)
8 (az), 20.370 (5) (bq), 20.370 (5) (br), 20.370 (5) (bs), 20.370 (5) (bt), 20.370 (5)
9 (bu), 20.370 (5) (bv), 20.370 (5) (bw), 20.370 (5) (bx), 20.370 (5) (by), 20.370 (5)
10 (bz), 20.370 (5) (dx), 20.370 (6) (title), 20.370 (6) (aa), 20.370 (6) (ar), 20.370 (6)
11 (as), 20.370 (6) (au), 20.370 (6) (av), 20.370 (6) (aw), 20.370 (6) (bj), 20.370 (6)
12 (bk), 20.370 (6) (br), 20.370 (6) (bu), 20.370 (6) (bv), 20.370 (6) (cr), 20.370 (6)
13 (da), 20.370 (6) (dm), 20.370 (6) (dq), 20.370 (6) (ef), 20.370 (6) (eg), 20.370 (6)
14 (eh), 20.370 (6) (em), 20.370 (6) (eq), 20.370 (6) (et), 20.370 (6) (eu), 20.370 (6)
15 (ev), 20.370 (7) (ar), 20.370 (7) (bq), 20.370 (7) (br), 20.370 (7) (cb), 20.370 (7) (cc),
16 20.370 (7) (cd), 20.370 (7) (cg), 20.370 (7) (cq), 20.370 (7) (cr), 20.370 (7) (cs),
17 20.370 (7) (ct), 20.370 (7) (er), 20.370 (8) (iw), 20.370 (8) (mq), 20.370 (8) (mr),
18 20.370 (8) (mt), 20.370 (8) (mz), 20.370 (8) (ni), 20.370 (8) (nk), 20.370 (8) (zq),
19 20.370 (9) (hk), 20.370 (9) (hs), 20.370 (9) (ht), 20.370 (9) (hu), 20.370 (9) (hv),
20 20.370 (9) (iq), 20.370 (9) (is), 20.370 (9) (mt), 20.370 (9) (mw), 20.370 (9) (mx),
21 20.370 (9) (nq), 20.370 (9) (ny), 20.375, 23.09 (3) (a), 23.09 (3) (b), 23.09 (11) (a),
22 23.097 (1), 23.113, 23.114, 23.135, 23.32, 23.42, 23.425 (title), (1) and (2) (a),
23 27.01 (7) (h), 27.01 (7m) (a), 30.07, 30.1255, 30.203, 30.24, 30.255, 30.26, 30.265,
24 30.27, 30.275, 30.277, 31.309 (2) (a) and 85.245 (1); ***to renumber and amend***
25 15.343, 15.345 (6), 15.347 (2), 15.347 (12), 15.347 (13), 15.347 (15), 15.347 (17),

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1 15.347 (19), 20.370 (1) (cr), 20.370 (1) (cs), 20.370 (1) (cv), 20.370 (1) (cx), 20.370
2 (1) (eq), 20.370 (1) (er), 20.370 (2) (bg), 20.370 (3) (bg), 20.370 (3) (dh), 20.370
3 (3) (di), 20.370 (3) (fj), 20.370 (3) (ma), 20.370 (3) (mi), 20.370 (3) (mk), 20.370
4 (3) (mm), 20.370 (3) (mq), 20.370 (3) (mu), 20.370 (3) (mw), 20.370 (3) (my),
5 20.370 (4) (af), 20.370 (4) (ag), 20.370 (4) (ah), 20.370 (4) (ai), 20.370 (4) (aj),
6 20.370 (4) (aq), 20.370 (4) (av), 20.370 (4) (bg), 20.370 (4) (bi), 20.370 (4) (bj),
7 20.370 (4) (bL), 20.370 (4) (br), 20.370 (4) (cg), 20.370 (4) (ch), 20.370 (4) (ma),
8 20.370 (4) (mi), 20.370 (4) (mk), 20.370 (4) (mm), 20.370 (4) (mu), 20.370 (4)
9 (mz), 20.370 (5) (as), 20.370 (5) (ax), 20.370 (6) (ca), 20.370 (6) (cm), 20.370 (8)
10 (ir), 20.370 (8) (ma), 20.370 (8) (mg), 20.370 (8) (mi), 20.370 (8) (mk), 20.370 (8)
11 (mu), 20.370 (8) (mv), 20.370 (9) (eg), 20.370 (9) (gb), 20.370 (9) (ma), 20.370 (9)
12 (mh), 20.370 (9) (mi), 20.370 (9) (mk), 20.370 (9) (mm), 20.370 (9) (mq), 20.370
13 (9) (mu), 20.370 (9) (mv), 20.370 (9) (my), 20.370 (9) (mz), 23.09 (17m) (a), 23.18,
14 23.425 (2) (b), 27.01 (7m) (b), 30.124, 31.309 (1) (b) and 778.104; **to consolidate,**
15 **renumber and amend** 23.41 (1) (intro.) and (b); **to amend** 1.055 (1), 1.056,
16 1.11 (2) (d), 13.097 (1) (a), 13.097 (2) (b), 13.097 (2) (c), 13.101 (6) (a), 13.48 (10)
17 (b) 1., 13.48 (26), 13.625 (8m), 13.83 (3) (f) (intro.), 14.95 (2), 15.01 (4), 15.05 (1)
18 (b), 15.07 (2) (n), 15.09 (1) (b), 15.107 (17) (f), 15.135 (4) (b) 1., 15.137 (5) (a),
19 15.137 (5) (b) 2., 15.155 (5), 15.157 (10) (f), 15.915 (2) (a), 16.02 (2), 16.045 (1)
20 (b) (intro.), 16.045 (1) (b) 10., 16.045 (1) (d), 16.15 (3) (b) 1. (intro.), 16.15 (3) (b)
21 1. a., 16.15 (3) (b) 2., 16.15 (3) (b) 3., 16.505 (2) (b), 16.515 (3), 16.855 (21), 16.87
22 (4), 16.958 (1) (d), 16.958 (2) (intro.), 16.967 (6), 16.967 (7) (a) 1., 16.967 (6)
23 (intro.), 16.968, 20.003 (3) (c) (intro.), 20.143 (1) (kc), 20.285 (1) (kb), 20.370 (1)
24 (mq), 20.370 (1) (ms), 20.370 (1) (mu), 20.370 (1) (my), 20.370 (5) (ad), 20.370
25 (5) (cq), 20.370 (5) (da), 20.370 (5) (dq), 20.370 (5) (dr), 20.370 (5) (eq), 20.370

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1 (5) (fq), 20.370 (7) (aa), 20.370 (7) (fa), 20.370 (7) (mc), 20.455 (1) (k), 20.505 (4)
2 (k), 20.505 (8) (hm) 8d., 20.505 (8) (hm) 8k., 20.505 (8) (hm) 8r., 20.505 (8) (hm)
3 17f., 20.566 (7) (v), 20.866 (1) (u), 20.866 (2) (tb), 20.866 (2) (tc), 20.866 (2) (te),
4 20.866 (2) (tf), 20.866 (2) (tg), 20.866 (2) (th), 20.866 (2) (ti), 20.866 (2) (tk),
5 20.866 (2) (tL), 20.866 (2) (tm), 20.866 (2) (tn), 20.866 (2) (to), 20.866 (2) (ts),
6 20.866 (2) (tu), 20.866 (2) (tx), 20.903 (2) (b), 23.09 (1), 23.09 (2) (d) 16., 23.09
7 (2) (g), 23.09 (2m) (b), 23.09 (2p) (a), 23.09 (2r) (b), 23.09 (17m) (b), 23.09 (18)
8 (a), 23.09 (18) (b), 23.09 (18) (c), 23.09 (21m), 23.09 (26) (a), 23.09 (26) (am) 2.,
9 23.0915 (1g), 23.0915 (1r) (c), 23.0915 (2g), 23.0916 (3) (a), 23.0917 (1) (c),
10 23.0917 (3) (a), 23.0917 (3) (c) 1., 23.0917 (4) (b) 4., 23.0917 (7) (a), 23.0917 (7)
11 (e) 1., 23.094 (2) (a), 23.095 (1m) (title), 23.095 (1m) (a), 23.096 (2) (a), 23.096
12 (3) (intro.), 23.096 (4) (a) 1., 23.096 (4) (a) 2., 23.096 (4) (b), 23.098 (1) (ag),
13 23.098 (2), 23.098 (3), 23.098 (4) (a), 23.098 (4) (am), 23.098 (4) (b), 23.11 (1),
14 23.11 (5), 23.13, 23.14, 23.15 (title), 23.15 (1), 23.15 (2), 23.15 (3), 23.15 (4), 23.15
15 (5) (a), 23.15 (5) (b), 23.16 (1), 23.16 (5), 23.165 (1), 23.165 (1m), 23.165 (5m),
16 23.197 (2) (a), 23.26 (3), 23.305 (title), 23.305 (2), 23.305 (3), 23.325 (1) (a),
17 23.325 (2) (a), 23.325 (4), 23.33 (1) (ig), 23.33 (2) (o), 23.33 (5) (a), 23.33 (5m) (c)
18 4., 23.33 (5m) (c) 5., 23.33 (8) (c), 23.33 (9) (a), 23.33 (9) (b) (intro.), 23.33 (12)
19 (a), 23.40 (3) (d), 23.50 (1), 23.53 (1), 23.65 (1), 23.65 (3), 24.39 (1), 24.39 (2),
20 24.39 (4) (c), 24.39 (4) (f), 24.58, 25.29 (6), 25.29 (7) (a), 25.29 (7) (b), 25.295 (1)
21 (b), 25.43 (2) (c), 25.43 (3), 25.46 (1e), 25.46 (1g), 26.01 (1), 26.02 (1) (intro.),
22 26.06 (1), 26.08 (1), 26.08 (2) (a), 26.08 (2) (b), 26.08 (2) (bn), 26.08 (2) (c), 26.08
23 (2) (d), 26.08 (3), 26.11 (6), 26.11 (7), 26.12 (2), 26.14 (2), 26.14 (4), 26.20 (6) (b),
24 26.22, 26.30 (2), 26.30 (4), 26.30 (5), 26.36, 26.37 (1) (intro.), 26.37 (1) (a), 26.37
25 (1) (b), 26.37 (1) (c), 26.37 (1) (d), 26.37 (1) (e), 26.37 (1) (f), 26.37 (1) (g), 26.38

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1 (2m) (am), 26.39 (2), 26.39 (3), 26.39 (7) (a), 26.97 (1), 27.01 (7) (a) 3., 27.01 (7)
2 (gu), 27.01 (10) (b), 27.01 (10) (d) 1., 27.01 (10) (d) 2., 27.01 (10) (d) 3., 27.01 (10)
3 (d) 4., 27.01 (10) (d) 5., 27.01 (10) (d) 6., 27.01 (10) (e), 27.01 (10) (f), 27.01 (10)
4 (g) (intro.), 27.01 (10) (h), 27.01 (11) (a), 27.01 (11) (b) (intro.), 27.01 (11) (cm),
5 27.01 (11) (cr) (intro.), 27.01 (11) (cr) 1., 27.01 (11) (cr) 2., 27.01 (11) (i), 27.01 (12),
6 27.01 (17), 27.016 (1) (a), 27.016 (1) (b), 27.016 (2) (a), 27.016 (2) (b), 27.016 (3),
7 27.016 (4), 27.016 (5), 27.016 (6), 27.016 (7), 28.005, 28.02 (title), 28.02 (1),
8 28.025 (3) (a) 2., 28.03 (1), 28.035 (2), 28.035 (3) (b), 28.05 (3) (c), 28.06 (2m) (b),
9 28.11 (5m) (a) (intro.), 28.11 (5m) (am), 28.11 (5r) (b), 28.11 (8) (a), 28.11 (8) (b)
10 1., 28.11 (8) (b) 2., 28.11 (9) (am), 28.11 (9) (ar) 1., 28.11 (9) (ar) 2., 28.11 (12),
11 29.024 (6) (ag), 29.088 (2g) (b), 29.219 (3) (c), 29.219 (3m) (c), 29.228 (7) (c),
12 29.2285 (3) (e), 29.229 (5r), 29.2295 (4) (c), 29.2297 (4), 29.237 (5), 29.556 (3),
13 29.564 (2), 29.601 (3) (b), 29.601 (5) (b) 2., 29.931 (2) (am), 29.984 (2), 29.987 (2),
14 29.989 (2), 29.9905 (2), 30.01 (title), 30.03 (2), 30.12 (1m) (a), 30.12 (1m) (b),
15 30.20 (1g) (c), 30.40 (3g), 30.42 (1) (d) 1., 30.50 (4s), 30.52 (1m) (e), 30.52 (3m)
16 (b), 30.54 (2), 30.544, 30.67 (2) (a), 30.773 (2), 30.80 (5m), 30.92 (1) (b), 31.01 (2),
17 31.02 (4) (c), 31.02 (4r), 31.02 (7m), 31.06 (1), 31.06 (3) (b), 31.187 (2), 31.34,
18 32.035 (3), 33.01 (2), 33.265, 33.457 (4) (intro.), 36.25 (8), 36.25 (11) (c), 36.25
19 (11) (d), 36.25 (30), 36.27 (3m) (a) 2., 40.02 (48) (c), 42.09 (2) (b), 44.57 (1) (c),
20 46.34, 59.01, 59.692 (1) (a), 59.693 (1), 59.70 (2) (q) 4., 59.70 (6) (a) 1., 59.70 (13)
21 (b), 59.74 (2) (g), 60.627 (1), 60.71 (4) (b), 60.71 (4) (c), 60.71 (7), 60.72 (title) and
22 (1), 60.73, 60.782 (2) (d), 60.785 (2) (a), 60.85 (1) (n), 61.351 (1) (b), 61.351 (2),
23 61.351 (3), 61.351 (6), 61.354 (1), 62.231 (1) (b), 62.231 (2), 62.231 (3), 62.231 (6),
24 62.231 (6m), 62.234 (1), 66.0217 (9) (b), 66.0221 (1), 66.0223 (1), 66.0235 (5),
25 66.0307 (4) (a) 1., 66.0407 (5), 66.1006, 66.1105 (2) (k), 66.1106 (1) (fm), 66.1106

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1 (4) (a), 66.1106 (7) (d), 67.12 (1) (b) 2., 70.11 (21) (am), 70.11 (21) (b), 70.113 (1)
2 (intro.), 70.113 (2) (a), 70.114 (1) (c), 70.114 (1) (d), 70.114 (2), 70.114 (3), 70.114
3 (4) (a), 70.114 (4) (b), 70.32 (2) (c) 4., 70.375 (4) (o), 70.395 (2) (dc) 1., 70.395 (2)
4 (j), 70.395 (2) (k), 71.05 (11) (a), 73.0301 (1) (e), 75.105 (1) (a), 75.106 (1) (b),
5 77.02 (1), 77.02 (2), 77.02 (3) (a) and (c), 77.03, 77.04 (2), 77.05, 77.06 (1), 77.06
6 (2), 77.06 (3), 77.06 (4), 77.06 (5), 77.07 (2), 77.08, 77.09 (1), 77.10 (1) (a), 77.10
7 (1) (b), 77.10 (2) (a) 1., 77.10 (2) (a) 2., 77.10 (2) (b), 77.10 (4), 77.11, 77.13 (1),
8 77.13 (2), 77.14, 77.16 (1), 77.81 (1), 77.82 (2m) (d), 77.82 (2m) (dm), 77.82 (4),
9 77.83 (1m), 77.83 (2) (am) 3., 77.83 (2) (c), 77.83 (3), 77.85, 77.88 (2) (d), 77.88
10 (2) (e), 77.89 (1), 77.89 (2) (b), 77.91 (2) (b), 77.91 (4), 77.91 (5), 84.01 (17), 84.01
11 (23), 84.02 (3) (a), 84.078 (1) (am), 84.078 (3) (a) 2., 84.078 (3) (b) (intro.), 84.078
12 (3) (c), 84.11 (3), 84.11 (7m), 84.12 (7), 84.28 (1), 84.28 (2), 85.19 (1), 85.19 (2) (c),
13 86.255 (2) (a), 86.315 (1), 87.01 (1), 87.02 (intro.), 87.14, 87.18, 88.05 (4) (a),
14 88.11 (1) (e), 88.11 (1) (i), 88.11 (2), 88.31 (1), 88.31 (2), 88.31 (4) (intro.), 88.31
15 (4m), 88.31 (5), 88.31 (6), 88.62 (3), 88.72 (4), 91.46 (1) (i), 92.04 (2) (e), 92.05 (1),
16 92.10 (6) (a) 1., 92.10 (8), 92.14 (2) (j), 92.14 (6) (b), 92.14 (6) (d), 92.14 (6) (h) 3.,
17 92.14 (6) (m), 92.14 (8), 92.14 (12), 92.14 (13), 92.14 (14), 92.14 (14m), 92.14 (15),
18 92.15 (3), 92.18 (4), 92.18 (5), 93.07 (12), 93.12 (5), 93.12 (8), 93.12 (9), 93.46 (1m)
19 (b), 93.90 (5) (c), 94.65 (3) (a) 3., 94.73 (1) (b), 94.73 (2) (a), 94.73 (2m) (intro.),
20 94.73 (2m) (b), 94.73 (2m) (c), 94.73 (2m) (d), 94.73 (2m) (e), 94.73 (3) (d), 94.73
21 (3) (f), 94.73 (3m) (a), 94.73 (3m) (b), 94.73 (3m) (e), 94.73 (3m) (r), 94.73 (4) (b),
22 94.73 (9), 94.73 (12), 97.34 (2) (b), 97.34 (2) (d), 100.27 (5) (d), 100.295 (1),
23 101.143 (1) (am), 101.143 (2) (h) (intro.), 101.143 (2) (h) 3., 101.143 (2) (i) (intro.),
24 101.143 (2) (j) (intro.), 101.143 (2) (j) 1., 101.143 (2) (k), 101.143 (2e), 101.143
25 (2m), 101.143 (3) (a) 5., 101.143 (3) (a) 9., 101.143 (3) (c) 4., 101.143 (3) (cm),

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1 101.143 (3) (cp) 1., 101.143 (3) (cp) 2., 101.143 (3) (cp) 5., 101.143 (3) (cs) 2.,
2 101.143 (3) (cs) 3., 101.143 (3) (cs) 4., 101.143 (3) (cw) 2., 101.143 (3) (cw) 3.,
3 101.143 (3) (cw) 4., 101.143 (3) (d), 101.143 (3) (e), 101.143 (3) (f) 5., 101.143 (3)
4 (g), 101.143 (4) (ei) 2m., 101.143 (4) (es) 1., 101.143 (11) (intro.), 101.144 (2) (a),
5 101.144 (3) (intro.), 101.144 (3) (b), 101.144 (3) (c), 101.144 (3) (d), 101.144 (3)
6 (e), 101.144 (3g) (a), 101.144 (3m) (a) (intro.), 101.144 (3m) (b), 101.653 (6m),
7 107.15 (2) (b), 107.15 (6) (c) 2., 110.20 (4), 110.20 (8) (am) 5., 110.20 (8) (d), 110.20
8 (13) (b), 110.215, 118.025, 125.52 (2), 134.60, 138.09 (7) (i) 3., 145.20 (5) (c),
9 146.60 (1) (c), 146.60 (2) (a), 146.60 (3) (c) 1., 146.60 (3) (c) 2., 146.60 (5), 160.001
10 (6), 160.001 (7), 160.01 (1), 160.01 (7), 160.07 (5), 160.07 (6), 160.13 (2) (b) 4.,
11 165.25 (4) (a), 165.25 (6) (e), 165.85 (4) (b) 1., 167.10 (3) (b) 3., 167.31 (5) (d),
12 169.46 (1) (e), 169.46 (2) (e), 170.12 (4) (intro.), 170.12 (4) (c), 182.70 (1) (d),
13 182.70 (3) (a) 1., 182.71 (1) (c), 182.71 (7) (a) and (b), 196.025 (2m) (title), 196.025
14 (2m) (a) 1., 196.374 (3) (a), 196.491 (1) (c), 196.491 (2) (b) 5., 196.86 (1) (a), 196.86
15 (1) (d), 196.86 (2), 198.22 (7), 198.22 (13), 200.01 (2), 200.11 (1) (e), 200.27 (9),
16 200.29 (1) (c) 4. b., 200.29 (1) (d) 3., 200.35 (4), 200.35 (8) (a), 200.35 (9) (b),
17 200.35 (9) (c), 200.35 (12), 200.35 (14) (d) 1., 200.47 (2) (a), 200.49 (7) (b), 218.21
18 (2) (eg), 218.21 (2) (em), 227.137 (1), 227.42 (5), 227.44 (2) (d), 227.46 (8), 230.08
19 (2) (e) 2., 230.08 (2) (e) 8., 230.36 (1m) (b) 1. (intro.), 230.36 (1m) (b) 2. (intro.),
20 230.36 (2m) (a) 5., 234.86 (1) (b), 236.13 (2m), 236.16 (3) (a), 236.16 (3) (d)
21 (intro.), 254.02 (3) (a), 254.51 (2), 279.06 (2), 280.01 (1), 280.98 (1), 281.01 (3),
22 281.01 (12), 281.01 (21), 281.15 (1), 281.16 (3) (a) (intro.), 281.16 (3) (b), 281.16
23 (3) (e), 281.17 (3), 281.19 (6), 281.33 (2), 281.34 (4) (b), 281.34 (5) (b) 1., 281.34
24 (5) (c), 281.34 (5) (d) 1., 281.36 (9) (ar) 2. b., 281.36 (9) (ar) 2. c., 281.37 (1) (a)
25 3., 281.43 (1), 281.48 (5s), 281.55 (2), 281.55 (6) (b) 1., 281.58 (9) (ae), 281.58 (9)

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1 (e), 281.58 (9m) (f) (intro.), 281.58 (11) (b), 281.59 (11) (a), 281.59 (11) (c), 281.59
2 (12), 281.625 (4), 281.65 (3) (at), 281.65 (4g), 281.65 (4m) (c), 281.65 (7) (b),
3 281.68 (2) (b), 281.69 (1b) (d), 281.69 (3m) (a), 281.695 (5), 281.695 (6), 281.73,
4 281.75 (1) (i), 281.75 (5) (f), 281.85 (intro.), 281.96, 283.001 (2), 283.01 (3),
5 283.01 (16), 283.33 (9) (c), 283.87 (1), 283.87 (4), 283.89 (2m), 285.01 (13), 285.01
6 (38), 285.11 (6) (intro.), 285.48 (2), 285.48 (3) (d) (intro.), 285.57 (4), 285.59 (7),
7 285.69 (2) (c) (intro.), 285.69 (2m) (bm) (intro.), 285.69 (3) (a), 285.69 (7), 285.85
8 (1), 285.86 (1), 287.01 (1), 287.25 (5) (a), 287.91 (4), 287.95 (4), 289.01 (7), 289.01
9 (31), 289.09 (2) (d), 289.25 (1), 289.29 (1) (c), 289.31 (7) (f), 289.43 (7) (c), 289.43
10 (7) (e) 3., 289.64 (6), 289.68 (1), 289.68 (3), 289.68 (4), 289.68 (5), 289.68 (6),
11 289.68 (7), 291.01 (2), 292.01 (2), 292.01 (17), 292.11 (6) (a), 292.11 (6) (b), 292.11
12 (6) (c) 2., 292.12 (1) (a), 292.255, 292.31 (4), 292.31 (7) (am) 2., 292.31 (7) (b),
13 292.33 (6), 292.41 (6) (a), 292.41 (6) (b), 292.53, 292.55 (2), 292.57 (2) (b), 292.65
14 (3) (c), 292.65 (11), 292.70 (7), 292.75 (2) (a), 292.75 (6), 292.94, 293.01 (3),
15 293.01 (28) (a), 293.01 (28) (b) (intro.), 293.25 (6), 295.11 (1), 295.31 (1), 299.01
16 (3), 299.23, 299.64 (3), 299.83 (1) (c), 299.83 (1) (d), 299.83 (3) (b) 3., 299.83 (3)
17 (d) 2. a., 299.83 (3) (d) 2. b., 299.83 (3) (e), 299.83 (4m) (f), 299.83 (5) (b) 3., 299.83
18 (5) (e), 299.85 (1) (c) 1., 299.85 (6) (b) (intro.), 299.85 (7) (a) 2., 299.85 (7) (a) 4.,
19 299.85 (7) (am), 299.95, 303.04, 323.60 (4) (intro.), 323.60 (4) (b), 323.60 (5) (b),
20 323.60 (5) (d) (intro.), 323.71 (2), 340.01 (3) (b), 341.65 (2) (b), 342.40 (3) (a),
21 345.11 (1j), 345.20 (2) (g), 347.06 (1), 350.01 (9g), 350.12 (3h) (g), 350.12 (4) (a)
22 (intro.), 350.12 (4) (a) 3m., 350.12 (4) (am), 350.12 (4) (b) (intro.), 350.12 (4) (bg)
23 1., 350.12 (4) (bm) (intro.), 350.12 (4) (bm) 1., 350.12 (4) (bm) 2., 350.12 (4) (br),
24 350.12 (4) (c), 350.14 (1), 350.145 (3) (a) 1., 350.15 (3) (a), 350.17 (1), 560.11 (1)
25 (a), 560.11 (2), 560.13 (2) (a) 1m., 560.13 (5), 560.19 (3), 778.104 (title), 778.30

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1 (1) (intro.), 800.02 (2) (a) (intro.), 823.075 (1) (a), 823.08 (3) (c) 1., 823.085 (2)
2 (intro.), 823.085 (2) (b), 891.04, 893.73 (2) (a), 895.52 (2) (a) 2., 895.52 (3) (b),
3 895.53 (2), 895.55 (2) (b), 895.56 (2) (c), 895.56 (3) (c), 895.58 (1) (a), 938.237 (1),
4 938.237 (2) and 951.01 (4); **to repeal and recreate** 20.370 (1) (title) and 20.370
5 (2) (title); and **to create** 13.097 (3), 13.83 (3) (f) 8., 15.107 (5) (a) 2m., 15.33,
6 15.337 (title), 15.337 (4) (a) 1m., 15.34 (2) (bg) and (br), 15.915 (6) (b) 2m., 20.115
7 (5) (intro.), 20.115 (5) (b), 20.115 (5) (c), 20.115 (5) (d), 20.115 (5) (h), 20.115 (5)
8 (k), 20.115 (5) (q), 20.115 (5) (qf), 20.115 (5) (qh) (title), 20.115 (5) (r), 20.115 (5)
9 (rt), 20.115 (5) (s), 20.115 (5) (sg), 20.115 (5) (sm), 20.115 (5) (sr), 20.115 (5) (wr),
10 20.115 (5) (x), 20.115 (5) (yr), 20.115 (5) (yt), 20.370 (1) (bq), 20.370 (2) (ir),
11 20.370 (2) (sa), 20.370 (2) (sk), 20.370 (2) (su), 20.370 (2) (ta), 20.370 (2) (tu),
12 20.370 (2) (uu), 20.370 (2) (uy), 20.375 (intro.), 20.375 (2) (title), 20.375 (2) (ag),
13 20.375 (2) (ig), 20.375 (2) (pa), 20.375 (2) (pi), 20.375 (2) (pk), 20.375 (2) (pm),
14 20.375 (2) (sa), 20.375 (2) (si), 20.375 (2) (sk), 20.375 (2) (sp), 20.375 (2) (ta),
15 20.375 (2) (tk), 20.375 (2) (tm), 20.375 (2) (tp), 20.375 (2) (uk), 20.375 (2) (zg),
16 20.375 (4) (bg), 20.375 (4) (ma), 20.375 (4) (mi), 20.375 (4) (mk), 20.375 (4) (ni),
17 20.375 (4) (nk), 20.375 (4) (sa), 20.375 (4) (sk), 20.375 (4) (sp), 20.375 (4) (su),
18 20.375 (4) (ta), 20.375 (4) (tm), 20.375 (4) (tu), 20.375 (7) (title), 20.375 (7) (aa),
19 20.375 (7) (ea), 20.375 (7) (ha), 20.866 (2) (tj), 20.923 (4) (g) 1p., 23.09 (11) (ag),
20 23.09 (17m) (ac), 23.09 (20) (ar), 23.096 (3m), 23.097 (1b), 23.098 (2m), 23.15
21 (1m), 23.15 (4m), 23.30 (4), 23.33 (9m), 23.385, 27.01 (7) (h) 2., 27.01 (7m) (a)
22 2., 27.01 (7m) (b) 2., 28.012, 28.022, 28.047, 28.90, 28.92, 28.94, 28.98, 29.097,
23 30.015, 30.40 (3e), 30.40 (15m), 30.50 (3m), 30.50 (11m), 32.02 (15m), 33.55 (1)
24 (p), 40.02 (17) (n), 40.02 (48) (am) 5m., 40.65 (4w), 70.113 (1m), 70.114 (4) (ag),
25 82.10 (4) (a) 3m., 82.10 (4) (a) 3s., 93.06 (3m), 93.077, 93.77, 227.43 (1) (bd),

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1 227.43 (1) (be), 227.43 (2) (am), 227.43 (2) (as), 227.43 (3) (am), 227.43 (3) (as),
2 227.43 (4) (am), 227.43 (4) (as), 230.08 (2) (e) 4b., 230.36 (2m) (a) 5m., chapter
3 278, 347.06 (5), 778.104 (2), 814.785, 895.53 (1) (am) and 990.01 (39) of the
4 statutes; **relating to:** creating the Department of Environmental Quality and
5 transferring some of the authority and duties of the Department of Natural
6 Resources to the Department of Environmental Quality and to the Department
7 of Agriculture, Trade and Consumer Protection, granting rule-making
8 authority, providing a penalty, and making appropriations.

Analysis by the Legislative Reference Bureau

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

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

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

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This bill also transfers the responsibility to administer programs related to forestry from DNR to the Department of Agriculture, Trade and Consumer Protection. DNR retains the responsibility of determining public access on land in state forests and on land subject to the managed forest land program.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 1.055 (1) of the statutes is amended to read:

2 1.055 (1) Consent of this state is given to the acquisition by the United States
3 by purchase, gift, lease or condemnation, with adequate compensation therefor, of
4 such areas of land not exceeding 2,000,000 acres as the United States deems
5 necessary for the establishment of national forests in the state, in accordance with
6 the act of congress approved June 7, 1924, and the board of commissioners of public
7 lands are authorized to sell and convey for a fair consideration to the United States
8 any state lands included within such areas; provided, that this state shall retain
9 concurrent jurisdiction with the United States in and over such areas so far that civil
10 process, in all cases, and such criminal process as may issue under the authority of
11 this state against any persons charged with the commission of any crime within or
12 without said areas, may be executed thereon in like manner as if this consent had
13 not been given. Provided, further, that the boundaries of any areas so selected shall
14 be first approved by the governor, the board of commissioners of public lands, the
15 department of ~~natural resources~~ agriculture, trade and consumer protection, and the
16 county board of each county in which any such area is located.

17 **SECTION 2.** 1.056 of the statutes is amended to read:

18 **1.056 State conservation areas.** Consent of this state is given to the United
19 States to acquire by purchase, gift, lease or condemnation, with adequate

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1 compensation therefor, areas of land and water within boundaries approved by the
2 governor and the county board of the county in which the land is located, for the
3 establishment of state forests, state parks or other state conservation areas to be
4 administered by the state under long-term leases, treaties or cooperative
5 agreements, ~~which the~~ The department of natural resources is hereby authorized,
6 on behalf of the state, to enter into ~~on behalf of the state~~ such leases, treaties, or
7 cooperative agreements covering land under its jurisdiction with the federal
8 government. The department of agriculture, trade and consumer protection is
9 authorized, on behalf of the state, to enter into such leases, treaties, or cooperative
10 agreements covering land under its jurisdiction with the federal government.

11 **SECTION 3.** 1.11 (2) (d) of the statutes is amended to read:

12 1.11 (2) (d) Prior to making any detailed statement, the responsible official
13 shall consult with and obtain the comments of any agency which has jurisdiction or
14 special expertise with respect to any environmental impact involved. Copies of such
15 statement and the comments and views of the appropriate agencies, which are
16 authorized to develop and enforce environmental standards shall be made available
17 to the governor, to the department of natural resources environmental quality, and
18 to the public. Every proposal other than for legislation shall receive a public hearing
19 before a final decision is made. Holding a public hearing as required by another
20 statute fulfills this section. If no public hearing is otherwise required, the responsible
21 agency shall hold the hearing in the area affected. Notice of the hearing shall be
22 given by publishing a class 1 notice, under ch. 985, at least 15 days prior to the
23 hearing in a newspaper covering the affected area. If the proposal has statewide
24 significance, notice shall be published in the official state newspaper;

25 **SECTION 4.** 13.097 (1) (a) of the statutes is amended to read:

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1 13.097 (1) (a) “Department” means the department of ~~natural resources~~
2 environmental quality.

3 **SECTION 5.** 13.097 (2) (b) of the statutes is amended to read:

4 13.097 (2) (b) If the legislation conveys a lake bed area, the department shall
5 describe the conveyance contained in the legislation. If the legislation amends a
6 prior conveyance of a lake bed area, the department’s report shall describe the prior
7 conveyance and how it is amended by this legislation. The report shall include any
8 written comments under sub. (3) and the department’s findings under sub. (4) and
9 its conclusions under sub. (6).

10 **SECTION 6.** 13.097 (2) (c) of the statutes is amended to read:

11 13.097 (2) (c) Legislation that requires a report by the department under this
12 section shall have that requirement noted on its jacket when the jacket is prepared.
13 When legislation that requires a report under this section receives a jacket to be
14 introduced or offered, the legislative reference bureau shall submit a copy of the
15 legislation to the department and to the department of natural resources.

16 **SECTION 7.** 13.097 (3) of the statutes is created to read:

17 13.097 (3) COMMENTS OF THE DEPARTMENT OF NATURAL RESOURCES. The
18 department of natural resources may submit to the department of environmental
19 quality written comments on legislation specified under sub. (2) within 10 days after
20 the legislation is introduced or offered.

21 **SECTION 8.** 13.101 (6) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
22 is amended to read:

23 13.101 (6) (a) As an emergency measure necessitated by decreased state
24 revenues and to prevent the necessity for a state tax on general property, the
25 committee may reduce any appropriation made to any board, commission,

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1 department, or the University of Wisconsin System, or to any other state agency or
2 activity, by such amount as it deems feasible, not exceeding 25% of the
3 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
4 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
5 (aq), (ar), and (au), 20.435 (7) (a) and (da), and 20.437 (2) (a) and (dz) or for forestry
6 purposes under ~~s.~~ ss. 20.115 (5) (h), (k), (q), (qr), (r), (rf), (rm), (rp), (rs), and (rv) and
7 20.370 (3), or any other moneys distributed to any county, city, village, town, or school
8 district. Appropriations of receipts and of a sum sufficient shall for the purposes of
9 this section be regarded as equivalent to the amounts expended under such
10 appropriations in the prior fiscal year which ended June 30. All functions of said
11 state agencies shall be continued in an efficient manner, but because of the
12 uncertainties of the existing situation no public funds should be expended or
13 obligations incurred unless there shall be adequate revenues to meet the
14 expenditures therefor. For such reason the committee may make reductions of such
15 appropriations as in its judgment will secure sound financial operations of the
16 administration for said state agencies and at the same time interfere least with their
17 services and activities.

18 **SECTION 9.** 13.48 (10) (b) 1. of the statutes is amended to read:

19 13.48 (10) (b) 1. Contracts by the department of ~~natural resources~~
20 environmental quality for construction work related to hazardous substance spill
21 response under s. 292.11 or environmental repair under s. 292.31.

22 **SECTION 10.** 13.48 (26) of the statutes is amended to read:

23 13.48 (26) ENVIRONMENTAL IMPROVEMENT ANNUAL FINANCE PLAN APPROVAL. The
24 building commission shall review the versions of the biennial finance plan and any
25 amendments to the biennial finance plan submitted to it by the department of

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1 ~~natural resources~~ environmental quality and the department of administration
2 under s. 281.59 (3) (bm) and the recommendations of the joint committee on finance
3 and the standing committees to which the versions of the biennial finance plan and
4 any amendments were submitted under s. 281.59 (3) (bm). The building commission
5 shall consider the extent to which that version of the biennial finance plan that is
6 updated to reflect the adopted biennial budget act will maintain the funding for the
7 clean water fund program and the safe drinking water loan program, in the
8 environmental improvement fund, in perpetuity. The building commission shall
9 consider the extent to which the implementation of the clean water fund program,
10 the safe drinking water loan program and the land recycling loan program, as set
11 forth in the biennial finance plan updated to reflect the adopted biennial budget act,
12 implements legislative intent on the clean water fund program, the safe drinking
13 water loan program and the land recycling loan program. The building commission
14 shall, no later than 60 days after the date of enactment of the biennial budget act,
15 either approve or disapprove the biennial finance plan that is updated to reflect the
16 adopted biennial budget act, except that the building commission may not
17 disapprove those amounts that the legislature approves under s. 281.59 (3e) (a), (3m)
18 (a) and (3s) (a). If the building commission disapproves the version of the biennial
19 finance plan that is updated to reflect the adopted biennial budget act, it must notify
20 the department of ~~natural resources~~ environmental quality and the department of
21 administration of its reasons for disapproving the plan, and those departments must
22 revise that version of the biennial finance plan and submit the revision to the
23 building commission.

24 **SECTION 11.** 13.625 (8m) of the statutes is amended to read:

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1 13.625 **(8m)** Subsection (3) does not apply to the solicitation of anything of
2 pecuniary value to pay the costs of remedying environmental contamination, as
3 defined in s. 292.51 (1), by an agency official of the department of ~~natural resources~~
4 environmental quality.

5 **SECTION 12.** 13.83 (3) (f) (intro.) of the statutes is amended to read:

6 13.83 **(3)** (f) (intro.) The special committee shall be assisted by a technical
7 advisory committee composed of 8 9 members representing the following:

8 **SECTION 13.** 13.83 (3) (f) 8. of the statutes is created to read:

9 13.83 **(3)** (f) 8. The department of environmental quality.

10 **SECTION 14.** 14.95 (2) of the statutes is amended to read:

11 14.95 **(2)** The governor shall serve as this state's representative on the Great
12 Lakes—St. Lawrence River Basin Water Resources Council. In discharging his or
13 her responsibilities under s. 281.343 (2) and (3), the governor may designate the
14 secretary of ~~natural resources~~ environmental quality as the governor's alternate to
15 attend all meetings of the Great Lakes—St. Lawrence River Basin Water Resources
16 Council and to vote at all meetings of the Great Lakes—St. Lawrence River Basin
17 Water Resources Council in the absence of the governor. Any designee other than the
18 secretary of ~~natural resources~~ environmental quality shall be nominated by the
19 governor, and with the advice and consent of the senate appointed, to serve at the
20 pleasure of the governor.

21 **SECTION 15.** 15.01 (4) of the statutes is amended to read:

22 15.01 **(4)** "Council" means a part-time body appointed to function on a
23 continuing basis for the study, and recommendation of solutions and policy
24 alternatives, of the problems arising in a specified functional area of state
25 government, except the Milwaukee River revitalization council has the powers and

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1 duties specified in s. ~~23.18~~ 278.18, the council on physical disabilities has the powers
2 and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug
3 abuse has the powers and duties specified in s. 14.24, and the electronic recording
4 council has the powers and duties specified in s. 706.25 (4).

5 **SECTION 16.** 15.05 (1) (b) of the statutes is amended to read:

6 15.05 (1) (b) Except as provided in ~~pars. (e) and par.~~ (d), if a department is under
7 the direction and supervision of a board, the board shall appoint a secretary to serve
8 at the pleasure of the board outside the classified service. In such departments, the
9 powers and duties of the board shall be regulatory, advisory and policy-making, and
10 not administrative. All of the administrative powers and duties of the department
11 are vested in the secretary, to be administered by him or her under the direction of
12 the board. The secretary, with the approval of the board, shall promulgate rules for
13 administering the department and performing the duties assigned to the
14 department.

15 **SECTION 17.** 15.05 (1) (c) of the statutes is repealed.

16 **SECTION 18.** 15.07 (2) (n) of the statutes is amended to read:

17 15.07 (2) (n) The member appointed under s. ~~15.345 (6)~~ 15.13 (5) (a) shall serve
18 as chairperson of the managed forest land board.

19 **SECTION 19.** 15.09 (1) (b) of the statutes is amended to read:

20 15.09 (1) (b) The terms of the members of the council on recycling shall expire
21 as specified under s. ~~15.347 (17)~~ 15.337 (5) (c).

22 **SECTION 20.** 15.107 (5) (a) 2m. of the statutes is created to read:

23 15.107 (5) (a) 2m. The secretary of environmental quality or his or her designee.

24 **SECTION 21.** 15.107 (17) (f) of the statutes is amended to read:

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1 15.107 (17) (f) One member appointed by the secretary of ~~natural resources~~
2 environmental quality.

3 **SECTION 22.** 15.135 (4) (b) 1. of the statutes is amended to read:

4 15.135 (4) (b) 1. The secretaries of administration, ~~natural resources~~
5 environmental quality, and agriculture, trade and consumer protection or their
6 designees.

7 **SECTION 23.** 15.137 (5) (a) of the statutes is amended to read:

8 15.137 (5) (a) *Nonvoting members.* The secretary of agriculture, trade and
9 consumer protection, the secretary of ~~natural resources~~ environmental quality, and
10 the dean of the College of Agricultural and Life Sciences at the University of
11 Wisconsin–Madison, or their designees, shall serve as nonvoting members.

12 **SECTION 24.** 15.137 (5) (b) 2. of the statutes is amended to read:

13 15.137 (5) (b) 2. One voting member shall be appointed by the secretary of
14 ~~natural resources~~ environmental quality to serve for a 3–year term. The member
15 appointed under this subdivision shall be knowledgeable about water quality.

16 **SECTION 25.** 15.155 (5) of the statutes is amended to read:

17 15.155 (5) SMALL BUSINESS REGULATORY REVIEW BOARD. There is created a small
18 business regulatory review board, attached to the department of commerce under s.
19 15.03. The board shall consist of a representative of the department of
20 administration; a representative of the department of agriculture, trade and
21 consumer protection; a representative of the department of children and families; a
22 representative of the department of commerce; a representative of the department
23 of health services; a representative of the department of ~~natural resources~~
24 environmental quality; a representative of the department of regulation and
25 licensing; a representative of the department of revenue; a representative of the

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1 department of workforce development; 6 representatives of small businesses, as
2 defined in s. 227.114 (1), who shall be appointed for 3-year terms; and the
3 chairpersons of one senate and one assembly committee concerned with small
4 businesses, appointed as are members of standing committees. The representatives
5 of the departments shall be selected by the secretary of that department.

6 **SECTION 26.** 15.157 (10) (f) of the statutes is amended to read:

7 15.157 (10) (f) One member appointed by the secretary of ~~natural resources~~
8 environmental quality to represent the department of ~~natural resources~~
9 environmental quality.

10 **SECTION 27.** 15.33 of the statutes is created to read:

11 **15.33 Department of environmental quality; creation.** There is created
12 a department of environmental quality under the direction and supervision of the
13 secretary of environmental quality.

14 **SECTION 28.** 15.337 (title) of the statutes is created to read:

15 **15.337 (title) Same; councils.**

16 **SECTION 29.** 15.337 (4) (a) 1m. of the statutes is created to read:

17 15.337 (4) (a) 1m. The secretary of environmental quality or his or her designee.

18 **SECTION 30.** 15.34 (2) (bg) and (br) of the statutes are created to read:

19 15.34 (2) (bg) At least one member of the natural resources board shall have
20 an agricultural background. The governor may request statewide agricultural
21 organizations to submit recommendations for nominees under this paragraph. The
22 requirements of this paragraph apply to individuals who are members of the natural
23 resources board on May 1, 2014, and thereafter.

24 (br) 1. At least 3 members of the natural resources board shall be individuals
25 who held an annual hunting, fishing, or trapping license, in this state or another

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1 state, in at least 7 of the 10 years previous to the year in which the individual is
2 nominated, except as provided in subd. 2. The governor may request statewide
3 organizations that are primarily interested in supporting hunting, fishing, or
4 trapping to submit recommendations for nominees under this paragraph. The
5 requirements of this paragraph apply to individuals who are members of the natural
6 resources board on May 1, 2014, and thereafter.

7 2. If an individual served on active duty in the U.S. armed forces or national
8 guard during the 10 years previous to the year in which the individual is nominated,
9 the number of years in which the individual is required to have held an annual
10 hunting, fishing, or trapping license equals 7 minus the number of years of active
11 duty served during those 10 years.

12 **SECTION 31.** 15.343 of the statutes is renumbered 15.132, and 15.132 (1), as
13 renumbered, is amended to read:

14 15.132 (1) DIVISION OF FORESTRY. There is created in the department of ~~natural~~
15 resources agriculture, trade and consumer protection a division of forestry.

16 **SECTION 32.** 15.345 (6) of the statutes is renumbered 15.135 (5), and 15.135 (5)
17 (intro.), as renumbered, is amended to read:

18 15.135 (5) MANAGED FOREST LAND BOARD. (intro.) There is created in the
19 department of ~~natural resources~~ agriculture, trade and consumer protection a
20 managed forest land board consisting of the chief state forester or his or her designee
21 and the following members appointed for 3-year terms:

22 **SECTION 33.** 15.347 (2) of the statutes is renumbered 15.337 (1), and 15.337 (1)
23 (intro.), as renumbered, is amended to read:

24 15.337 (1) DRY CLEANER ENVIRONMENTAL RESPONSE COUNCIL. (intro.) There is
25 created in the department of ~~natural resources~~ environmental quality a dry cleaner

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1 environmental response council consisting of the following members appointed for
2 3-year terms:

3 **SECTION 34.** 15.347 (12) of the statutes is renumbered 15.337 (2) and amended
4 to read:

5 15.337 (2) METALLIC MINING COUNCIL. There is created in the department of
6 ~~natural resources~~ environmental quality a metallic mining council consisting of 9
7 persons representing a variety and balance of economic, scientific and
8 environmental viewpoints. Members shall be appointed by the secretary of the
9 department for staggered 3-year terms.

10 **SECTION 35.** 15.347 (13) of the statutes is renumbered 15.337 (3), and 15.337
11 (3) (a) and (b) 1., as renumbered, are amended to read:

12 15.337 (3) (a) *Creation.* There is created a groundwater coordinating council,
13 attached to the department of ~~natural resources~~ environmental quality under s.
14 15.03. The council shall perform the functions specified under s. 160.50.

15 (b) 1. The secretary of ~~natural resources~~ environmental quality.

16 **SECTION 36.** 15.347 (15) of the statutes is renumbered 15.337 (4), and 15.337
17 (4) (a) (intro.), as renumbered, is amended to read:

18 15.337 (4) (a) (intro.) There is created in the department of ~~natural resources~~
19 environmental quality a Milwaukee River revitalization council consisting of the
20 following members:

21 **SECTION 37.** 15.347 (17) of the statutes is renumbered 15.337 (5), and 15.337
22 (5) (a), as renumbered, is amended to read:

23 15.337 (5) (a) *Creation and membership.* There is created a council on
24 recycling, attached to the department of ~~natural resources~~ environmental quality
25 under s. 15.03, consisting of 7 members selected by the governor.

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1 **SECTION 38.** 15.347 (19) of the statutes is renumbered 15.137 (2m), and 15.137
2 (2m) (a) (intro.), as renumbered, is amended to read:

3 15.137 **(2m)** (a) (intro.) There is created in the department of ~~natural resources~~
4 agriculture, trade and consumer protection a council of forestry consisting of:

5 **SECTION 39.** 15.915 (2) (a) of the statutes is amended to read:

6 15.915 **(2)** (a) The chancellor of the University of Wisconsin–Madison, the
7 secretary of health services, the secretary of natural resources, the secretary of
8 environmental quality, and the secretary of agriculture, trade and consumer
9 protection, or their designees.

10 **SECTION 40.** 15.915 (6) (b) 2m. of the statutes is created to read:

11 15.915 **(6)** (b) 2m. The secretary of environmental quality.

12 **SECTION 41.** 16.02 (2) of the statutes is amended to read:

13 16.02 **(2)** The acid deposition research council shall, by July 1 of each
14 even-numbered year, submit a report of its work summarizing its recommendations
15 under sub. (1) (a) to (c) and the results of the research reviewed under sub. (1) (d) and
16 shall file the report with the governor, the secretary, the chairperson of the natural
17 resources board, the secretary of environmental quality, and the chief clerk of each
18 house of the legislature for distribution to the appropriate standing committees
19 under s. 13.172 (2).

20 **SECTION 42.** 16.045 (1) (b) (intro.) of the statutes is amended to read:

21 16.045 **(1)** (b) (intro.) “Alternative fuel” means any of the following fuels the use
22 of which the department of ~~natural resources~~ environmental quality finds would
23 improve air quality as compared to the use of gasoline or petroleum–based diesel
24 fuel:

25 **SECTION 43.** 16.045 (1) (b) 10. of the statutes is amended to read:

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1 16.045 (1) (b) 10. Any other fuel except gasohol that the department of ~~natural~~
2 resources environmental quality finds to be composed substantially of material other
3 than petroleum, the use of which would yield substantial environmental benefits.

4 **SECTION 44.** 16.045 (1) (d) of the statutes is amended to read:

5 16.045 (1) (d) "Gasohol" means any motor fuel containing at least 10% alcohol
6 the use of which the department of ~~natural resources~~ environmental quality finds
7 would improve air quality as compared to the use of gasoline or petroleum-based
8 diesel fuel.

9 **SECTION 45.** 16.15 (3) (b) 1. (intro.) of the statutes is amended to read:

10 16.15 (3) (b) 1. (intro.) The department of ~~natural resources~~ environmental
11 quality shall, at the request of an agency or authority, grant a variance to a
12 requirement under par. (a) 3. for up to one year for a material that is generated by
13 the agency or authority in one or more locations if the department of ~~natural~~
14 resources environmental quality determines that the cost of selling processed
15 material exceeds any of the following:

16 **SECTION 46.** 16.15 (3) (b) 1. a. of the statutes is amended to read:

17 16.15 (3) (b) 1. a. Forty dollars per ton of processed material, as annually
18 adjusted by the department of ~~natural resources~~ environmental quality to reflect
19 changes in price levels due to inflation since 1989.

20 **SECTION 47.** 16.15 (3) (b) 2. of the statutes is amended to read:

21 16.15 (3) (b) 2. The department of ~~natural resources~~ environmental quality
22 may on its own initiative grant a variance to a requirement under par. (a) 3. for up
23 to one year for a material that is generated by one or more state agencies or
24 authorities in one or more locations if the department of ~~natural resources~~

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1 environmental quality determines that the cost of selling processed material exceeds
2 the amount under subd. 1. a. or b.

3 **SECTION 48.** 16.15 (3) (b) 3. of the statutes is amended to read:

4 16.15 (3) (b) 3. The department of ~~natural resources~~ environmental quality
5 may grant a variance to a requirement under par. (a) for up to one year in the event
6 of an unexpected emergency condition.

7 **SECTION 49.** 16.505 (2) (b) of the statutes is amended to read:

8 16.505 (2) (b) This subsection does not apply to full-time equivalent positions
9 funded from the appropriation under s. ~~20.370~~ 20.375 (2) (bg) or ~~(8)-(mg)~~ (sg).

10 **SECTION 50.** 16.515 (3) of the statutes is amended to read:

11 16.515 (3) This section does not apply to supplementation of the appropriation
12 under s. ~~20.370~~ 20.375 (2) (bg) or ~~(8)-(mg)~~ (sg).

13 **SECTION 51.** 16.855 (21) of the statutes is amended to read:

14 16.855 (21) This section does not apply to contracts by the department of
15 ~~natural resources~~ environmental quality for construction work related to hazardous
16 substance spill response under s. 292.11 or environmental repair under s. 292.31.

17 **SECTION 52.** 16.87 (4) of the statutes is amended to read:

18 16.87 (4) This section does not apply to contracts by the department of natural
19 resources or the department of environmental quality for environmental consultant
20 services or engineering services for hazardous substance spill response under s.
21 292.11 or environmental repair under s. 292.31, or for environmental consultant
22 services to assist in the preparation of an environmental impact statement or to
23 provide preapplication services under s. ~~23.40~~ 278.40.

24 **SECTION 53.** 16.958 (1) (d) of the statutes is amended to read:

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1 16.958 (1) (d) “Initial compliance date” means the date specified in a notice by
2 the department of ~~natural resources~~ environmental quality under s. 285.48 (2) by
3 which electric generating facilities in the midcontinent area of this state are required
4 to comply with initial nitrogen oxide emission reduction requirements.

5 **SECTION 54.** 16.958 (2) (intro.) of the statutes is amended to read:

6 16.958 (2) (intro.) If the department of ~~natural resources~~ environmental
7 quality makes a notification to the department of administration under s. 285.48 (2),
8 the department of administration shall do each of the following:

9 **SECTION 55.** 16.967 (6) of the statutes is amended to read:

10 16.967 (6) REPORTS. By March 31 of each year, the department of
11 administration, the department of agriculture, trade and consumer protection, the
12 department of commerce, the department of environmental quality, the department
13 of health services, the department of natural resources, the department of tourism,
14 the department of revenue, the department of transportation, the board of regents
15 of the University of Wisconsin System, the public service commission, and the board
16 of curators of the historical society shall each submit to the department a plan to
17 integrate land information to enable such information to be readily translatable,
18 retrievable, and geographically referenced for use by any state, local governmental
19 unit, or public utility. Upon receipt of this information, the department shall
20 integrate the information to enable the information to be used to meet land
21 information data needs. The integrated information shall be readily translatable,
22 retrievable, and geographically referenced to enable members of the public to use the
23 information.

24 **SECTION 56.** 16.967 (7) (a) 1. of the statutes is amended to read:

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1 16.967 (7) (a) 1. The design, development, and implementation of a land
2 information system that contains and integrates, at a minimum, property and
3 ownership records with boundary information, including a parcel identifier
4 referenced to the U.S. public land survey; tax and assessment information; soil
5 surveys, if available; wetlands identified by the department of ~~natural resources~~
6 environmental quality; a modern geodetic reference system; current zoning
7 restrictions; and restrictive covenants.

8 **SECTION 57.** 16.9675 (6) (intro.) of the statutes is amended to read:

9 16.9675 (6) (intro.) Establish a state agency resource working group that is
10 composed of representatives of the departments of administration; agriculture,
11 trade and consumer protection; commerce; environmental quality; natural
12 resources; revenue; transportation; and other appropriate agencies to discuss,
13 analyze, and address land use issues and related policy issues, including the
14 following:

15 **SECTION 58.** 16.968 of the statutes is amended to read:

16 **16.968 Groundwater survey and analysis.** The department shall allocate
17 funds for programs of groundwater survey and analysis to the department of ~~natural~~
18 ~~resources~~ environmental quality and the geological and natural history survey
19 following review and approval of a mutually agreed upon division of responsibilities
20 concerning groundwater programs between the department of ~~natural resources~~
21 environmental quality and the geological and natural history survey, a specific
22 expenditure plan and groundwater data collection standards. State funds allocated
23 under this section shall be used to match available federal funds prior to being used
24 for solely state-funded activities.

25 **SECTION 59.** 20.003 (3) (c) (intro.) of the statutes is amended to read:

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1 20.003 (3) (c) (intro.) All appropriations under ss. 20.370, 20.375, and 20.395
2 shall be identified by 2 letters, the first letter indicating a subprogram and the 2nd
3 letter indicating the source of funds, as defined in s. 20.001. To the extent feasible,
4 the 2nd paragraph letters shall be assigned as follows:

5 **SECTION 60.** 20.115 (5) (intro.) of the statutes is created to read:

6 20.115 (5) (intro.) FORESTRY. From the conservation fund or other fund if so
7 indicated:

8 **SECTION 61.** 20.115 (5) (b) of the statutes is created to read:

9 20.115 (5) (b) *Resource maintenance and development — state forest roads.* As
10 a continuing appropriation from the general fund, the amounts in the schedule for
11 state forest roads under s. 84.28 and for the maintenance of roads in recreation areas
12 in state forests under ch. 28 that are not eligible for funding under s. 84.28.

13 **SECTION 62.** 20.115 (5) (c) of the statutes is created to read:

14 20.115 (5) (c) *Resource maintenance and development — state funds.* From the
15 general fund, as a continuing appropriation, the amounts in the schedule for the
16 maintenance and development of recreation areas, other than game or fish refuges,
17 in state forests and under ch. 28.

18 **SECTION 63.** 20.115 (5) (d) of the statutes is created to read:

19 20.115 (5) (d) *Aids in lieu of taxes — general fund.* From the general fund, a
20 sum sufficient to pay aids to municipalities for state lands under ss. 70.113 and
21 70.114 that are under the jurisdiction of the department, to the extent that these
22 payments are not made under par. (s) or (sm).

23 **SECTION 64.** 20.115 (5) (h) of the statutes is created to read:

24 20.115 (5) (h) *General program operations — private and public sources.* From
25 the general fund, all moneys not otherwise appropriated that are received from

ASSEMBLY BILL 926**SECTION 64**

1 private or public sources, other than state agencies and the federal government, for
2 facilities, materials, or services provided by the department relating to state forests,
3 to pay for expenses associated with those facilities, materials, or services.

4 **SECTION 65.** 20.115 (5) (k) of the statutes is created to read:

5 20.115 (5) (k) *General program operations — service funds.* From the general
6 fund, all moneys received by the department from the department and from other
7 state agencies for facilities, materials, or services provided by the department
8 relating to state forests, under an agreement or other arrangement with the
9 department or other state agencies to pay for expenses associated with those
10 facilities, materials, or services.

11 **SECTION 66.** 20.115 (5) (q) of the statutes is created to read:

12 20.115 (5) (q) *General program operations.* The amounts in the schedule for
13 the general program operations that relate to the management and protection of the
14 state's forestry resources under subch. VI of ch. 77 and chs. 26 and 28.

15 **SECTION 67.** 20.115 (5) (qf) of the statutes is created to read:

16 20.115 (5) (qf) *Forestry acquisition and development.* As a continuing
17 appropriation, the amounts in the schedule for land acquisition, development, and
18 improvement on state forest land.

19 **SECTION 68.** 20.115 (5) (qh) (title) of the statutes is created to read:

20 20.115 (5) (qh) (title) *Reforestation.*

21 **SECTION 69.** 20.115 (5) (r) of the statutes is created to read:

22 20.115 (5) (r) *Taxes and assessments.* The amounts in the schedule to pay taxes
23 and assessments that are or may become a lien on state forest lands.

24 **SECTION 70.** 20.115 (5) (rt) of the statutes is created to read:

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1 20.115 (5) (rt) *Promotional activities and publications.* All moneys received
2 from subscriptions and other revenues generated by promotional activities,
3 photographs, slides, videotapes, artwork, publications, magazines, and other
4 periodicals to be used for these promotional activities, photographs, slides,
5 videotapes, artwork, publications, and magazines and for educational and
6 informational activities concerning conservation and forestry.

7 **SECTION 71.** 20.115 (5) (s) of the statutes is created to read:

8 20.115 (5) (s) *Aids in lieu of taxes — sum sufficient.* A sum sufficient to pay aids
9 to municipalities for state lands under s. 70.113 that are under the jurisdiction of the
10 department.

11 **SECTION 72.** 20.115 (5) (sg) of the statutes is created to read:

12 20.115 (5) (sg) *Aids in lieu of taxes — sum certain.* The amounts in the schedule
13 to pay aids to municipalities for state lands under s. 70.114 that are under the
14 jurisdiction of the department.

15 **SECTION 73.** 20.115 (5) (sm) of the statutes is created to read:

16 20.115 (5) (sm) *State snowmobile trails and areas.* From the snowmobile
17 account in the conservation fund, the amounts in the schedule for state snowmobile
18 trails and areas in state forests.

19 **SECTION 74.** 20.115 (5) (sr) of the statutes is created to read:

20 20.115 (5) (sr) *State all-terrain vehicle projects.* The amounts in the schedule
21 from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) for state
22 all-terrain vehicle projects on land under the jurisdiction of the department of
23 agriculture, trade and consumer protection.

24 **SECTION 75.** 20.115 (5) (wr) of the statutes is created to read:

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1 20.115 (5) (wr) *Gifts and grants*. All moneys received from gifts, grants, or
2 bequests for administrative services relating to state forests.

3 **SECTION 76.** 20.115 (5) (x) of the statutes is created to read:

4 20.115 (5) (x) *General program operations — federal funds*. Except as provided
5 in par. (z), all moneys received as federal aid for activities relating to state forests as
6 authorized by the governor under s. 16.54 for the purposes for which received.

7 **SECTION 77.** 20.115 (5) (yr) of the statutes is created to read:

8 20.115 (5) (yr) *Administrative facilities — principal repayment and interest*.
9 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
10 interest costs incurred in financing the acquisition, construction, development,
11 enlargement, or improvement of administrative office, laboratory, equipment,
12 storage, or maintenance facilities concerning forestry.

13 **SECTION 78.** 20.115 (5) (yt) of the statutes is created to read:

14 20.115 (5) (yt) *Facilities acquisition, development*. As a continuing
15 appropriation, the amounts in the schedule for the acquisition, development, and
16 construction costs of new structures and buildings and for the maintenance costs of
17 existing structures and buildings concerning forestry that are under the control of
18 the department.

19 **SECTION 79.** 20.143 (1) (kc) of the statutes is amended to read:

20 20.143 (1) (kc) *Clean air act compliance assistance*. From moneys transferred
21 from the appropriation account under s. ~~20.370~~ 20.375 (2) (bg), the amounts in the
22 schedule for assisting the department of ~~natural resources~~ environmental quality in
23 administering the small business stationary source technical and environmental
24 compliance assistance program under s. 285.79 and for expenses related to serving
25 as ombudsman for small business stationary sources as required under s. 560.03 (9).

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1 **SECTION 80.** 20.285 (1) (kb) of the statutes is amended to read:

2 20.285 (1) (kb) *Great Lakes studies.* The amounts in the schedule for studies
3 of Great Lakes fish. All moneys transferred from the appropriation account under
4 s. 20.370 (4) ~~(mu)~~ (1) (qu) shall be credited to this appropriation account.

5 **SECTION 81.** 20.370 (1) (title) of the statutes is repealed and recreated to read:

6 20.370 (1) (title) FISH, WILDLIFE, AND RECREATION.

7 **SECTION 82.** 20.370 (1) (bq) of the statutes is created to read:

8 20.370 (1) (bq) *Invasive species management.* The amounts in the schedule for
9 invasive species management under s. 23.22.

10 **SECTION 83.** 20.370 (1) (cq) (title) of the statutes is repealed.

11 **SECTION 84.** 20.370 (1) (cq) of the statutes is renumbered 20.115 (5) (qh).

12 **SECTION 85.** 20.370 (1) (cr) of the statutes is renumbered 20.115 (5) (qr), and
13 20.115 (5) (qr) (title), as renumbered, is amended to read:

14 20.115 (5) (qr) (title) *Forestry—recording* Recording fees.

15 **SECTION 86.** 20.370 (1) (cs) of the statutes is renumbered 20.115 (5) (rf), and
16 20.115 (5) (rf) (title), as renumbered, is amended to read:

17 20.115 (5) (rf) (title) *Forestry—forest* Forest fire emergencies.

18 **SECTION 87.** 20.370 (1) (ct) of the statutes is renumbered 20.115 (5) (rm).

19 **SECTION 88.** 20.370 (1) (cu) of the statutes is renumbered 20.115 (5) (rp).

20 **SECTION 89.** 20.370 (1) (cv) of the statutes is renumbered 20.115 (5) (rs), and
21 20.115 (5) (rs) (title), as renumbered, is amended to read:

22 20.115 (5) (rs) (title) *Forestry—public* Public education.

23 **SECTION 90.** 20.370 (1) (cx) of the statutes is renumbered 20.115 (5) (rv), and
24 20.115 (5) (rv) (title), as renumbered, is amended to read:

25 20.115 (5) (rv) (title) *Forestry—management* Management plans.

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1 **SECTION 91.** 20.370 (1) (cy) of the statutes is renumbered 20.115 (5) (rw).

2 **SECTION 92.** 20.370 (1) (ea) of the statutes is renumbered 20.370 (2) (ea).

3 **SECTION 93.** 20.370 (1) (eq) of the statutes is renumbered 20.370 (2) (es) and
4 amended to read:

5 20.370 (2) (es) *Parks and forests — operation and maintenance.* From the
6 heritage state parks and forests trust fund, a sum sufficient for grants under s.
7 27.016 and for the operation and maintenance of the state parks, of the southern
8 state forests, ~~as defined in s. 27.016 (1) (e)~~, and of state recreation areas as provided
9 in s. 27.016 (7).

10 **SECTION 94.** 20.370 (1) (er) of the statutes is renumbered 20.370 (2) (er)
11 amended to read:

12 20.370 (2) (er) *Parks and forests — campground reservation fees.* All moneys
13 not retained by the department under s. 27.01 (11) (cr) 1. for payments to contracting
14 parties under contracts entered into under s. 27.01 (11) (cm).

15 **SECTION 95.** 20.370 (1) (es) of the statutes is renumbered 20.370 (2) (et).

16 **SECTION 96.** 20.370 (1) (Lt) of the statutes is renumbered 20.115 (5) (st).

17 **SECTION 97.** 20.370 (1) (mq) of the statutes is amended to read:

18 20.370 (1) (mq) *General program operations — state snowmobile trails and*
19 *areas.* The amounts in the schedule from the snowmobile account in the conservation
20 fund for state snowmobile trails and areas on land under the jurisdiction of the
21 department of the department of natural resources.

22 **SECTION 98.** 20.370 (1) (ms) of the statutes is amended to read:

23 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

24 The amounts in the schedule from moneys received from all-terrain vehicle fees

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1 under s. 23.33 (2) (c) to (e) for state all-terrain vehicle projects on land under the
2 jurisdiction of the department of natural resources.

3 **SECTION 99.** 20.370 (1) (mu) of the statutes is amended to read:

4 20.370 (1) (mu) *General program operations — state funds.* The amounts in
5 the schedule for general program operations that do not relate to the management
6 and protection of the state's fishery resources and that are conducted under ss. 23.09
7 to 23.11, 27.01, ~~30.203, 30.277,~~ 23.178, and 90.21, and chs. 29 and 169, for the
8 endangered resources program, as defined under s. 71.10 (5) (a) 2., and for transfers
9 to the appropriation account under s. 20.285 (1) (kf).

10 **SECTION 100.** 20.370 (1) (mv) of the statutes is repealed.

11 **SECTION 101.** 20.370 (1) (my) of the statutes is amended to read:

12 20.370 (1) (my) *General program operations — federal funds.* All moneys
13 received as federal aid for land, other than parks and forests, and for wildlife
14 management, as authorized by the governor under s. 16.54 for the purposes for which
15 received.

16 **SECTION 102.** 20.370 (1) (mz) of the statutes is renumbered 20.115 (5) (z).

17 **SECTION 103.** 20.370 (2) (title) of the statutes is repealed and recreated to read:

18 20.370 (2) (title) PARKS AND TRAILS.

19 **SECTION 104.** 20.370 (2) (intro.) (except 20.370 (2) (title)) of the statutes is
20 repealed.

21 **SECTION 105.** 20.370 (2) (bg) of the statutes, as affected by 2009 Wisconsin Act
22 28, is renumbered 20.375 (2) (bg) and amended to read:

23 20.375 (2) (bg) *Air management — stationary sources.* The amounts in the
24 schedule for purposes related to stationary sources of air contaminants as specified
25 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)

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1 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees
2 under s. 285.69 (2) (a) and (e), except moneys appropriated under subs. (3) (bg), (8)
3 ~~(mg)~~ and ~~(9) (mh)~~ pars. (jh), (sg), and (th), and all moneys received from fees imposed
4 under s. 285.69 (7) shall be credited to this appropriation.

5 **SECTION 106.** 20.370 (2) (bh) of the statutes, as affected by 2009 Wisconsin Act
6 28, is renumbered 20.375 (2) (bh).

7 **SECTION 107.** 20.370 (2) (bi) of the statutes is renumbered 20.375 (2) (bi).

8 **SECTION 108.** 20.370 (2) (bq) of the statutes is renumbered 20.375 (2) (bq).

9 **SECTION 109.** 20.370 (2) (br) of the statutes is renumbered 20.375 (2) (br).

10 **SECTION 110.** 20.370 (2) (cf) of the statutes is renumbered 20.375 (2) (cf).

11 **SECTION 111.** 20.370 (2) (cg) of the statutes is renumbered 20.375 (2) (cg).

12 **SECTION 112.** 20.370 (2) (ch) of the statutes is renumbered 20.375 (2) (ch).

13 **SECTION 113.** 20.370 (2) (ci) of the statutes is renumbered 20.375 (2) (ci).

14 **SECTION 114.** 20.370 (2) (cL) of the statutes is renumbered 20.375 (2) (cL).

15 **SECTION 115.** 20.370 (2) (dg) of the statutes is renumbered 20.375 (2) (dg).

16 **SECTION 116.** 20.370 (2) (dh) of the statutes is renumbered 20.375 (2) (dh).

17 **SECTION 117.** 20.370 (2) (dq) of the statutes is renumbered 20.375 (2) (dq).

18 **SECTION 118.** 20.370 (2) (dt) of the statutes is renumbered 20.375 (2) (dt).

19 **SECTION 119.** 20.370 (2) (du) of the statutes is renumbered 20.375 (2) (du).

20 **SECTION 120.** 20.370 (2) (dv) of the statutes is renumbered 20.375 (2) (dv).

21 **SECTION 121.** 20.370 (2) (dw) of the statutes is renumbered 20.375 (2) (dw).

22 **SECTION 122.** 20.370 (2) (dy) of the statutes is renumbered 20.375 (2) (dy).

23 **SECTION 123.** 20.370 (2) (dz) of the statutes is renumbered 20.375 (2) (dz).

24 **SECTION 124.** 20.370 (2) (eg) of the statutes is renumbered 20.375 (2) (eg).

25 **SECTION 125.** 20.370 (2) (eh) of the statutes is renumbered 20.375 (2) (eh).

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1 **SECTION 126.** 20.370 (2) (eq) of the statutes is renumbered 20.375 (2) (eq).

2 **SECTION 127.** 20.370 (2) (fq) of the statutes is renumbered 20.375 (2) (fq).

3 **SECTION 128.** 20.370 (2) (gh) of the statutes is renumbered 20.375 (2) (gh).

4 **SECTION 129.** 20.370 (2) (gr) of the statutes is renumbered 20.375 (2) (gr).

5 **SECTION 130.** 20.370 (2) (hq) of the statutes is renumbered 20.375 (2) (hq).

6 **SECTION 131.** 20.370 (2) (hr) of the statutes, as created by 2009 Wisconsin Act
7 50, is renumbered 20.375 (2) (hr).

8 **SECTION 132.** 20.370 (2) (ir) of the statutes is created to read:

9 20.370 (2) (ir) *Promotional activities and publications.* All moneys received
10 from subscriptions and other revenues generated by promotional activities,
11 photographs, slides, videotapes, artwork, publications, magazines, and other
12 periodicals related to parks and trails, to be used for these promotional activities,
13 photographs, slides, videotapes, artwork, publications, and magazines and for
14 educational and informational activities concerning parks and trails.

15 **SECTION 133.** 20.370 (2) (ma) of the statutes is renumbered 20.375 (2) (ma).

16 **SECTION 134.** 20.370 (2) (mi) of the statutes is renumbered 20.375 (2) (mi).

17 **SECTION 135.** 20.370 (2) (mk) of the statutes is renumbered 20.375 (2) (mk).

18 **SECTION 136.** 20.370 (2) (mm) of the statutes is renumbered 20.375 (2) (mm).

19 **SECTION 137.** 20.370 (2) (mq) of the statutes is renumbered 20.375 (2) (mq).

20 **SECTION 138.** 20.370 (2) (mr) of the statutes is renumbered 20.375 (2) (mr).

21 **SECTION 139.** 20.370 (2) (mu) of the statutes is renumbered 20.375 (2) (mu).

22 **SECTION 140.** 20.370 (2) (my) of the statutes is renumbered 20.375 (2) (my).

23 **SECTION 141.** 20.370 (2) (sa) of the statutes is created to read:

ASSEMBLY BILL 926**SECTION 141**

1 20.370 (2) (sa) *Administration — state funds.* From the general fund, the
2 amounts in the schedule for general administration and field administration related
3 to parks and trails.

4 **SECTION 142.** 20.370 (2) (sk) of the statutes is created to read:

5 20.370 (2) (sk) *Administration — service funds.* From the general fund, all
6 moneys received by the department from the department and from other state
7 agencies, for parks and trails facilities, materials, or services provided by the
8 department relating to administrative services, to provide those facilities, materials,
9 or services.

10 **SECTION 143.** 20.370 (2) (su) of the statutes is created to read:

11 20.370 (2) (su) *Administration — conservation fund.* The amounts in the
12 schedule for the general administration and field administration of the department
13 related to parks and trails.

14 **SECTION 144.** 20.370 (2) (ta) of the statutes is created to read:

15 20.370 (2) (ta) *Customer service — state funds.* From the general fund, the
16 amounts in the schedule for communications, customer services, and aids
17 administration related to parks and trails.

18 **SECTION 145.** 20.370 (2) (tu) of the statutes is created to read:

19 20.370 (2) (tu) *Customer service — conservation fund.* The amounts in the
20 schedule for communications, customer services, licensing, registration, and aids
21 administration related to parks and trails.

22 **SECTION 146.** 20.370 (2) (uu) of the statutes is created to read:

23 20.370 (2) (uu) *General program operations — state funds.* The amounts in the
24 schedule for general program operations that relate to parks and trails.

25 **SECTION 147.** 20.370 (2) (uy) of the statutes is created to read:

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1 20.370 (2) (uy) *General program operations — federal funds.* All moneys
2 received as federal aid for parks and trails, as authorized by the governor under s.
3 16.54 for the purposes for which received.

4 **SECTION 148.** 20.370 (3) (title) of the statutes is repealed.

5 **SECTION 149.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (1) (ad).

6 **SECTION 150.** 20.370 (3) (ak) of the statutes is renumbered 20.370 (1) (ak).

7 **SECTION 151.** 20.370 (3) (aq) of the statutes, as affected by 2009 Wisconsin Act
8 28, section 270p, is renumbered 20.370 (1) (aq).

9 **SECTION 152.** 20.370 (3) (ar) of the statutes is renumbered 20.370 (1) (ar).

10 **SECTION 153.** 20.370 (3) (as) of the statutes is renumbered 20.370 (1) (as).

11 **SECTION 154.** 20.370 (3) (at) of the statutes is renumbered 20.370 (1) (at).

12 **SECTION 155.** 20.370 (3) (aw) of the statutes is renumbered 20.370 (1) (aw).

13 **SECTION 156.** 20.370 (3) (ax) of the statutes is renumbered 20.370 (1) (ax).

14 **SECTION 157.** 20.370 (3) (bg) of the statutes, as affected by 2009 Wisconsin Act
15 28, is renumbered 20.375 (2) (jh) and amended to read:

16 20.375 (2) (jh) *Enforcement — stationary sources.* ~~From the general fund, from~~
17 the moneys received from fees imposed under s. 285.69 (2) (a) and (e), the amounts
18 in the schedule for enforcement operations related to stationary sources of air
19 contaminants.

20 **SECTION 158.** 20.370 (3) (bL) of the statutes is repealed.

21 **SECTION 159.** 20.370 (3) (dg) of the statutes is renumbered 20.370 (1) (dg).

22 **SECTION 160.** 20.370 (3) (dh) of the statutes is renumbered 20.375 (2) (ah) and
23 amended to read:

24 20.375 (2) (ah) *Environmental impact — power projects.* ~~From the general~~
25 ~~fund, all~~ All moneys received as environmental impact statement fees under s. ~~23.40~~

ASSEMBLY BILL 926**SECTION 160**

1 278.40 (3) related to electric power generating projects, for the review of
2 environmental impact requirements under ss. 1.11 and ~~23.40~~ 278.40 for those
3 projects.

4 **SECTION 161.** 20.370 (3) (di) of the statutes is renumbered 20.375 (2) (ai) and
5 amended to read:

6 20.375 (2) (ai) *Environmental consulting costs — federal power projects.* The
7 amounts in the schedule for reviewing and evaluating activities under s. ~~23.42~~
8 278.42. All moneys received from fees the department charges under s. ~~23.42~~ 278.42
9 shall be credited to this appropriation.

10 **SECTION 162.** 20.370 (3) (fj) of the statutes is renumbered 20.375 (2) (aj) and
11 amended to read:

12 20.375 (2) (aj) *Environmental quality — laboratory certification.* ~~From the~~
13 ~~general fund, the~~ The amounts in the schedule for the purpose of administering and
14 enforcing s. 299.11. All moneys received from fees under s. 299.11 (9) shall be credited
15 to this appropriation. ~~During fiscal year 1984–85, the department may expend and~~
16 ~~encumber up to the amount specified in the schedule for this appropriation in that~~
17 ~~fiscal year notwithstanding the actual amount received from fees under s. 299.11 (9).~~
18 ~~Notwithstanding ss. 16.50 (2), 16.52, 20.002 (11) and 20.903, the department may~~
19 ~~report a deficit in this appropriation on June 30, 1985, or on June 30, 1986, and this~~
20 ~~deficit shall be considered an encumbrance on the appropriation under this~~
21 ~~paragraph for the subsequent fiscal year. The department may not report a deficit~~
22 ~~in this appropriation at the close of any fiscal year after the 1985–86 fiscal year.~~

23 **SECTION 163.** 20.370 (3) (is) of the statutes, as affected by 2009 Wisconsin Act
24 28, is renumbered 20.370 (1) (is).

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1 **SECTION 164.** 20.370 (3) (ma) of the statutes, as affected by 2009 Wisconsin Act
2 42, is renumbered 20.370 (1) (pa) and amended to read:

3 20.370 (1) (pa) *General program operations Enforcement — state funds.* From
4 the general fund, the amounts in the schedule for regulatory and enforcement
5 operations under ~~chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351,~~
6 ~~61.354, 62.231, 62.234 and 87.30 s. 44.47 and subchs. IV and V of ch. 30,~~ for
7 reimbursement of the conservation fund for expenses incurred for actions taken
8 under s. 323.12 (2) (c); for review of environmental impact requirements under ss.
9 1.11 and 23.40; and for enforcement of the treaty-based, off-reservation rights to
10 fish, hunt and gather held by members of federally recognized American Indian
11 tribes or bands.

12 **SECTION 165.** 20.370 (3) (mi) of the statutes is renumbered 20.370 (1) (pi), and
13 20.370 (1) (pi) (title), as renumbered, is amended to read:

14 20.370 (1) (pi) (title) *General program operations Enforcement — private and*
15 *public sources.*

16 **SECTION 166.** 20.370 (3) (mk) of the statutes is renumbered 20.370 (1) (pk), and
17 20.370 (1) (pk) (title), as renumbered, is amended to read:

18 20.370 (1) (pk) (title) *General program operations Enforcement — service*
19 *funds.*

20 **SECTION 167.** 20.370 (3) (mm) of the statutes is renumbered 20.370 (1) (pm),
21 and 20.370 (1) (pm) (title), as renumbered, is amended to read:

22 20.370 (1) (pm) (title) *General program operation Enforcement — federal*
23 *funds.*

24 **SECTION 168.** 20.370 (3) (mq) of the statutes is renumbered 20.375 (2) (pq), and
25 20.375 (2) (pq) (title), as renumbered, is amended to read:

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1 20.375 (2) (pq) (title) ~~General program operations~~ Enforcement —
2 *environmental fund.*

3 **SECTION 169.** 20.370 (3) (mr) of the statutes is renumbered 20.375 (2) (pr).

4 **SECTION 170.** 20.370 (3) (ms) of the statutes is renumbered 20.375 (2) (ps).

5 **SECTION 171.** 20.370 (3) (mt) of the statutes is renumbered 20.375 (2) (pt).

6 **SECTION 172.** 20.370 (3) (mu) of the statutes, as affected by 2009 Wisconsin Act
7 42, is renumbered 20.370 (1) (pu) and amended to read:

8 20.370 (1) (pu) *General program operations — state funds* law enforcement.

9 The amounts in the schedule for law enforcement operations under ss. 23.09 to 23.11,
10 90.21, and 323.12 (2) (c), subchs. IV and V of ch. 30, and chs. 29, ~~30~~, and 169 and for
11 review of environmental impact requirements under ss. 1.11 and 23.40.

12 **SECTION 173.** 20.370 (3) (mw) of the statutes is renumbered 20.375 (2) (pw) and
13 amended to read:

14 20.375 (2) (pw) *Water resources — public health.* ~~The~~ From the conservation
15 fund, the amounts in the schedule for public health activities relating to surface
16 water quality.

17 **SECTION 174.** 20.370 (3) (my) of the statutes is renumbered 20.370 (1) (py), and
18 20.370 (1) (py) (title), as renumbered, is amended to read:

19 20.370 (1) (py) (title) ~~General program operations~~ Conservation enforcement —
20 *federal funds.*

21 **SECTION 175.** 20.370 (4) (title) of the statutes is renumbered 20.375 (4) (title).

22 **SECTION 176.** 20.370 (4) (ac) of the statutes, as created by 2009 Wisconsin Act
23 28, is renumbered 20.375 (4) (ac).

24 **SECTION 177.** 20.370 (4) (af) of the statutes is renumbered 20.375 (4) (af) and
25 amended to read:

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1 20.375 (4) (af) *Water resources — remedial action.* As a continuing
2 appropriation from the general fund, the amounts in the schedule for remedial action
3 in the Great Lakes and their tributaries under s. 281.83.

4 **SECTION 178.** 20.370 (4) (ag) of the statutes is renumbered 20.375 (4) (ag) and
5 amended to read:

6 20.375 (4) (ag) *Water resources — pollution credits.* From the general fund, all
7 All moneys received under s. 283.84 (1) (c) for activities to reduce water pollution in
8 pilot project areas.

9 **SECTION 179.** 20.370 (4) (ah) of the statutes is renumbered 20.375 (4) (ah) and
10 amended to read:

11 20.375 (4) (ah) *Water resources — Great Lakes protection fund.* From the
12 general fund, all All moneys received from the Great Lakes protection fund for Great
13 Lakes protection activities under s. 281.85.

14 **SECTION 180.** 20.370 (4) (ai) of the statutes, as created by 2009 Wisconsin Act
15 28, is renumbered 20.375 (4) (ai) and amended to read:

16 20.375 (4) (ai) *Water resources — water use fees.* From the general fund, all All
17 moneys received under s. 281.346 (12) for activities related to water use and the
18 administration of s. 281.346.

19 **SECTION 181.** 20.370 (4) (aj) of the statutes, as created by 2009 Wisconsin Act
20 28, is renumbered 20.375 (4) (aj) and amended to read:

21 20.375 (4) (aj) *Water resources—ballast water discharge permits.* From the
22 general fund, all All moneys received from fees collected under s. 283.35 (1m) to
23 administer and enforce the ballast water discharge permit program under s. 283.35
24 (1m) and for grants under 2009 Wisconsin Act 28, section 9137 (3w).

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1 **SECTION 182.** 20.370 (4) (aq) of the statutes is renumbered 20.375 (4) (aq) and
2 amended to read:

3 20.375 (4) (aq) *Water resources management — lake, and river, ~~and~~ invasive*
4 *species management.* ~~The~~ From the conservation fund, from the amounts paid into
5 the fund under s. 20.855 (4) (s), the amounts in the schedule for lake and river
6 management and other water resource management activities ~~and for the invasive~~
7 ~~species program under s. 23.22.~~

8 **SECTION 183.** 20.370 (4) (ar) of the statutes is renumbered 20.375 (4) (ar).

9 **SECTION 184.** 20.370 (4) (as) of the statutes is renumbered 20.375 (4) (as).

10 **SECTION 185.** 20.370 (4) (at) of the statutes is renumbered 20.375 (4) (at).

11 **SECTION 186.** 20.370 (4) (au) of the statutes is renumbered 20.375 (4) (au).

12 **SECTION 187.** 20.370 (4) (av) of the statutes is renumbered 20.375 (4) (av) and
13 amended to read:

14 20.375 (4) (av) *Cooperative remedial action; interest on contributions.* From the
15 environmental fund, a sum sufficient equal to the amounts earned by the investment
16 fund on revenue received by the department of ~~natural resources~~ environmental
17 quality under par. (au), as determined quarterly by the department of
18 administration, to conduct cooperative remedial action.

19 **SECTION 188.** 20.370 (4) (bg) of the statutes is renumbered 20.370 (1) (bg), and
20 20.370 (1) (bg) (title), as renumbered, is amended to read:

21 20.370 (1) (bg) (title) ~~Water regulation and zoning~~ Fishery resources —
22 *computer access fees.*

23 **SECTION 189.** 20.370 (4) (bh) of the statutes is renumbered 20.375 (4) (bh).

24 **SECTION 190.** 20.370 (4) (bi) of the statutes is renumbered 20.375 (4) (bi) and
25 amended to read:

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1 20.375 (4) (bi) *Water regulation and zoning — fees.* ~~From the general fund, all~~
2 All moneys received under ss. ~~23.32 (3),~~ 30.28, 31.39, 278.32 (3), and 281.22 for
3 activities relating to permits and approvals issued by the department under chs. 30
4 and 31, water quality standards under subch. II of ch. 281 and for wetland mapping
5 under s. ~~23.32~~ 278.32.

6 **SECTION 191.** 20.370 (4) (bj) of the statutes, as affected by 2009 Wisconsin Act
7 28, is renumbered 20.375 (4) (bj) and amended to read:

8 20.375 (4) (bj) *Storm water management — fees.* ~~From the general fund, the~~
9 The amounts in the schedule for the administration, including enforcement, of the
10 storm water discharge permit program under s. 283.33. All moneys received under
11 s. 283.33 (9) and under 2009 Wisconsin Act 28, section 9110 (11f) shall be credited
12 to this appropriation account.

13 **SECTION 192.** 20.370 (4) (bL) of the statutes is renumbered 20.375 (4) (bL) and
14 amended to read:

15 20.375 (4) (bL) *Wastewater management — fees.* ~~From the general fund, from~~
16 the moneys received under ss. 281.17 (3) and s. 281.48 (4s) (a), ~~all moneys not~~
17 ~~appropriated under sub. (3) (bL),~~ for the certification of operators of water systems,
18 wastewater treatment plants and septage servicing vehicles and for wastewater
19 management activities.

20 **SECTION 193.** 20.370 (4) (br) of the statutes is renumbered 20.375 (4) (br) and
21 amended to read:

22 20.375 (4) (br) *Water regulation and zoning — dam safety and wetland*
23 *mapping; conservation fund.* ~~The~~ From the conservation fund, from the amounts
24 paid into the fund under s. 20.855 (4) (s), the amounts in the schedule for dam

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1 inspections and safety administration under ch. 31 and wetland mapping under s.
2 ~~23.32~~ 278.32.

3 **SECTION 194.** 20.370 (4) (cg) of the statutes, as affected by 2009 Wisconsin Act
4 28, is renumbered 20.375 (4) (cg) and amended to read:

5 20.375 (4) (cg) *Groundwater quantity administration.* From the general fund,
6 from the moneys received under s. 281.34, the amounts in the schedule for the
7 administration of the program under s. 281.34 and, before July 1, 2010, for the
8 administration of s. 281.346.

9 **SECTION 195.** 20.370 (4) (ch) of the statutes is renumbered 20.375 (4) (ch) and
10 amended to read:

11 20.375 (4) (ch) *Groundwater quantity research.* Biennially, from the general
12 fund, from the moneys received under s. 281.34, the amounts in the schedule for
13 groundwater research and monitoring under s. 281.34 (10).

14 **SECTION 196.** 20.370 (4) (kk) of the statutes is renumbered 20.370 (1) (kk).

15 **SECTION 197.** 20.370 (4) (kr) of the statutes is renumbered 20.370 (1) (kr).

16 **SECTION 198.** 20.370 (4) (ku) of the statutes is renumbered 20.370 (1) (ku).

17 **SECTION 199.** 20.370 (4) (kv) of the statutes is renumbered 20.370 (1) (kv).

18 **SECTION 200.** 20.370 (4) (kw) of the statutes is renumbered 20.370 (1) (kw).

19 **SECTION 201.** 20.370 (4) (ky) of the statutes is renumbered 20.370 (1) (ky).

20 **SECTION 202.** 20.370 (4) (ma) of the statutes is renumbered 20.370 (1) (qa), and
21 20.370 (1) (qa) (title), as renumbered, is amended to read:

22 20.370 (1) (qa) (title) *General program Fishery operations — state funds.*

23 **SECTION 203.** 20.370 (4) (mi) of the statutes, as affected by 2009 Wisconsin Act
24 28, is renumbered 20.370 (1) (qi), and 20.370 (1) (qi) (title), as renumbered, is
25 amended to read:

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1 20.370 (1) (qi) (title) *General program Fishery operations — private and public*
2 *sources.*

3 **SECTION 204.** 20.370 (4) (mk) of the statutes is renumbered 20.370 (1) (qk), and
4 20.370 (1) (qk) (title), as renumbered, is amended to read:

5 20.370 (1) (qk) (title) *General program Fishery operations — service funds.*

6 **SECTION 205.** 20.370 (4) (mm) of the statutes is renumbered 20.375 (4) (mm)
7 and amended to read:

8 20.375 (4) (mm) *General program operations — federal funds.* From the
9 general fund, all moneys received as federal aid for the state's water resources and
10 ~~the state's fishery resources~~, as authorized by the governor under s. 16.54, for the
11 purposes for which received.

12 **SECTION 206.** 20.370 (4) (mq) of the statutes is renumbered 20.375 (4) (mq).

13 **SECTION 207.** 20.370 (4) (mr) of the statutes is renumbered 20.375 (4) (mr).

14 **SECTION 208.** 20.370 (4) (mt) of the statutes is renumbered 20.375 (4) (mt).

15 **SECTION 209.** 20.370 (4) (mu) of the statutes is renumbered 20.370 (1) (qu) and
16 amended to read:

17 20.370 (1) (qu) *General program Fishery operations — state funds.* The
18 amounts in the schedule for general program operations that relate to the
19 management and protection of the state's fishery resources and that are conducted
20 under ss. 23.09 to 23.11, ~~30.203 and 30.277~~ and 23.178 and ch. 29 and for transfers
21 to the appropriation account under s. 20.285 (1) (kb).

22 **SECTION 210.** 20.370 (4) (mw) of the statutes is renumbered 20.375 (4) (mw).

23 **SECTION 211.** 20.370 (4) (mx) of the statutes is renumbered 20.375 (4) (mx).

24 **SECTION 212.** 20.370 (4) (my) of the statutes is renumbered 20.375 (4) (my).

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1 **SECTION 213.** 20.370 (4) (mz) of the statutes is renumbered 20.370 (1) (qz) and
2 amended to read:

3 20.370 (1) (qz) *General program Fishery operations — federal funds.* Except
4 as provided in sub. ~~(9) (my)~~ par. (ty), all moneys received as federal aid for the state’s
5 water resources and the state’s fishery resources, as authorized by the governor
6 under s. 16.54, for the purposes for which received.

7 **SECTION 214.** 20.370 (4) (nz) of the statutes is renumbered 20.375 (4) (nz).

8 **SECTION 215.** 20.370 (5) (ad) of the statutes is amended to read:

9 20.370 (5) (ad) *Resource aids—interpretive center.* From the general fund, the
10 amounts in the schedule for a grant to the Florence Wild Rivers Interpretive Center
11 under s. ~~30.255~~ 23.0943.

12 **SECTION 216.** 20.370 (5) (as) of the statutes is renumbered 20.115 (5) (sL) and
13 amended to read:

14 20.115 (5) (sL) *Recreation Resource aids — fish, wildlife habitat and forestry*
15 *recreation aids.* As a continuing appropriation, the amounts in the schedule for
16 wildlife habitat development and planning on county forest lands, under s. 23.09
17 (17m) and recreational development on county forest lands under s. 23.09 (11).

18 **SECTION 217.** 20.370 (5) (av) of the statutes is renumbered 20.115 (5) (sp).

19 **SECTION 218.** 20.370 (5) (ax) of the statutes is renumbered 20.115 (5) (sq), and
20 20.115 (5) (sq) (title), as renumbered, is amended to read:

21 20.115 (5) (sq) (title) *Resource aids — forestry education.*

22 **SECTION 219.** 20.370 (5) (az) of the statutes, as created by 2009 Wisconsin Act
23 28, is renumbered 20.115 (5) (su).

24 **SECTION 220.** 20.370 (5) (bq) of the statutes is renumbered 20.115 (5) (t).

25 **SECTION 221.** 20.370 (5) (br) of the statutes is renumbered 20.115 (5) (tm).

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1 **SECTION 222.** 20.370 (5) (bs) of the statutes is renumbered 20.115 (5) (u).

2 **SECTION 223.** 20.370 (5) (bt) of the statutes is renumbered 20.115 (5) (um).

3 **SECTION 224.** 20.370 (5) (bu) of the statutes is renumbered 20.115 (5) (v).

4 **SECTION 225.** 20.370 (5) (bv) of the statutes is renumbered 20.115 (5) (vm).

5 **SECTION 226.** 20.370 (5) (bw) of the statutes, as affected by 2009 Wisconsin Act
6 28, is renumbered 20.115 (5) (w).

7 **SECTION 227.** 20.370 (5) (bx) of the statutes is renumbered 20.115 (5) (xg).

8 **SECTION 228.** 20.370 (5) (by) of the statutes is renumbered 20.115 (5) (wm).

9 **SECTION 229.** 20.370 (5) (bz) of the statutes is renumbered 20.115 (5) (wp).

10 **SECTION 230.** 20.370 (5) (cq) of the statutes is amended to read:

11 20.370 (5) (cq) *Recreation aids — recreational boating and other projects.* As
12 a continuing appropriation, the amounts in the schedule for recreational boating
13 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, ~~for the~~
14 ~~Portage levee system and the Portage canal under s. 31.309,~~ for development of a
15 state park under s. 23.198, and for funding for the Fox River Navigational System
16 Authority under s. 237.08 (2), ~~and for the engineering and environmental study~~
17 ~~under s. 31.307.~~

18 **SECTION 231.** 20.370 (5) (da) of the statutes is amended to read:

19 20.370 (5) (da) *Aids in lieu of taxes — general fund.* From the general fund, a
20 sum sufficient to pay aids to municipalities for state lands under ss. 70.113 and
21 70.114 that are under the jurisdiction of the department, to the extent that these
22 payments are not made under par. (dq) or (dr).

23 **SECTION 232.** 20.370 (5) (dq) of the statutes is amended to read:

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1 20.370 (5) (dq) *Aids in lieu of taxes — sum sufficient.* A sum sufficient to pay
2 aids to municipalities for state lands under s. 70.113 that are under the jurisdiction
3 of the department.

4 **SECTION 233.** 20.370 (5) (dr) of the statutes is amended to read:

5 20.370 (5) (dr) *Aids in lieu of taxes — sum certain.* The amounts in the schedule
6 to pay aids to municipalities for state lands under s. 70.114 that are under the
7 jurisdiction of the department.

8 **SECTION 234.** 20.370 (5) (dx) of the statutes is renumbered 20.115 (5) (ym).

9 **SECTION 235.** 20.370 (5) (eq) of the statutes is amended to read:

10 20.370 (5) (eq) *Enforcement aids — boating enforcement.* From the moneys
11 received under s. 30.52 (3), the amounts in the schedule for the payment of state aids
12 under s. 30.79, after first deducting the amounts appropriated under sub. (3) (1) (ar).

13 **SECTION 236.** 20.370 (5) (fq) of the statutes is amended to read:

14 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
15 under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under ~~par.~~ pars.
16 (fr) and (fs) and subs. (1) (hs) and (Ls) ~~and (5) (fs)~~ to provide state aid for the wildlife
17 damage abatement program under s. 29.889 (5) (c) and the wildlife damage claim
18 program under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2)
19 (d), and for payments under s. 29.89.

20 **SECTION 237.** 20.370 (6) (title) of the statutes is renumbered 20.375 (6) (title).

21 **SECTION 238.** 20.370 (6) (intro.) (except 20.370 (6) (title)) of the statutes is
22 repealed.

23 **SECTION 239.** 20.370 (6) (aa) of the statutes is renumbered 20.375 (6) (aa).

24 **SECTION 240.** 20.370 (6) (ac) of the statutes, as created by 2009 Wisconsin Act
25 28, is repealed.

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1 **SECTION 241.** 20.370 (6) (ar) of the statutes is renumbered 20.375 (6) (ar).

2 **SECTION 242.** 20.370 (6) (as) of the statutes, as affected by 2009 Wisconsin Act
3 28, is renumbered 20.375 (6) (as).

4 **SECTION 243.** 20.370 (6) (au) of the statutes is renumbered 20.375 (6) (au).

5 **SECTION 244.** 20.370 (6) (av) of the statutes is renumbered 20.375 (6) (av).

6 **SECTION 245.** 20.370 (6) (aw) of the statutes is renumbered 20.375 (6) (aw).

7 **SECTION 246.** 20.370 (6) (bj) of the statutes is renumbered 20.375 (6) (bj).

8 **SECTION 247.** 20.370 (6) (bk) of the statutes is renumbered 20.375 (6) (bk).

9 **SECTION 248.** 20.370 (6) (br) of the statutes is renumbered 20.375 (6) (br).

10 **SECTION 249.** 20.370 (6) (bu) of the statutes, as affected by 2009 Wisconsin Act
11 28, is renumbered 20.375 (6) (bu).

12 **SECTION 250.** 20.370 (6) (bv) of the statutes is renumbered 20.375 (6) (bv).

13 **SECTION 251.** 20.370 (6) (ca) of the statutes is renumbered 20.370 (5) (ca) and
14 amended to read:

15 20.370 (5) (ca) *Environmental Resource aids — scenic urban waterways.* As a
16 continuing appropriation, the amounts in the schedule to administer a program for
17 scenic urban waterways under s. ~~30.275~~ 23.434.

18 **SECTION 252.** 20.370 (6) (cm) of the statutes is renumbered 20.375 (6) (cm) and
19 amended to read:

20 20.375 (6) (cm) *Environmental aids — federal funds.* All moneys received from
21 the federal government to provide environmental aid to localities, to carry out the
22 purposes for which received.

23 **SECTION 253.** 20.370 (6) (cr) of the statutes is renumbered 20.375 (6) (cr).

24 **SECTION 254.** 20.370 (6) (da) of the statutes is renumbered 20.375 (6) (da).

25 **SECTION 255.** 20.370 (6) (dm) of the statutes is renumbered 20.375 (6) (dm).

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1 **SECTION 256.** 20.370 (6) (dq) of the statutes, as affected by 2009 Wisconsin Act
2 28, is renumbered 20.375 (6) (dq).

3 **SECTION 257.** 20.370 (6) (ef) of the statutes is renumbered 20.375 (6) (ef).

4 **SECTION 258.** 20.370 (6) (eg) of the statutes is renumbered 20.375 (6) (eg).

5 **SECTION 259.** 20.370 (6) (eh) of the statutes is renumbered 20.375 (6) (eh).

6 **SECTION 260.** 20.370 (6) (em) of the statutes is renumbered 20.375 (6) (em).

7 **SECTION 261.** 20.370 (6) (eq) of the statutes is renumbered 20.375 (6) (eq).

8 **SECTION 262.** 20.370 (6) (et) of the statutes is renumbered 20.375 (6) (et).

9 **SECTION 263.** 20.370 (6) (eu) of the statutes is renumbered 20.375 (6) (eu).

10 **SECTION 264.** 20.370 (6) (ev) of the statutes is renumbered 20.375 (6) (ev).

11 **SECTION 265.** 20.370 (7) (aa) of the statutes is amended to read:

12 20.370 (7) (aa) *Resource acquisition and development — principal repayment*
13 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
14 principal and interest costs incurred in financing the placement of structures and fill
15 under s. ~~30.203~~ 23.178, in financing the acquisition, construction, development,
16 enlargement, or improvement of state recreation facilities under s. 20.866 (2) (tp) and
17 (tr), in financing state aids for land acquisition and development of local parks under
18 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and
19 (tt), ~~in financing the aid program for dams under s. 20.866 (2) (tx)~~, in financing ice
20 age trail development under s. 20.866 (2) (tw), in financing the Warren
21 Knowles–Gaylord Nelson stewardship program under s. 20.866 (2) (tz) and in
22 financing the Warren Knowles–Gaylord Nelson stewardship 2000 program under s.
23 20.866 (2) (ta), but not including payments made under par. (ac), and to make
24 payments under an agreement or ancillary arrangement entered into under s. 18.06
25 (8) (a). Payments may not be made from this appropriation account for principal and

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1 interest costs incurred in financing land acquisition and development of state forests
2 under ss. 20.866 (2) (ta) and (tz) until all moneys available under s. 20.370 (7) (au)
3 have been expended.

4 **SECTION 266.** 20.370 (7) (ar) of the statutes is renumbered 20.375 (7) (ar).

5 **SECTION 267.** 20.370 (7) (bq) of the statutes is renumbered 20.375 (7) (bq).

6 **SECTION 268.** 20.370 (7) (br) of the statutes is renumbered 20.375 (7) (br).

7 **SECTION 269.** 20.370 (7) (cb) of the statutes, as affected by 2009 Wisconsin Act
8 28, is renumbered 20.375 (7) (cb).

9 **SECTION 270.** 20.370 (7) (cc) of the statutes is renumbered 20.375 (7) (cc).

10 **SECTION 271.** 20.370 (7) (cd) of the statutes is renumbered 20.375 (7) (cd).

11 **SECTION 272.** 20.370 (7) (cg) of the statutes is renumbered 20.375 (7) (cg).

12 **SECTION 273.** 20.370 (7) (cq) of the statutes, as affected by 2009 Wisconsin Act
13 28, is renumbered 20.375 (7) (cq).

14 **SECTION 274.** 20.370 (7) (cr) of the statutes, as affected by 2009 Wisconsin Act
15 28, is renumbered 20.375 (7) (cr).

16 **SECTION 275.** 20.370 (7) (cs) of the statutes, as affected by 2009 Wisconsin Act
17 28, is renumbered 20.375 (7) (cs).

18 **SECTION 276.** 20.370 (7) (ct) of the statutes, as created by 2009 Wisconsin Act
19 28, is renumbered 20.375 (7) (ct).

20 **SECTION 277.** 20.370 (7) (er) of the statutes is renumbered 20.375 (7) (er).

21 **SECTION 278.** 20.370 (7) (fa) of the statutes is amended to read:

22 20.370 (7) (fa) *Resource maintenance and development — state funds.* As a
23 continuing appropriation, the amounts in the schedule for the maintenance and
24 development of state parks under ch. 27; ~~of recreation areas, other than game or fish~~
25 ~~refuges, in state forests under ch. 28;~~ of lands owned, managed, supervised or

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1 controlled by the department in the lower Wisconsin state riverway as defined in s.
2 30.40 (15); and of other recreational lands owned by the department, and for the
3 maintenance of the ice age trail. Of the amounts appropriated under this paragraph,
4 \$50,000 may be expended only to match at the ratio of 1 to 1 funds received under
5 par. (gg) from a county, city, village, town or organization after August 9, 1989, that
6 are given specifically for the purchase of equipment and materials for maintenance
7 of the ice age trail. At least \$150,000 in each fiscal year shall be expended from this
8 appropriation for maintaining and developing historic sites at least \$10,000 of which
9 shall be expended in each fiscal year for maintaining and developing Heritage Hill
10 state park.

11 **SECTION 279.** 20.370 (7) (mc) of the statutes is amended to read:

12 20.370 (7) (mc) *Resource maintenance and development — state park, forest*
13 *and riverway roads.* As a continuing appropriation, the amounts in the schedule for
14 state park ~~and forest~~ roads and roads in the lower Wisconsin state riverway as
15 defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads in state parks
16 under ch. 27 ~~and recreation areas in state forests under ch. 28~~ which are not eligible
17 for funding under s. 84.28. The department may expend up to \$400,000 from this
18 appropriation in each fiscal year for these state park ~~and forest~~ roads and roads in
19 the lower Wisconsin state riverway as defined in s. 30.40 (15) under s. 84.28 and shall
20 expend the balance from the appropriation for the maintenance of roads which are
21 not eligible for funding under s. 84.28.

22 **SECTION 280.** 20.370 (8) (title) of the statutes is repealed.

23 **SECTION 281.** 20.370 (8) (ir) of the statutes is renumbered 20.370 (1) (ir) and
24 amended to read:

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1 20.370 (1) (ir) *Promotional activities and publications.* Except as provided in
2 sub. ~~(1) par.~~ (it), all moneys received from subscriptions and other revenues
3 generated by promotional activities, photographs, slides, videotapes, artwork,
4 publications, magazines and other periodicals related to fish, wildlife, and
5 recreation, except the Wisconsin natural resources magazine, to be used for these
6 promotional activities, photographs, slides, videotapes, artwork, publications and
7 magazines and for educational and informational activities concerning conservation
8 ~~and the environment.~~

9 **SECTION 282.** 20.370 (8) (iw) of the statutes is renumbered 20.375 (2) (iw).

10 **SECTION 283.** 20.370 (8) (ma) of the statutes is renumbered 20.370 (1) (sa) and
11 amended to read:

12 20.370 (1) (sa) *General program operations Administration — state funds.*
13 From the general fund, the amounts in the schedule for the general administration
14 and field administration of the department related to fish, wildlife, and recreation.

15 **SECTION 284.** 20.370 (8) (mg) of the statutes, as affected by 2009 Wisconsin Act
16 28, is renumbered 20.375 (2) (sg) and amended to read:

17 20.375 (2) (sg) *General program operations — stationary sources.* From ~~the~~
18 ~~general fund,~~ from the moneys received from fees under s. 285.69 (2) (a) and (e), the
19 amounts in the schedule for the administration of the operation permit program
20 under ch. 285 and s. 299.15.

21 **SECTION 285.** 20.370 (8) (mi) of the statutes is renumbered 20.370 (1) (si), and
22 20.370 (1) (si) (title), as renumbered, is amended to read:

23 20.370 (1) (si) (title) *General program operations Administration and*
24 *technology — private and public sources.*

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1 **SECTION 286.** 20.370 (8) (mk) of the statutes is renumbered 20.370 (1) (sk) and
2 amended to read:

3 20.370 (1) (sk) *General program operations Administration — service funds.*
4 From the general fund, all moneys received by the department from the department
5 and from other state agencies, except as provided in par. (nk), for facilities, materials
6 or services provided by the department relating to fish, wildlife, and recreation
7 administrative services, to provide those facilities, materials or services.

8 **SECTION 287.** 20.370 (8) (mq) of the statutes is renumbered 20.375 (2) (sq).

9 **SECTION 288.** 20.370 (8) (mr) of the statutes is renumbered 20.375 (4) (sr).

10 **SECTION 289.** 20.370 (8) (mt) of the statutes is renumbered 20.370 (1) (st).

11 **SECTION 290.** 20.370 (8) (mu) of the statutes is renumbered 20.370 (1) (su) and
12 amended to read:

13 20.370 (1) (su) *General program operations — state funds Administration —*
14 *conservation fund.* The amounts in the schedule for the general administration and
15 field administration of the department related to fish, wildlife, and recreation.

16 **SECTION 291.** 20.370 (8) (mv) of the statutes is renumbered 20.375 (2) (sv), and
17 20.375 (2) (sv) (title), as renumbered, is amended to read:

18 20.375 (2) (sv) (title) *General program operations Administration —*
19 *environmental fund.*

20 **SECTION 292.** 20.370 (8) (mz) of the statutes is renumbered 20.370 (1) (sz).

21 **SECTION 293.** 20.370 (8) (ni) of the statutes is renumbered 20.370 (1) (ni).

22 **SECTION 294.** 20.370 (8) (nk) of the statutes is renumbered 20.370 (1) (nk).

23 **SECTION 295.** 20.370 (8) (zq) of the statutes is renumbered 20.370 (1) (zq).

24 **SECTION 296.** 20.370 (9) (title) of the statutes is repealed.

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1 **SECTION 297.** 20.370 (9) (eg) of the statutes is renumbered 20.375 (2) (tg) and
2 amended to read:

3 20.375 (2) (tg) *Gifts and grants; environmental management systems.* ~~From the~~
4 ~~general fund, all~~ All moneys received from gifts, grants or bequests for the
5 department's activities related to environmental management systems to be used for
6 the purposes for which made.

7 **SECTION 298.** 20.370 (9) (gb) of the statutes is renumbered 20.370 (1) (gb) and
8 amended to read:

9 20.370 (1) (gb) *Education programs — program fees.* Biennially, from the
10 general fund, the amounts in the schedule for department educational activities at
11 the MacKenzie environmental center. All moneys received from fees collected under
12 s. 23.425 (2) for the use of the center shall be credited to this appropriation.

13 **SECTION 299.** 20.370 (9) (hk) of the statutes, as affected by 2009 Wisconsin Act
14 28, is renumbered 20.370 (1) (hg).

15 **SECTION 300.** 20.370 (9) (hs) of the statutes is renumbered 20.370 (1) (js).

16 **SECTION 301.** 20.370 (9) (ht) of the statutes is renumbered 20.370 (1) (jv).

17 **SECTION 302.** 20.370 (9) (hu) of the statutes is renumbered 20.370 (1) (jw).

18 **SECTION 303.** 20.370 (9) (hv) of the statutes is renumbered 20.370 (1) (hx).

19 **SECTION 304.** 20.370 (9) (iq) of the statutes is renumbered 20.370 (1) (iq).

20 **SECTION 305.** 20.370 (9) (is) of the statutes is renumbered 20.375 (2) (is).

21 **SECTION 306.** 20.370 (9) (ma) of the statutes is renumbered 20.370 (1) (ta) and
22 amended to read:

23 20.370 (1) (ta) *General program operations Customer service — state funds.*
24 From the general fund, the amounts in the schedule for communications, customer
25 services, and aids administration related to fish, wildlife, and recreation.

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1 **SECTION 307.** 20.370 (9) (mh) of the statutes, as affected by 2009 Wisconsin Act
2 28, is renumbered 20.375 (2) (th) and amended to read:

3 20.375 (2) (th) *General program operations — stationary sources.* From ~~the~~
4 ~~general fund, from~~ the moneys received from fees under s. 285.69 (2) (a) and (e), the
5 amounts in the schedule for customer service, communications, and aids
6 administration for the operation permit program under ch. 285 and s. 299.15.

7 **SECTION 308.** 20.370 (9) (mi) of the statutes is renumbered 20.370 (1) (ti), and
8 20.370 (1) (ti) (title), as renumbered, is amended to read:

9 20.370 (1) (ti) (title) *General program operations Customer service — private*
10 *and public sources.*

11 **SECTION 309.** 20.370 (9) (mk) of the statutes is renumbered 20.370 (1) (tk), and
12 20.370 (1) (tk) (title), as renumbered, is amended to read:

13 20.370 (1) (tk) (title) *General program operations Customer service — service*
14 *funds.*

15 **SECTION 310.** 20.370 (9) (mm) of the statutes is renumbered 20.370 (1) (tm), and
16 20.370 (1) (tm) (title), as renumbered, is amended to read:

17 20.370 (1) (tm) (title) *General program operations Customer service — federal*
18 *funds.*

19 **SECTION 311.** 20.370 (9) (mq) of the statutes is renumbered 20.375 (2) (tq), and
20 20.375 (2) (tq) (title), as renumbered, is amended to read:

21 20.375 (2) (tq) (title) *General program operations Customer service — mobile*
22 *sources.*

23 **SECTION 312.** 20.370 (9) (mt) of the statutes is renumbered 20.375 (4) (tt).

24 **SECTION 313.** 20.370 (9) (mu) of the statutes is renumbered 20.370 (1) (tu) and
25 amended to read:

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1 20.370 (1) (tu) ~~General program operations — state funds~~ Customer service —
2 conservation fund. The amounts in the schedule for communications, customer
3 services, licensing, registration and aids administration related to fish, wildlife, and
4 recreation.

5 **SECTION 314.** 20.370 (9) (mv) of the statutes is renumbered 20.375 (2) (tv), and
6 20.375 (2) (tv) (title), as renumbered, is amended to read:

7 20.375 (2) (tv) (title) ~~General program operations~~ Customer service —
8 environmental fund.

9 **SECTION 315.** 20.370 (9) (mw) of the statutes is renumbered 20.370 (1) (tw).

10 **SECTION 316.** 20.370 (9) (mx) of the statutes is renumbered 20.375 (4) (tx).

11 **SECTION 317.** 20.370 (9) (my) of the statutes is renumbered 20.370 (1) (ty), and
12 20.370 (1) (ty) (title), as renumbered, is amended to read:

13 20.370 (1) (ty) (title) ~~General program~~ Fox river operations — federal funds.

14 **SECTION 318.** 20.370 (9) (mz) of the statutes is renumbered 20.370 (1) (tz), and
15 20.370 (1) (tz) (title), as renumbered, is amended to read:

16 20.370 (1) (tz) (title) Indirect cost reimbursements, customer service.

17 **SECTION 319.** 20.370 (9) (nq) of the statutes is renumbered 20.375 (2) (uq).

18 **SECTION 320.** 20.370 (9) (ny) of the statutes is renumbered 20.375 (4) (ty).

19 **SECTION 321.** 20.375 (intro.) of the statutes is created to read:

20 **20.375 Environmental quality, department of.** (intro.) There is
21 appropriated to the department of environmental quality for the following programs:

22 **SECTION 322.** 20.375 of the statutes is renumbered 20.377.

23 **SECTION 323.** 20.375 (2) (title) of the statutes is created to read:

24 20.375 (2) (title) AIR AND WASTE.

25 **SECTION 324.** 20.375 (2) (ag) of the statutes is created to read:

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1 20.375 (2) (ag) *Environmental impact — consultant services; printing and*
2 *postage costs.* All moneys received under s. 278.40 (3) (d) that are designated as
3 related to the cost of authorized environmental consultant services, to pay for those
4 services, and all moneys received under s. 278.40 (3) (d) that are designated as costs
5 of printing and postage, to pay for those costs.

6 **SECTION 325.** 20.375 (2) (ig) of the statutes is created to read:

7 20.375 (2) (ig) *Promotional activities and publications.* All moneys received
8 from subscriptions and other revenues generated by promotional activities,
9 photographs, slides, videotapes, artwork, publications, magazines, and other
10 periodicals to be used for these promotional activities, photographs, slides,
11 videotapes, artwork, publications, and magazines and for educational and
12 informational activities concerning the environment.

13 **SECTION 326.** 20.375 (2) (pa) of the statutes is created to read:

14 20.375 (2) (pa) *Enforcement — state funds.* The amounts in the schedule for
15 regulatory and enforcement operations under ss. 59.692, 59.693, 61.351, 61.354,
16 62.231, 62.234, and 87.30, subchs. I to III of ch. 30, and chs. 31 and 280 to 299, and
17 for review of environmental impact requirements under ss. 1.11 and 278.40.

18 **SECTION 327.** 20.375 (2) (pi) of the statutes is created to read:

19 20.375 (2) (pi) *Enforcement — private and public sources.* All moneys not
20 otherwise appropriated that are received from private or public sources, other than
21 state agencies and the federal government, for facilities, materials, or services
22 provided by the department relating to enforcement of laws administered by the
23 department to pay for expenses associated with those facilities, materials, or
24 services.

25 **SECTION 328.** 20.375 (2) (pk) of the statutes is created to read:

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1 20.375 (2) (pk) *Enforcement — service funds.* All moneys received by the
2 department from the department and from other state agencies for facilities,
3 materials, or services provided by the department relating to enforcement of laws
4 administered by the department under an agreement or other arrangement with the
5 department or other state agencies to pay for expenses associated with those
6 facilities, materials, and services.

7 **SECTION 329.** 20.375 (2) (pm) of the statutes is created to read:

8 20.375 (2) (pm) *Enforcement — federal funds.* All moneys received as federal
9 aid for enforcement activities of the department, as authorized by the governor under
10 s. 16.54 for the purposes for which received.

11 **SECTION 330.** 20.375 (2) (sa) of the statutes is created to read:

12 20.375 (2) (sa) *Administration — state funds.* The amounts in the schedule for
13 general administration and field administration related to air and waste.

14 **SECTION 331.** 20.375 (2) (si) of the statutes is created to read:

15 20.375 (2) (si) *General program operations — private and public sources.* All
16 moneys received from public or private sources, other than state agencies and the
17 federal government, for facilities, materials, or services provided by the department
18 related to administration and technology, to pay for costs and expenses associated
19 with those facilities, materials, or services.

20 **SECTION 332.** 20.375 (2) (sk) of the statutes is created to read:

21 20.375 (2) (sk) *Administration — service funds.* All moneys received by the
22 department from the department and from other state agencies, for air and waste
23 facilities, materials, or services provided by the department relating to
24 administrative services, to provide those facilities, materials, or services.

25 **SECTION 333.** 20.375 (2) (sp) of the statutes is created to read:

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1 20.375 (2) (sp) *Indirect cost reimbursements*. All moneys received from the
2 federal government as reimbursement of indirect costs of grants and contracts
3 related to air and waste for the purposes authorized in s. 16.54 (9) (b).

4 **SECTION 334.** 20.375 (2) (ta) of the statutes is created to read:

5 20.375 (2) (ta) *Customer service — state funds*. The amounts in the schedule
6 for communications, customer services, and aids administration related to air and
7 waste.

8 **SECTION 335.** 20.375 (2) (tk) of the statutes is created to read:

9 20.375 (2) (tk) *Customer service — service funds*. All moneys received by the
10 department from the department and from other state agencies for facilities,
11 materials, or services provided by the department relating to communications,
12 customer services, licensing, and aids administration.

13 **SECTION 336.** 20.375 (2) (tm) of the statutes is created to read:

14 20.375 (2) (tm) *Customer service — federal funds*. All moneys received as
15 federal aid for communications, customer services, and aids administration related
16 to air and waste, as authorized by the governor under s. 16.54, for the purposes for
17 which received.

18 **SECTION 337.** 20.375 (2) (tp) of the statutes is created to read:

19 20.375 (2) (tp) *Indirect cost reimbursements, customer service*. All moneys
20 received from the federal government as reimbursement of indirect costs of grants
21 and contracts relating to communications, customer services, and aids
22 administration for the purposes authorized in s. 16.54 (9) (b).

23 **SECTION 338.** 20.375 (2) (uk) of the statutes is created to read:

24 20.375 (2) (uk) *Equipment pool operations*. All moneys received by the
25 department from the department or from other state agencies from car, truck,

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1 airplane, heavy equipment, information technology, or radio pools for operation,
2 maintenance, replacement, and purchase of vehicles, equipment, radio services, and
3 information technology.

4 **SECTION 339.** 20.375 (2) (zg) of the statutes is created to read:

5 20.375 (2) (zg) *Gifts and grants.* All moneys received by the department from
6 gifts, grants, and bequests, except as provided in par. (tg), to be expended for the
7 purposes for which made.

8 **SECTION 340.** 20.375 (4) (bg) of the statutes is created to read:

9 20.375 (4) (bg) *Water information computer access fees.* All moneys received
10 under s. 278.322 to provide computer accessible water information.

11 **SECTION 341.** 20.375 (4) (ma) of the statutes is created to read:

12 20.375 (4) (ma) *General program operations — state funds.* The amounts in the
13 schedule for the management and protection of the state's water resources.

14 **SECTION 342.** 20.375 (4) (mi) of the statutes is created to read:

15 20.375 (4) (mi) *Water resources operations — private and public sources.* All
16 moneys not otherwise appropriated that are received from private or public sources,
17 other than state agencies and the federal government, for facilities, materials, or
18 services provided by the department relating to the management of the state's water
19 resources to pay for expenses associated with those facilities, materials, or services.

20 **SECTION 343.** 20.375 (4) (mk) of the statutes is created to read:

21 20.375 (4) (mk) *Water resources operations — service funds.* All moneys
22 received by the department from the department and from other state agencies for
23 purposes relating to the department's function relating to the state's water
24 resources.

25 **SECTION 344.** 20.375 (4) (ni) of the statutes is created to read:

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1 20.375 (4) (ni) *Geographic information systems, general program operations* —
2 *other funds*. All moneys received by the department from entities other than the
3 department or other state agencies for providing facilities, support services, and
4 materials related to geographic information systems, to provide those facilities,
5 services, or materials to entities other than the department and other state agencies.

6 **SECTION 345.** 20.375 (4) (nk) of the statutes is created to read:

7 20.375 (4) (nk) *Geographic information systems, general program operations*
8 — *service funds*. All moneys received by the department from the department and
9 from other state agencies for providing facilities, support services, and materials
10 related to geographic information systems, to provide those facilities, services, or
11 materials to the department or to those agencies.

12 **SECTION 346.** 20.375 (4) (sa) of the statutes is created to read:

13 20.375 (4) (sa) *Administration — state funds*. The amounts in the schedule for
14 general administration and field administration related to water.

15 **SECTION 347.** 20.375 (4) (sk) of the statutes is created to read:

16 20.375 (4) (sk) *Administration — service funds*. All moneys received by the
17 department from the department and from other state agencies, except as provided
18 in par. (nk), for water facilities, materials, or services provided by the department
19 relating to administrative services, to provide those facilities, materials, or services.

20 **SECTION 348.** 20.375 (4) (sp) of the statutes is created to read:

21 20.375 (4) (sp) *Indirect cost reimbursements*. All moneys received from the
22 federal government as reimbursement of indirect costs of grants and contracts
23 related to water for the purposes authorized in s. 16.54 (9) (b).

24 **SECTION 349.** 20.375 (4) (su) of the statutes is created to read:

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1 20.375 (4) (su) *Administration — conservation fund.* From the conservation
2 fund, from the amounts paid into the fund under s. 20.855 (4) (s), the amounts in the
3 schedule for the general administration and field administration of the department
4 related to water.

5 **SECTION 350.** 20.375 (4) (ta) of the statutes is created to read:

6 20.375 (4) (ta) *Customer service — state funds.* The amounts in the schedule
7 for communications, customer services, and aids administration related to water.

8 **SECTION 351.** 20.375 (4) (tm) of the statutes is created to read:

9 20.375 (4) (tm) *Customer service — federal funds.* All moneys received as
10 federal aid for communications, customer services, and aids administration related
11 to water, as authorized by the governor under s. 16.54, for the purposes for which
12 received.

13 **SECTION 352.** 20.375 (4) (tu) of the statutes is created to read:

14 20.375 (4) (tu) *Customer service — conservation fund.* From the conservation
15 fund, from the amounts paid into the fund under s. 20.855 (4) (s), the amounts in the
16 schedule for communications, customer services, licensing, registration, and aids
17 administration related to water.

18 **SECTION 353.** 20.375 (7) (title) of the statutes is created to read:

19 20.375 (7) (title) DEBT SERVICE.

20 **SECTION 354.** 20.375 (7) (aa) of the statutes is created to read:

21 20.375 (7) (aa) *Dam safety — principal repayment and interest.* A sum
22 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
23 incurred in financing the aid program for dams under s. 20.866 (2) (tx).

24 **SECTION 355.** 20.375 (7) (ea) of the statutes is created to read:

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1 20.375 (7) (ea) *Administrative facilities — principal repayment and interest.*
2 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
3 interest costs incurred in financing the acquisition, construction, development,
4 enlargement, or improvement of administrative office, laboratory, equipment
5 storage, or maintenance facilities.

6 **SECTION 356.** 20.375 (7) (ha) of the statutes is created to read:

7 20.375 (7) (ha) *Facilities acquisition, development, and maintenance.* As a
8 continuing appropriation, the amounts in the schedule for the acquisition,
9 development, and construction costs of new structures and buildings and for the
10 maintenance costs of existing structures and buildings under the control of the
11 department.

12 **SECTION 357.** 20.455 (1) (k) of the statutes is amended to read:

13 20.455 (1) (k) *Environment litigation project.* All moneys received from the
14 department of ~~natural resources~~ environmental quality for materials or services
15 provided by the department of justice regarding a project involving the use of
16 environmental litigation to protect air, land and water resources to be used to pay
17 for costs and expenses associated with those materials and services.

18 **SECTION 358.** 20.505 (4) (k) of the statutes is amended to read:

19 20.505 (4) (k) *Waste facility siting board; general program operations.* The
20 amounts in the schedule for the general program operations of the waste facility
21 siting board. All moneys transferred from the appropriation account under s. ~~20.370~~
22 20.375 (2) (eg) shall be credited to this appropriation account.

23 **SECTION 359.** 20.505 (8) (hm) 8d. of the statutes is amended to read:

24 20.505 (8) (hm) 8d. The amount transferred to s. 20.370 (4) ~~(1)~~ (kk) shall be the
25 amount in the schedule under s. 20.370 ~~(4)~~ (1) (kk).

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1 **SECTION 360.** 20.505 (8) (hm) 8k. of the statutes is amended to read:

2 20.505 (8) (hm) 8k. The amount transferred to s. 20.370 ~~(3)~~ (1) (ak) shall be the
3 amount in the schedule under s. 20.370 ~~(3)~~ (1) (ak).

4 **SECTION 361.** 20.505 (8) (hm) 8r. of the statutes is amended to read:

5 20.505 (8) (hm) 8r. The amount transferred to s. 20.370 ~~(9)~~ ~~(hk)~~ (1) (hg) shall
6 be the amount in the schedule under s. 20.370 ~~(9)~~ ~~(hk)~~ (1) (hg).

7 **SECTION 362.** 20.505 (8) (hm) 17f. of the statutes is amended to read:

8 20.505 (8) (hm) 17f. The amount transferred to s. ~~20.370~~ 20.375 (6) (bk) shall
9 be the amount in the schedule under s. ~~20.370~~ 20.375 (6) (bk).

10 **SECTION 363.** 20.566 (7) (v) of the statutes is amended to read:

11 20.566 (7) (v) *Investment and local impact fund.* From the investment and local
12 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the
13 moneys appropriated under s. ~~20.370~~ 20.375 (2) (gr), to be disbursed under ss. 70.395
14 (2) (d) to (g), 293.33 (4) and 293.65 (5) (a).

15 **SECTION 364.** 20.866 (1) (u) of the statutes, as affected by 2009 Wisconsin Act
16 28, is amended to read:

17 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
18 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d), ~~(5) (ur) and (yr)~~, and (7) (b),
19 (br), (s), and (tb), 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and
20 (j), 20.250 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd),
21 (km), and (ko) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
22 (aq), ~~(ar)~~, (at), ~~(au)~~, ~~(bq)~~, ~~(br)~~, ~~(cb)~~, ~~(cc)~~, ~~(cd)~~, ~~(cg)~~, ~~(cq)~~, ~~(cr)~~, ~~(cs)~~, ~~(ct)~~, (ea), and (eq), and
23 ~~(er)~~, 20.375 (7) (aa), (ar), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea), and (er),
24 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2)
25 (ee), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha),

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1 and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a),
2 (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h),
3 (i), (kd), and (q) for the payment of principal, interest, premium due, if any, and
4 payment due, if any, under an agreement or ancillary arrangement entered into
5 under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV
6 of ch. 18.

7 **SECTION 365.** 20.866 (2) (tb) of the statutes is amended to read:

8 20.866 (2) (tb) *Natural resources Environment; municipal clean drinking water*
9 *grants.* From the capital improvement fund, a sum sufficient to the department of
10 ~~natural resources~~ environmental quality to provide funds for municipal clean
11 drinking water grants under s. 281.53. The state may contract public debt in an
12 amount not to exceed \$9,800,000 for this purpose.

13 **SECTION 366.** 20.866 (2) (tc) of the statutes, as affected by 2009 Wisconsin Act
14 28, is amended to read:

15 20.866 (2) (tc) *Clean water fund program.* From the capital improvement fund,
16 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred
17 to the environmental improvement fund for the purposes of the clean water fund
18 program under ss. 281.58 and 281.59. The state may contract public debt in an
19 amount not to exceed \$777,043,200 for this purpose. Of this amount, the amount
20 needed to meet the requirements for state deposits under 33 USC 1382 is allocated
21 for those deposits. Of this amount, \$8,250,000 is allocated to fund the minority
22 business development and training program under s. 200.49 (2) (b). Moneys from
23 this appropriation account may be expended for the purposes of s. 281.57 (10m) and
24 (10r) only in the amount by which the department of ~~natural resources~~
25 environmental quality and the department of administration determine that

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1 moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m)
2 and (10r).

3 **SECTION 367.** 20.866 (2) (te) of the statutes is amended to read:

4 20.866 (2) (te) *Natural resources Environment; nonpoint source grants.* From
5 the capital improvement fund, a sum sufficient for the department of natural
6 resources environmental quality to provide funds for nonpoint source water
7 pollution abatement projects under s. 281.65 and to provide the grant under 2003
8 Wisconsin Act 33, section 9138 (3f). The state may contract public debt in an amount
9 not to exceed \$94,310,400 for this purpose.

10 **SECTION 368.** 20.866 (2) (tf) of the statutes, as affected by 2009 Wisconsin Act
11 28, is amended to read:

12 20.866 (2) (tf) *Natural resources Environment; nonpoint source.* From the
13 capital improvement fund, a sum sufficient for the department of natural resources
14 environmental quality to fund nonpoint source water pollution abatement projects
15 under s. 281.65 (4c) and (4e). The state may contract public debt in an amount not
16 to exceed \$18,000,000 for this purpose.

17 **SECTION 369.** 20.866 (2) (tg) of the statutes is amended to read:

18 20.866 (2) (tg) *Natural resources Environment; environmental repair.* From the
19 capital improvement fund, a sum sufficient for the department of natural resources
20 environmental quality to fund investigations and remedial action under s. 292.11 (7)
21 (a) or 292.31 and remedial action under s. 281.83 and for payment of this state's share
22 of environmental repair that is funded under 42 USC 6991 to 6991i or 42 USC 9601
23 to 9675. The state may contract public debt in an amount not to exceed \$54,000,000
24 for this purpose. Of this amount, \$7,000,000 is allocated for remedial action under
25 s. 281.83.

ASSEMBLY BILL 926**SECTION 370**

1 **SECTION 370.** 20.866 (2) (th) of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 20.866 (2) (th) *Natural resources Environment; urban nonpoint source*
4 *cost-sharing*. From the capital improvement fund, a sum sufficient for the
5 department of ~~natural resources~~ environmental quality to provide cost-sharing
6 grants for urban nonpoint source water pollution abatement and storm water
7 management projects under s. 281.66, to provide municipal flood control and
8 riparian restoration cost-sharing grants under s. 281.665, and to make the grant
9 under 2007 Wisconsin Act 20, section 9135 (1i). The state may contract public debt
10 in an amount not to exceed \$35,900,000 for this purpose. Of this amount, \$500,000
11 is allocated in fiscal biennium 2001–03 for dam rehabilitation grants under s. 31.387.

12 **SECTION 371.** 20.866 (2) (ti) of the statutes, as affected by 2009 Wisconsin Act
13 28, is amended to read:

14 20.866 (2) (ti) *Natural resources Environmental quality; contaminated*
15 *sediment removal*. From the capital improvement fund, a sum sufficient for the
16 department of ~~natural resources~~ environmental quality to fund removal of
17 contaminated sediment under s. 281.87. The state may contract public debt in an
18 amount not to exceed \$22,000,000 for this purpose.

19 **SECTION 372.** 20.866 (2) (tj) of the statutes is created to read:

20 20.866 (2) (tj) *Environment; general fund supported administrative facilities*.
21 From the capital improvement fund, a sum sufficient for the department of
22 environmental quality to acquire, construct, develop, enlarge, or improve
23 administrative office, laboratory, equipment, storage, or maintenance facilities. The
24 state may contract public debt in an amount not to exceed \$5,441,200 for this
25 purpose.

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1 **SECTION 373.** 20.866 (2) (tk) of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 20.866 (2) (tk) *Natural resources Environment; environmental segregated fund*
4 *supported administrative facilities.* From the capital improvement fund, a sum
5 sufficient for the department of ~~natural resources~~ environmental quality to acquire,
6 construct, develop, enlarge or improve ~~natural resource~~ administrative office,
7 laboratory, equipment storage and maintenance facilities. The state may contract
8 public debt in an amount not to exceed \$10,842,500 for this purpose.

9 **SECTION 374.** 20.866 (2) (tL) of the statutes is amended to read:

10 20.866 (2) (tL) *Natural resources Environment; segregated revenue supported*
11 *dam safety projects.* From the capital improvement fund, a sum sufficient for the
12 department of ~~natural resources~~ environmental quality to provide financial
13 assistance to counties, cities, villages, towns, and public inland lake protection and
14 rehabilitation districts for dam safety projects under s. 31.385. The state may
15 contract public debt in an amount not to exceed \$6,600,000 for this purpose.

16 **SECTION 375.** 20.866 (2) (tm) of the statutes is amended to read:

17 20.866 (2) (tm) *Natural resources Environment; pollution abatement and*
18 *sewage collection facilities, ORAP funding.* From the capital improvement fund, a
19 sum sufficient to the department of ~~natural resources~~ environmental quality to
20 acquire, construct, develop, enlarge or improve point source water pollution
21 abatement facilities and sewage collection facilities under ss. 281.55 and 281.56. The
22 state may contract public debt in an amount not to exceed \$145,060,325 for this
23 purpose. Of this amount, \$5,000,000 is allocated for point source water pollution
24 abatement facilities and sewage collection facilities under s. 281.56.

25 **SECTION 376.** 20.866 (2) (tn) of the statutes is amended to read:

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1 20.866 (2) (tn) *Natural resources Environment; pollution abatement and*
2 *sewage collection facilities.* From the capital improvement fund, a sum sufficient to
3 the department of ~~natural resources~~ environmental quality to acquire, construct,
4 develop, enlarge or improve point source water pollution abatement facilities and
5 sewage collection facilities under s. 281.57 and to upgrade or replace a drinking
6 water treatment plant under s. 281.57 (10t) including eligible engineering design
7 costs. Payments may be made from this appropriation for capital improvement
8 expenditures and encumbrances authorized under s. 281.57 before July 1, 1990,
9 except for reimbursements made under s. 281.57 (9m) (a) and except as provided in
10 s. 281.57 (10e), (10f), (10m), (10r) and (10t). Payments may also be made from this
11 appropriation for expenditures and encumbrances resulting from disputed costs
12 under s. 281.57 if an appeal of an eligibility determination is filed before
13 July 1, 1990, and the result of the dispute requires additional funds for an eligible
14 project. The state may contract public debt in an amount not to exceed \$893,493,400
15 for this purpose.

16 **SECTION 377.** 20.866 (2) (to) of the statutes is amended to read:

17 20.866 (2) (to) *Natural resources Environment; pollution abatement and*
18 *sewage collection facilities; combined sewer overflow.* From the capital improvement
19 fund, a sum sufficient to the department of ~~natural resources~~ environmental quality
20 to provide funds for the construction of combined sewer overflow projects and for
21 eligible engineering design costs under s. 281.63. The state may contract public debt
22 in an amount not to exceed \$200,600,000 for this purpose. Of this amount, \$7,360,000
23 is allocated to fund the minority business demonstration and training program
24 under s. 200.49.

25 **SECTION 378.** 20.866 (2) (ts) of the statutes is amended to read:

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1 20.866 (2) (ts) *Natural resources; agriculture; land acquisition.* From the
2 capital improvement fund, a sum sufficient for the department of natural resources
3 for outdoor recreation land acquisition activities and for the department of natural
4 resources and the department of agriculture, trade and consumer protection for
5 acquiring state forest lands. The state may contract public debt in an amount not to
6 exceed \$45,608,600 for these purposes. Of this amount of public debt not authorized
7 for the department before August 9, 1989, \$2,000,000 is allocated on August 9, 1989,
8 for natural areas land acquisition activities.

9 **SECTION 379.** 20.866 (2) (tu) of the statutes, as affected by 2009 Wisconsin Act
10 28, is amended to read:

11 20.866 (2) (tu) *Natural resources; agriculture; segregated revenue supported*
12 *facilities.* From the capital improvement fund, a sum sufficient for the department
13 of agriculture, trade and consumer protection to acquire, construct, develop, enlarge,
14 or improve administrative office, laboratory, equipment storage, or maintenance
15 facilities relating to forestry activities and for the department of natural resources
16 to acquire, construct, develop, enlarge or improve natural resource administrative
17 office, laboratory, equipment storage, or maintenance facilities and to acquire,
18 construct, develop, enlarge or improve state recreation facilities and state fish
19 hatcheries. The state may contract public debt in an amount not to exceed
20 \$80,754,000 for this purpose.

21 **SECTION 380.** 20.866 (2) (tx) of the statutes, as affected by 2009 Wisconsin Act
22 28, is amended to read:

23 20.866 (2) (tx) *Natural resources Environment; dam safety projects.* From the
24 capital improvement fund, a sum sufficient for the department of natural resources
25 environmental quality to provide financial assistance to counties, cities, villages,

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1 towns and public inland lake protection and rehabilitation districts for dam safety
2 projects under s. 31.385. The state may contract public debt in an amount not to
3 exceed \$9,500,000 for this purpose.

4 **SECTION 381.** 20.903 (2) (b) of the statutes is amended to read:

5 20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys
6 expended from the appropriations under ss. 20.370 ~~(8) (mt)~~ (1) (st), 20.375 (2) (uk),
7 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), (kc), (kd), and (kL) in an
8 additional amount not exceeding the depreciated value of equipment for operations
9 financed under ss. 20.370 ~~(8) (mt)~~ (1) (st), 20.375 (2) (uk), 20.395 (4) (eq), (er) and (es)
10 and 20.505 (1) (im), (ka), (kb), (kc), (kd), and (kL). The secretary of administration
11 may require such statements of assets and liabilities as he or she deems necessary
12 before approving expenditure estimates in excess of the unexpended moneys in the
13 appropriation account.

14 **SECTION 382.** 20.923 (4) (g) 1p. of the statutes is created to read:

15 20.923 (4) (g) 1p. Environmental quality, department of: secretary.

16 **SECTION 383.** 23.09 (1) of the statutes is amended to read:

17 23.09 (1) PURPOSES. The purpose of this section is to provide an adequate and
18 flexible system for the protection, development and use of forests, fish and game,
19 lakes, streams, plant life, flowers and other outdoor resources in this state.

20 **SECTION 384.** 23.09 (2) (d) 16. of the statutes is amended to read:

21 23.09 (2) (d) 16. For bluff protection under s. ~~30.24~~ 23.0942.

22 **SECTION 385.** 23.09 (2) (g) of the statutes is amended to read:

23 23.09 (2) (g) *Forest protection.* Establish and maintain an efficient fire fighting
24 system for the protection of forests lands under the jurisdiction of the department.

25 **SECTION 386.** 23.09 (2m) (b) of the statutes is amended to read:

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1 23.09 (2m) (b) The department shall manage forest land under its jurisdiction
2 in a manner that is consistent with, and that furthers the purpose of, the designation
3 of that forest land as a ~~state forest~~, southern state forest, state park, state trail, state
4 natural area, state recreation area, or similar designation.

5 **SECTION 387.** 23.09 (2p) (a) of the statutes is amended to read:

6 23.09 (2p) (a) The department of natural resources shall determine the value
7 of land donated to the department state that is within the project boundaries of a
8 state park, ~~a state forest~~ or a state recreation area. The department of agriculture,
9 trade and consumer protection shall determine the value of land donated to the state
10 that is within the project boundaries of a state forest under its jurisdiction. If the
11 donation involves the transfer of the title in fee simple absolute or other arrangement
12 for the transfer of all interest in the land to the state, the valuation shall be based
13 on the fair market value of the land before the transfer. If the donation is a dedication
14 transferring a partial interest in land to the state, the valuation shall be based on
15 the extent to which the fair market value of the land is diminished by that transfer
16 and the associated articles of dedication. If the donation involves a sale of land ~~to the~~
17 ~~department~~ at less than the fair market value, the valuation of the donation shall
18 be based on the difference between the purchase price and the fair market value.

19 **SECTION 388.** 23.09 (2r) (b) of the statutes is amended to read:

20 23.09 (2r) (b) Land acquisition for urban river grants under s. ~~30.277~~ 23.0944.

21 **SECTION 389.** 23.09 (3) (a) of the statutes is renumbered 23.09 (3).

22 **SECTION 390.** 23.09 (3) (b) of the statutes is renumbered 93.06 (11) (c).

23 **SECTION 391.** 23.09 (11) (a) of the statutes is renumbered 23.09 (11) (ar).

24 **SECTION 392.** 23.09 (11) (ag) of the statutes is created to read:

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1 23.09 (11) (ag) In this subsection, “department” means the department of
2 agriculture, trade and consumer protection.

3 **SECTION 393.** 23.09 (17m) (a) of the statutes is renumbered 23.09 (17m) (am)
4 and amended to read:

5 23.09 (17m) (am) The county board of any county, which by resolution indicates
6 its desire to improve the natural environment for wildlife on county lands entered
7 under s. 28.11, may make application to the department for the allocation of funds
8 appropriated for such purposes by s. ~~20.370 (5) (as)~~ 20.115 (5) (sL).

9 **SECTION 394.** 23.09 (17m) (ac) of the statutes is created to read:

10 23.09 (17m) (ac) In this subsection, “department” means the department of
11 agriculture, trade and consumer protection.

12 **SECTION 395.** 23.09 (17m) (b) of the statutes is amended to read:

13 23.09 (17m) (b) The annual allocation for each county shall not exceed 10 cents
14 for each acre entered under s. 28.11, but any funds remaining from the appropriation
15 made by s. ~~20.370 (5) (as)~~ 20.115 (5) (sL) and unallocated to the counties on March
16 31 of each year may be allotted to any county in an amount not to exceed an additional
17 10 cents per acre under the procedure established in this subsection. These aids shall
18 be used to undertake wildlife management activities provided in the comprehensive
19 county forest land use plan and included in the annual work plan and budget.

20 **SECTION 396.** 23.09 (18) (a) of the statutes is amended to read:

21 23.09 (18) (a) In each fiscal year, the department of agriculture, trade and
22 consumer protection shall make payments to each county that has more than 40,000
23 acres within its boundaries that are entered on the tax roll under s. 77.04 (1) or 77.84
24 (1) on July 1 of that fiscal year.

25 **SECTION 397.** 23.09 (18) (b) of the statutes is amended to read:

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1 23.09 (18) (b) The amount of the payment made in a fiscal year to an eligible
2 county shall equal the county's proportionate share of the moneys appropriated
3 under s. ~~20.370 (5) (br)~~ 20.115 (5) (tm) for the fiscal year. An eligible county's
4 proportionate share shall equal the number of acres within its boundaries that are
5 entered on the tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of the fiscal year divided
6 by the total number of acres that are entered on the tax roll under s. 77.04 (1) or 77.84
7 (1) on that same date and that are within the boundaries of counties that are eligible
8 for payments under this section, multiplied by the amount appropriated under s.
9 ~~20.370 (5) (br)~~ 20.115 (5) (tm) for the fiscal year.

10 **SECTION 398.** 23.09 (18) (c) of the statutes is amended to read:

11 23.09 (18) (c) The department of agriculture, trade and consumer protection
12 shall calculate and issue the payment for each eligible county by October 1 following
13 each fiscal year.

14 **SECTION 399.** 23.09 (20) (ar) of the statutes is created to read:

15 23.09 (20) (ar) For each fiscal year, the department of natural resources and
16 the department of agriculture, trade and consumer protection shall enter into an
17 agreement to determine which projects are eligible for assistance under this
18 subsection and to authorize the expenditures for those projects. The secretary of
19 administration shall resolve any disputes between the departments concerning the
20 agreement entered into under this paragraph.

21 **SECTION 400.** 23.09 (21m) of the statutes is amended to read:

22 23.09 (21m) ENVIRONMENTAL CLEANUP. The department of natural resources
23 may engage in environmental clean-up activities on the lands under its ownership,
24 management, supervision, or control and on state forest lands under the ownership,

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1 management, supervision, or control of the department of agriculture, trade and
2 consumer protection.

3 **SECTION 401.** 23.09 (26) (a) of the statutes is amended to read:

4 23.09 (26) (a) The procedures in sub. (11) ~~(a)~~ (ar), (d), (e) and (f) shall apply to
5 this subsection except that the department shall consult with the snowmobile
6 recreational council before adopting snowmobile trail construction standards, the
7 restriction in sub. (11) ~~(a)~~ (ar) as to county lands is not applicable, the restriction in
8 sub. (11) (d) as to encumbrance of funds is not applicable and the restriction in sub.
9 (11) (e) as to requests for state aids exceeding available funds is not applicable.

10 **SECTION 402.** 23.09 (26) (am) 2. of the statutes is amended to read:

11 23.09 (26) (am) 2. Enter into agreements with the department of natural
12 resources to use for snowmobile trails, facilities, or areas lands owned or leased by
13 ~~the that~~ department and enter into agreements with the department of agriculture,
14 trade and consumer protection to use for snowmobile trails, facilities, or forest lands
15 owned or leased by that department. No lands of the department of natural
16 resources or the department of agriculture, trade and consumer protection to be used
17 for snowmobiling purposes within the meaning of this subsection may be obtained
18 through condemnation.

19 **SECTION 403.** 23.0915 (1g) of the statutes is amended to read:

20 23.0915 (1g) LAND ACQUISITION; URBAN RIVER GRANTS. Beginning in fiscal year
21 1992-93 and ending in fiscal year 1999-2000, the department for each fiscal year
22 shall designate for expenditure \$1,900,000 of the moneys appropriated under s.
23 20.866 (2) (tz) for land acquisition for urban river grants under s. ~~30.277~~ 23.0944.

24 **SECTION 404.** 23.0915 (1r) (c) of the statutes is amended to read:

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1 23.0915 (1r) (c) For land acquisition, the department shall designate for
2 expenditure \$900,000 for urban river grants under s. ~~30.277~~ 23.0944 and for grants
3 under s. 23.096 for the purposes under s. ~~30.277~~ 23.0944 (2) (a).

4 **SECTION 405.** 23.0915 (2g) of the statutes is amended to read:

5 23.0915 (2g) FUNDS FOR MONONA TERRACE PROJECT. If all of the money set aside
6 under s. 23.195 for the Frank Lloyd Wright Monona terrace project is not expended
7 before July 1, 1998, the department shall make the unexpended moneys available
8 for expenditure for land acquisition and for urban river grants under s. ~~30.277~~
9 23.0944. The moneys expended for the Frank Lloyd Wright Monona terrace project
10 are expended as an amount for land acquisition.

11 **SECTION 406.** 23.0916 (3) (a) of the statutes is amended to read:

12 23.0916 (3) (a) Except as provided in par. (b) and sub. (4) and ss. 29.089, 29.091,
13 29.301 (1) (b), and 29.621 (4), the department shall permit public access for
14 nature-based outdoor activities by others on land that is ~~acquired by the department~~
15 in fee simple or that is an easement ~~acquired by the department~~ on former managed
16 forest land and that was acquired by the department of natural resources pursuant
17 to its authority under s. 23.09 (2) (d) 1. or 5., 2007, stats., or s. 23.09 (2) (d) or that
18 was acquired by the department of agriculture, trade and consumer protection
19 pursuant to its authority under s. 28.012 or 28.02 (2).

20 **SECTION 407.** 23.0917 (1) (c) of the statutes is amended to read:

21 23.0917 (1) (c) "Department land" means an area of land that is owned by the
22 state, that is under the jurisdiction of the department of natural resources and that
23 is used for one of the purposes specified in s. 23.09 (2) (d), or that is under the
24 jurisdiction of the department of agriculture, trade and consumer protection and
25 that is state forest land.

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1 **SECTION 408.** 23.0917 (3) (a) of the statutes is amended to read:

2 23.0917 (3) (a) Beginning with fiscal year 2000–01 and ending with fiscal year
3 2019–20, the department may obligate moneys under the subprogram for land
4 acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and for state
5 forests, and for grants for these purposes under s. 23.096, except as provided under
6 ss. 23.197 (2m), (3m) (b), (7m), and (8) and 23.198 (1) (a).

7 **SECTION 409.** 23.0917 (3) (c) 1. of the statutes is amended to read:

8 23.0917 (3) (c) 1. Acquisition of land that preserves or enhances the state’s
9 water resources, including land in and for the Lower Wisconsin State Riverway; land
10 abutting wild rivers designated under s. ~~30.26~~ 23.43, wild lakes and land along the
11 shores of the Great Lakes.

12 **SECTION 410.** 23.0917 (4) (b) 4. of the statutes is amended to read:

13 23.0917 (4) (b) 4. Grants for urban rivers under ss. 23.096 and ~~30.277~~ 23.0944.

14 **SECTION 411.** 23.0917 (7) (a) of the statutes is amended to read:

15 23.0917 (7) (a) Except as provided in pars. (b) and (c), for purposes of
16 calculating the acquisition costs for acquisition of land under ss. 23.09 (19), (20), and
17 (20m), 23.092 (4), 23.094 (3g), 23.0942 (4), 23.0944, 23.0953, and 23.096, ~~30.24 (4)~~
18 and ~~30.277~~ from the appropriation under s. 20.866 (2) (ta), the acquisition costs shall
19 equal the sum of the land’s current fair market value and other acquisition costs, as
20 determined by rule by the department.

21 **SECTION 412.** 23.0917 (7) (e) 1. of the statutes is amended to read:

22 23.0917 (7) (e) 1. For any land for which moneys are proposed to be obligated
23 from the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid
24 to a governmental unit under s. 23.09 (19), (20), or (20m) or ~~30.277~~ 23.0944 or to a
25 nonprofit conservation organization under s. 23.096, the department shall use at

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1 least 2 appraisals to determine the fair market value of the land. The governmental
2 unit or nonprofit conservation organization shall submit to the department one
3 appraisal that is paid for by the governmental unit or nonprofit conservation
4 organization. The department shall obtain its own independent appraisal. The
5 department may also require that the governmental unit or nonprofit conservation
6 organization submit a 3rd independent appraisal. The department shall reimburse
7 the governmental unit or nonprofit conservation organization up to 50% of the costs
8 of the 3rd appraisal as part of the acquisition costs of the land if the land is acquired
9 by the governmental unit or nonprofit conservation organization with moneys
10 obligated from the appropriation under s. 20.866 (2) (ta).

11 **SECTION 413.** 23.094 (2) (a) of the statutes is amended to read:

12 23.094 (2) (a) The department, in consultation with the department of
13 environmental quality, shall identify as priority streams those streams in this state
14 that are in most need of protection from degradation of water quality caused by
15 agricultural or urban runoff.

16 **SECTION 414.** 23.095 (1m) (title) of the statutes is amended to read:

17 23.095 (1m) (title) PROHIBITION ON ~~DEPARTMENT LAND~~ CERTAIN STATE LANDS.

18 **SECTION 415.** 23.095 (1m) (a) of the statutes is amended to read:

19 23.095 (1m) (a) No person may damage or attempt to damage any natural
20 resource or any archaeological feature located on state-owned lands that are under
21 the supervision, management, and control of the department of natural resources or
22 that are located on state forest lands that are under the supervision, management,
23 and control of the department of agriculture, trade and consumer protection except
24 as authorized by ~~the~~ that department.

25 **SECTION 416.** 23.096 (2) (a) of the statutes is amended to read:

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1 23.096 (2) (a) The department may award grants from the appropriation under
2 s. 20.866 (2) (ta) or (tz) to nonprofit conservation organizations to acquire property
3 for all of the purposes described in ss. 23.09 (2) (d) 1. to 7., 9., 11., 12. and 15., (19),
4 (20) and (20m), 23.092, 23.094, 23.0942, 23.0944, 23.17, 23.175, 23.27, 23.29, and
5 23.293, 30.24 and 30.277.

6 **SECTION 417.** 23.096 (3) (intro.) of the statutes is amended to read:

7 23.096 (3) (intro.) ~~In~~ Except as provided in sub. (3m), in order to receive a grant
8 under this section, the nonprofit conservation organization shall enter into a
9 contract with the department that contains all of the following provisions:

10 **SECTION 418.** 23.096 (3m) of the statutes is created to read:

11 23.096 (3m) In order to receive a grant under this section for state forests, the
12 nonprofit conservation organization shall enter into a contract with the department
13 of agriculture, trade and consumer protection that contains all of the provisions
14 under sub. (3).

15 **SECTION 419.** 23.096 (4) (a) 1. of the statutes is amended to read:

16 23.096 (4) (a) 1. The department that entered into the contract under sub. (3)
17 or (3m) approves the subsequent sale or transfer.

18 **SECTION 420.** 23.096 (4) (a) 2. of the statutes is amended to read:

19 23.096 (4) (a) 2. The party to whom the property is sold or transferred enters
20 into a new contract with the department specified in subd. 1. that contains the
21 provisions under sub. (3).

22 **SECTION 421.** 23.096 (4) (b) of the statutes is amended to read:

23 23.096 (4) (b) The nonprofit conservation organization may subsequently sell
24 or transfer the acquired property to satisfy a debt or other obligation if the

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1 department that enters into the contract under sub. (3) or (3m) approves the sale or
2 transfer.

3 **SECTION 422.** 23.097 (1) of the statutes is renumbered 23.097 (1e).

4 **SECTION 423.** 23.097 (1b) of the statutes is created to read:

5 23.097 (1b) In this section, “department” means the department of agriculture,
6 trade and consumer protection.

7 **SECTION 424.** 23.098 (1) (ag) of the statutes is amended to read:

8 23.098 (1) (ag) “Department property” means an area of real property that is
9 owned by the state, that is under the jurisdiction of the department of natural
10 resources and that is used for one of the purposes specified in s. 23.09 (2) (d) or an
11 area of real property that is under the jurisdiction of the department of agriculture,
12 trade and consumer protection and that is in a state forest.

13 **SECTION 425.** 23.098 (2) of the statutes is amended to read:

14 23.098 (2) The department of natural resources and the department of
15 agriculture, trade and consumer protection shall ~~establish~~ jointly administer a
16 program to make grants from the appropriations under s. 20.866 (2) (ta) and (tz) to
17 friends groups and nonprofit conservation organizations for projects for property
18 development activities on department properties. ~~The department may not~~
19 ~~encumber~~ Not more than \$250,000 may be encumbered in each fiscal year for these
20 grants under this section.

21 **SECTION 426.** 23.098 (2m) of the statutes is created to read:

22 23.098 (2m) In determining which grants will be awarded under this section,
23 the department of natural resources and the department of agriculture, trade and
24 consumer protection shall both approve each grant. Any dispute regarding which

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1 friends groups and nonprofit conservation organizations will receive a grant under
2 this section shall be resolved by the secretary of administration.

3 **SECTION 427.** 23.098 (3) of the statutes is amended to read:

4 23.098 (3) The department of natural resources and the department of
5 agriculture, trade and consumer protection shall jointly promulgate rules to
6 establish criteria to be used in determining which property development activities
7 are eligible for these grants under this section. The rules promulgated by the
8 department of natural resources under this subsection that are in effect on the
9 effective date of this subsection ... [LRB inserts date], shall remain in effect until
10 rules are jointly promulgated by the 2 departments.

11 **SECTION 428.** 23.098 (4) (a) of the statutes is amended to read:

12 23.098 (4) (a) The department of natural resources and the department of
13 agriculture, trade and consumer protection shall periodically prepare a list of
14 projects on department properties that are eligible for grants under this section and
15 shall include in the list the estimated cost of each project.

16 **SECTION 429.** 23.098 (4) (am) of the statutes is amended to read:

17 23.098 (4) (am) In awarding grants under this section for eligible projects, the
18 department of natural resources and the department of agriculture, trade and
19 consumer protection shall jointly establish a system under which the grants are
20 offered to eligible friends groups before being offered to eligible nonprofit
21 conservation organizations.

22 **SECTION 430.** 23.098 (4) (b) of the statutes is amended to read:

23 23.098 (4) (b) ~~The department may not encumber~~ Not more than \$20,000 may
24 be encumbered for grants under this section for a department property in each fiscal
25 year.

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1 **SECTION 431.** 23.11 (1) of the statutes is amended to read:

2 23.11 (1) In addition to the powers and duties heretofore conferred and imposed
3 upon said the department by this chapter it shall have and take the general care,
4 protection and supervision of all state parks, of all state fish hatcheries and lands
5 used therewith, ~~of all state forests~~, and of all lands owned by the state or in which
6 it has any interests, except lands the care and supervision of which are vested in
7 some other officer, body or board; and said the department is granted such further
8 powers as may be necessary or convenient to enable it to exercise the functions and
9 perform the duties required of it by this chapter and by other provisions of law. But
10 it may not perform any act upon state lands held for sale that will diminish their
11 salable value.

12 **SECTION 432.** 23.11 (5) of the statutes is amended to read:

13 23.11 (5) The department may require an applicant for a permit or statutory
14 approval which the department, by order, may grant, to submit an environmental
15 impact report if the area affected exceeds 40 acres, or the estimated cost of the project
16 exceeds \$25,000, ~~or the applicant is requesting approval for a high capacity well~~
17 ~~described in s. 281.34 (4) (a) 1. to 3.~~

18 **SECTION 433.** 23.113 of the statutes is renumbered 28.037.

19 **SECTION 434.** 23.114 of the statutes, as affected by 2009 Wisconsin Act 42, is
20 renumbered 28.039.

21 **SECTION 435.** 23.125 of the statutes is repealed.

22 **SECTION 436.** 23.13 of the statutes is amended to read:

23 **23.13 Governor to be informed.** The board of commissioners of public lands
24 and, the department of natural resources, and the department of agriculture, trade
25 and consumer protection shall furnish to the governor upon the governor's request

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1 a copy of any paper, document or record in their respective offices and give the
2 governor orally such information as the governor may call for.

3 **SECTION 437.** 23.135 of the statutes is renumbered 26.025.

4 **SECTION 438.** 23.14 of the statutes is amended to read:

5 **23.14 Approval required before new lands acquired.** Prior to the initial
6 acquisition of any lands by the department of natural resources after July 1, 1977,
7 for any new facility or project, and prior to the initial acquisition of any lands by the
8 department of agriculture, trade and consumer protection for any new facility or
9 project relating to forestry, the proposed initial acquisition shall be submitted to the
10 governor for his or her approval. New facilities or projects include, without
11 limitation because of enumeration, state parks, state forests, recreation areas, public
12 shooting, trapping or fishing grounds or waters, fish hatcheries, game farms, forest
13 nurseries, experimental stations, endangered species preservation areas, picnic and
14 camping grounds, hiking trails, cross-country ski trails, bridle trails, nature trails,
15 bicycle trails, snowmobile trails, youth camps, land in the lower Wisconsin state
16 riverway as defined in s. 30.40 (15), natural areas and wild rivers.

17 **SECTION 439.** 23.15 (title) of the statutes is amended to read:

18 **23.15 (title) Sale of certain state-owned lands under the jurisdiction of**
19 **~~the department of natural resources.~~**

20 **SECTION 440.** 23.15 (1) of the statutes is amended to read:

21 23.15 (1) The natural resources board may sell, at public or private sale, lands
22 real property and structures owned by the state that are under the jurisdiction of the
23 department of natural resources, except central or district office facilities, when if
24 the natural resources board determines that ~~said lands~~ the real property and

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1 structures are no longer necessary for the state's use for conservation purposes and,
2 if real property, the real property is not the subject of a petition under s. 560.9810 (2).

3 **SECTION 441.** 23.15 (1m) of the statutes is created to read:

4 23.15 (1m) The secretary of agriculture, trade and consumer protection may
5 sell, at public or private sale, state forest land and structures on that land owned by
6 the state that are under the jurisdiction of the department of agriculture, trade and
7 consumer protection if the department of agriculture, trade and consumer protection
8 determines that the real property and structures are no longer necessary for the
9 state's use for conservation purposes and, if real property, the real property is not the
10 subject of a petition under s. 560.9810 (2).

11 **SECTION 442.** 23.15 (2) of the statutes is amended to read:

12 23.15 (2) Said The natural resources board and the secretary of agriculture,
13 trade and consumer protection shall present to the governor a full and complete
14 report of the lands to be sold, the reason for the sale, the price for which said the lands
15 should be sold ~~together with, and~~ an application for the their sale of the same. The
16 governor ~~shall thereupon make such investigation as the governor deems necessary~~
17 ~~respecting said lands to be sold~~ may investigate and approve or disapprove such the
18 application. If the governor ~~shall approve the same,~~ approves the application for the
19 sale, the governor shall issue a permit ~~shall be issued by the governor for such the~~
20 sale on the terms set forth in the application.

21 **SECTION 443.** 23.15 (3) of the statutes is amended to read:

22 23.15 (3) Upon completion of such a sale of land under the jurisdiction of the
23 department of natural resources, the ~~chairperson and~~ secretary of the natural
24 resources board, ~~or~~ and the secretary of natural resources, if the ~~secretary is duly~~
25 ~~authorized by the natural resources board,~~ shall execute such the necessary

ASSEMBLY BILL 926**SECTION 443**

1 instruments as ~~are necessary~~ to transfer title and ~~the natural resources board or its~~
2 ~~duly authorized agents~~ shall deliver the same instruments to the purchaser upon
3 payment of the amount set forth in the application. Upon completion of a sale of land
4 under the jurisdiction of the department of agriculture, trade and consumer
5 protection, the secretary of agriculture, trade and consumer protection shall execute
6 the necessary instruments to transfer title and shall deliver the instruments to the
7 purchaser upon payment of the amount set forth in the application.

8 **SECTION 444.** 23.15 (4) of the statutes is amended to read:

9 23.15 (4) Said The natural resources board ~~effecting the sale of any such lands~~
10 ~~and structures shall~~, upon receiving payment therefor, under sub. (3), shall deposit
11 the funds moneys received in the conservation fund to be used exclusively for the
12 purpose of purchasing other areas of land for the ~~creating~~ creation and establishing
13 establishment of public hunting and fishing grounds, wildlife and fish refuges, and
14 state parks and for land in the lower Wisconsin state riverway as defined in s. 30.40
15 (15).

16 **SECTION 445.** 23.15 (4m) of the statutes is created to read:

17 23.15 (4m) The secretary of agriculture, trade and consumer protection, upon
18 receiving payment under sub. (3), shall deposit the moneys received in the
19 conservation fund to be used exclusively for the purpose of purchasing other areas
20 of land for the creation and establishment of areas in state forests.

21 **SECTION 446.** 23.15 (5) (a) of the statutes is amended to read:

22 23.15 (5) (a) In this subsection, “surplus land” means land under the
23 jurisdiction of the department ~~which~~ of natural resources, or forest land that is under
24 the jurisdiction of the department of agriculture, trade and consumer protection,

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1 that is unused and not needed for department that department's operations or that
2 is not included in the that department's plan for construction or development.

3 **SECTION 447.** 23.15 (5) (b) of the statutes is amended to read:

4 23.15 (5) (b) Biennially, ~~beginning on January 1, 1984,~~ the department of of
5 natural resources and the department of agriculture, trade and consumer protection
6 shall each submit to the state building commission and the joint committee on
7 finance an inventory of surplus land containing the description, location and fair
8 market value of each parcel.

9 **SECTION 448.** 23.16 (1) of the statutes is amended to read:

10 23.16 (1) PUBLICATION. The department may produce, issue or reprint
11 magazines or other periodicals on a periodic basis as it determines, pertaining to fish
12 and game, forests, parks, ~~environmental quality~~ and other similar subjects of
13 general information. The department may distribute its magazines and periodicals
14 by subscription. The department shall charge a fee for any of its magazines or
15 periodicals, except that no fee may be charged to a person who is provided a
16 subscription to the Wisconsin Natural Resources Magazine under s. 29.235.

17 **SECTION 449.** 23.16 (5) of the statutes is amended to read:

18 23.16 (5) USE OF MONEYS. The department shall use the moneys collected under
19 this section for the costs specified in sub. (4). If the moneys collected under this
20 section exceed the amount necessary for the costs specified in sub. (4), the
21 department shall use the excess for educational and informational activities
22 concerning conservation ~~and the environment~~.

23 **SECTION 450.** 23.165 (1) of the statutes is amended to read:

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1 23.165 (1) PUBLICATIONS. The department may produce, issue, reprint and sell
2 publications not published on a periodic basis that pertain to fish and game, forests,
3 parks, ~~environmental quality~~ and other similar subjects of general information.

4 **SECTION 451.** 23.165 (1m) of the statutes is amended to read:

5 23.165 (1m) PHOTOGRAPHS, SLIDES, VIDEOTAPES, ARTWORK. The department may
6 produce, issue, reprint and sell photographs, slides, videotapes and artwork if they
7 pertain to fish and game, forests, parks, ~~environmental quality~~ and other similar
8 subjects of general information.

9 **SECTION 452.** 23.165 (5m) of the statutes is amended to read:

10 23.165 (5m) USE OF MONEYS. The department shall use the moneys collected
11 under this section for the costs specified in sub. (5). If the moneys collected under
12 this section exceed the amount necessary for the costs specified in sub. (5), the
13 department shall use the excess for educational and informational activities
14 concerning conservation ~~and the environment~~.

15 **SECTION 453.** 23.18 of the statutes is renumbered 278.18, and 278.18 (1) (a) and
16 (b) (intro.), as renumbered, are amended to read:

17 278.18 (1) (a) Advise the department, the department of natural resources, the
18 governor and the legislature on matters relating to the environmental, recreational
19 and economic revitalization of the Milwaukee River basin.

20 (b) (intro.) Assist the department and the department of natural resources to:

21 **SECTION 454.** 23.197 (2) (a) of the statutes is amended to read:

22 23.197 (2) (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both, the
23 department shall provide funding to the city of Fort Atkinson for the restoration of
24 a river wall along the Rock River. The amount provided by the department may not
25 exceed the amount that equals the matching contribution made for the river wall by

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1 the city of Fort Atkinson or \$96,500, whichever is less. The requirements for
2 matching contributions under s. ~~30.277~~ 23.0944 (5) shall apply.

3 **SECTION 455.** 23.26 (3) of the statutes is amended to read:

4 23.26 (3) Advise the department of natural resources, the department of
5 agriculture, trade and consumer protection, and other agencies on matters
6 pertaining to the acquisition, development, utilization, maintenance and
7 withdrawal of state natural areas, including determinations as to the extent of
8 multiple use that may be allowed on state natural areas that are a part of a state
9 park, state forest, public hunting ground or similar areas under state ownership or
10 control.

11 **SECTION 456.** 23.30 (4) of the statutes is created to read:

12 23.30 (4) CONSULTATION REQUIRED. In carrying out its duties under sub. (3) and
13 its duties under s. 23.31, the natural resources board shall consult with the
14 department of agriculture, trade and consumer protection.

15 **SECTION 457.** 23.305 (title) of the statutes is amended to read:

16 **23.305 (title) Leasing of ~~department land~~ certain lands for recreational**
17 **purposes.**

18 **SECTION 458.** 23.305 (2) of the statutes is amended to read:

19 23.305 (2) Notwithstanding ss. 23.30 and 28.04, the department of natural
20 resources may lease state park land ~~or state forest land~~ to towns, villages, or counties
21 for outdoor recreational purposes associated with spectator sports. Notwithstanding
22 ss. 23.30 and 28.04, the department of agriculture, trade and consumer protection
23 may lease state forest land to towns, villages, or counties for outdoor recreational
24 purposes associated with spectator sports.

25 **SECTION 459.** 23.305 (3) of the statutes is amended to read:

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1 23.305 (3) The lease shall be for a term not to exceed 15 years. The lease shall
2 contain covenants to protect the department entering into the lease from all liability
3 and costs associated with use of the land and to guard against trespass and waste.
4 The rents arising from ~~the~~ a lease entered into by the department of natural
5 resources shall be paid into the state treasury and credited to the ~~proper~~
6 conservation fund. The rents arising from a lease entered into by the department of
7 agriculture, trade and consumer protection shall be paid into the state treasury and
8 credited to the conservation fund.

9 **SECTION 460.** 23.32 of the statutes is renumbered 278.32.

10 **SECTION 461.** 23.325 (1) (a) of the statutes is amended to read:

11 23.325 (1) (a) Shall consult with the department of administration, the
12 department of transportation, the department of agriculture, trade and consumer
13 protection, and the state cartographer, and may consult with other potential users
14 of the photographic products resulting from the survey, to determine the scope and
15 character of the survey.

16 **SECTION 462.** 23.325 (2) (a) of the statutes is amended to read:

17 23.325 (2) (a) After consultation with the department of transportation, the
18 department of agriculture, trade and consumer protection, and the state
19 cartographer, the department of natural resources shall select the photographic
20 products to be sold.

21 **SECTION 463.** 23.325 (4) of the statutes is amended to read:

22 23.325 (4) All income received by the department of natural resources, the
23 department of agriculture, trade and consumer protection, and the department of
24 transportation from the sale of the photographic products, less the amount retained
25 by the department of agriculture, trade and consumer protection under s. 93.077 and

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1 the amount retained by the department of transportation under s. 85.10, shall be
2 deposited in the conservation fund.

3 **SECTION 464.** 23.33 (1) (ig) of the statutes is amended to read:

4 23.33 (1) (ig) "Law enforcement officer" has the meaning specified under s.
5 165.85 (2) (c) and includes a person appointed as a conservation warden ~~by the~~
6 ~~department~~ under s. 23.10 (1) or a person appointed as a state forest ranger under
7 s. 28.92.

8 **SECTION 465.** 23.33 (2) (o) of the statutes is amended to read:

9 23.33 (2) (o) *Receipt of fees.* All fees remitted to or collected by the department
10 under par. (ir) shall be credited to the appropriation account under s. 20.370 ~~(9) (hu)~~
11 (1) (jw).

12 **SECTION 466.** 23.33 (5) (a) of the statutes is amended to read:

13 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
14 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
15 agricultural purpose and he or she is under the supervision of a person over 18 years
16 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
17 vehicle trail designated by the department of natural resources or the department
18 of agriculture, trade and consumer protection and he or she is accompanied by his
19 or her parent. No person who is under 12 years of age may operate an all-terrain
20 vehicle which is an implement of husbandry on a roadway under any circumstances.
21 No person who is under 12 years of age may operate an all-terrain vehicle on a
22 roadway under the authorization provided under sub. (4) (d) 6. under any
23 circumstances. No person who is under 12 years of age may rent or lease an
24 all-terrain vehicle. For purposes of this paragraph, supervision does not require

ASSEMBLY BILL 926**SECTION 466**

1 that the person under 12 years of age be subject to continuous direction or control by
2 the person over 18 years of age.

3 **SECTION 467.** 23.33 (5m) (c) 4. of the statutes is amended to read:

4 23.33 **(5m)** (c) 4. Assisting the department of natural resources, the
5 department of agriculture, trade and consumer protection, and the department of
6 tourism in creating an outreach program to inform local communities of appropriate
7 all-terrain vehicle use in their communities and of the economic benefits that may
8 be gained from promoting tourism to attract all-terrain vehicle operators.

9 **SECTION 468.** 23.33 (5m) (c) 5. of the statutes is amended to read:

10 23.33 **(5m)** (c) 5. Attempting to improve and maintain its relationship with the
11 department of natural resources, the department of agriculture, trade and consumer
12 protection, the department of tourism, all-terrain vehicle dealers, all-terrain
13 vehicle manufacturers, snowmobile clubs, as defined in s. 350.138 (1) (e), snowmobile
14 alliances, as defined in s. 350.138 (1) (d), and other organizations that promote the
15 recreational operation of snowmobiles.

16 **SECTION 469.** 23.33 (8) (c) of the statutes is amended to read:

17 23.33 **(8)** (c) *Trails.* A town, village, city, county ~~or~~, the department of natural
18 resources, or the department of agriculture, trade and consumer protection may
19 designate corridors through land which it owns or controls, or for which it obtains
20 leases, easements or permission, for use as all-terrain vehicle trails.

21 **SECTION 470.** 23.33 (9) (a) of the statutes is amended to read:

22 23.33 **(9)** (a) *Enforcement.* The department may utilize moneys received under
23 sub. (2) for all-terrain vehicle registration aids administration and for the purposes
24 specified under s. 20.370 ~~(3)~~ (1) (as) and (5) (er) including costs associated with

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1 enforcement, safety education, accident reports and analysis, law enforcement aids
2 to counties, and other similar costs in administering and enforcing this section.

3 **SECTION 471.** 23.33 (9) (b) (intro.) of the statutes is amended to read:

4 23.33 (9) (b) *All-terrain vehicle projects.* (intro.) Any of the following
5 all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle
6 project from the appropriation account under s. 20.370 (1) (ms) or 20.115 (5) (sr) or
7 for aid as a nonstate all-terrain vehicle project from the appropriation accounts
8 under s. 20.370 (5) (ct) and (cu):

9 **SECTION 472.** 23.33 (9m) of the statutes is created to read:

10 23.33 (9m) STATE TRAILS. The department of agriculture, trade and consumer
11 protection shall designate, develop, and maintain the all-terrain vehicle trails in
12 state forests.

13 **SECTION 473.** 23.33 (12) (a) of the statutes is amended to read:

14 23.33 (12) (a) ~~An officer of the state traffic patrol under s. 110.07 (1), inspector~~
15 ~~under s. 110.07 (3), conservation warden appointed by the department under s.~~
16 ~~23.10, county sheriff or municipal peace~~ Any law enforcement officer has authority
17 and jurisdiction to enforce this section and ordinances enacted in conformity with
18 this section.

19 **SECTION 474.** 23.385 of the statutes is created to read:

20 **23.385 Financial interest prohibited.** The secretary and any other person
21 in a position of administrative responsibility in the department may not have a
22 financial interest in any enterprise that might profit by weak or preferential
23 administration or enforcement of the powers and duties of the department.

24 **SECTION 475.** 23.40 (3) (d) of the statutes is amended to read:

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1 23.40 (3) (d) ~~Except as provided in par. (e), the~~ The department shall deposit
2 any environmental impact statement fee in the general fund and shall designate
3 clearly the amount of the fee related to the cost of authorized environmental
4 consultant services and the amount of the fee related to the cost of printing and
5 postage.

6 **SECTION 476.** 23.40 (3) (e) of the statutes is repealed.

7 **SECTION 477.** 23.41 (1) (intro.) and (b) of the statutes are consolidated,
8 renumbered 23.41 (1) and amended to read:

9 23.41 (1) In this section: (b) ~~“Environmental,~~ “environmental consultant
10 services” includes services provided by environmental scientists, engineers and
11 other experts.

12 **SECTION 478.** 23.41 (1) (a) of the statutes is repealed.

13 **SECTION 479.** 23.41 (2) of the statutes is repealed.

14 **SECTION 480.** 23.41 (5) of the statutes is repealed.

15 **SECTION 481.** 23.41 (5m) of the statutes is repealed.

16 **SECTION 482.** 23.42 of the statutes is renumbered 278.42.

17 **SECTION 483.** 23.425 (title), (1) and (2) (a) of the statutes are renumbered
18 278.425 (title), (1) and (2).

19 **SECTION 484.** 23.425 (2) (b) of the statutes is renumbered 23.425 and amended
20 to read:

21 **23.425 MacKenzie center.** The fees collected by the department under par.
22 (a) may collect fees for the use of the MacKenzie environmental center. The fees shall
23 be deposited in the general fund and credited to the appropriation under s. 20.370
24 (9) (1) (gb).

25 **SECTION 485.** 23.50 (1) of the statutes is amended to read:

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1 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
2 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
3 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), and 167.31 (2), ~~281.48 (2) to (5),~~
4 ~~283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2)~~
5 subchs. IV and V of ch. 30, subch. VI of ch. 77, this chapter, and chs. 26 to 31 29, ch.
6 169, and ch. 350, and any administrative rules promulgated thereunder, violations
7 specified under s. 280.98 (2) or 285.86, violations of ch. 951 if the animal involved is
8 a captive wild animal, violations of rules of the Kickapoo reserve management board
9 under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations
10 of local ordinances enacted by any local authority in accordance with s. 23.33 (11)
11 (am) or 30.77.

12 **SECTION 486.** 23.53 (1) of the statutes is amended to read:

13 23.53 (1) The citation created under this section shall, in all actions to recover
14 forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of
15 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
16 thereunder, and any rule of the Kickapoo reserve management board under s. 41.41
17 (7) (k) be used by any law enforcement officer with authority to enforce those laws,
18 except that the uniform traffic citation created under s. 345.11 may be used by a
19 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law
20 enforcement agency of a municipality or county ~~or a traffic officer employed under~~
21 ~~s. 110.07 in enforcing s. 287.81.~~ In accordance with s. 345.11 (1m), the citation shall
22 not be used for violations of ch. 350 relating to highway use. The citation may be used
23 for violations of local ordinances enacted by any local authority in accordance with
24 s. 23.33 (11) (am) or 30.77.

25 **SECTION 487.** 23.65 (1) of the statutes is amended to read:

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1 23.65 (1) When it appears to the district attorney that a violation of s. 90.21,
2 ~~or 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07,~~
3 ~~287.08, 287.81 or 299.64 (2),~~ subch. IV or V of ch. 30, this chapter or ch. 26, 27, 28,
4 29, ~~30, 31~~, 169, or 350, or any administrative rule promulgated pursuant thereto, a
5 violation specified under s. ~~285.86~~, or a violation of ch. 951, if the animal involved is
6 a captive wild animal, has been committed the district attorney may proceed by
7 complaint and summons.

8 **SECTION 488.** 23.65 (3) of the statutes is amended to read:

9 23.65 (3) If a district attorney refuses or is unavailable to issue a complaint,
10 a circuit judge, after conducting a hearing, may permit the filing of a complaint if he
11 or she finds there is probable cause to believe that the person charged has committed
12 a violation of s. ~~287.07, 287.08 or 287.81~~ subch. IV or V of ch. 30, this chapter or ch.
13 26, 27, 28, 29, ~~30, 31~~ or 350 ~~or a violation specified under s. 285.86~~. The district
14 attorney shall be informed of the hearing and may attend.

15 **SECTION 489.** 24.39 (1) of the statutes is amended to read:

16 24.39 (1) The board of commissioners of public lands may grant leases of parts
17 or parcels of any public lands except state park lands and state forest lands; grant
18 easements, leases to enter upon any of said lands to flow the same or to prospect for
19 and to dig and remove therefrom ore, minerals and other deposits, and sell therefrom
20 such timber as the board shall find necessary to prevent future loss or damage. All
21 sales of standing live timber shall be on a selective cutting basis in line with federal
22 forest practices. Such easements, leases, licenses and sales shall be made only for
23 a full and fair consideration paid or to be paid to the state, the amount and terms
24 whereof shall be fixed by said board, and such easements, leases, licenses and sales
25 shall conform to the requirements, so far as applicable, prescribed by ch. 26 for the

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1 exercise by the department of natural resources and the department of agriculture,
2 trade and consumer protection of similar powers affecting state park lands and state
3 forest lands.

4 **SECTION 490.** 24.39 (2) of the statutes is amended to read:

5 24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the
6 other powers conferred by this section the board of commissioners of public lands
7 shall, so far as it finds it desirable and practicable, request and make proper use of
8 such services and information as the department of natural resources or the
9 department of environmental quality may be able to furnish.

10 **SECTION 491.** 24.39 (4) (c) of the statutes is amended to read:

11 24.39 (4) (c) No leases under par. (a) may be executed without a prior finding
12 of the department of ~~natural resources~~ environmental quality under s. 30.11 (5) that
13 any proposed physical change in the area contemplated as the result of the execution
14 of any term lease is consistent with the public interest in the navigable waters
15 involved.

16 **SECTION 492.** 24.39 (4) (f) of the statutes is amended to read:

17 24.39 (4) (f) A municipality may sublease rights leased to it under par. (a) 1.
18 or 2. to corporations or private persons. A municipality may also make physical
19 improvements on and above the bottoms to which rights were leased from the board
20 of commissioners of public lands and may sublease these improvements to
21 corporations or private persons. Any subleases under this paragraph shall be
22 consistent with this subsection and with whatever standards or restrictions the
23 department of ~~natural resources~~ environmental quality, acting under s. 30.11 (5),
24 may have found at the time of execution of the original lease by the board of
25 commissioners of public lands to the municipality.

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1 **SECTION 493.** 24.58 of the statutes is amended to read:

2 **24.58 Appraisers.** The board may select employees of the department of of
3 natural resources or the department of agriculture, trade and consumer protection
4 to appraise lands or perform other services in field and forest. The board shall
5 reimburse the respective department under a contract ~~with the department~~ for the
6 performance of public land management services.

7 **SECTION 494.** 25.29 (6) of the statutes is amended to read:

8 **25.29 (6)** All moneys received from the United States ~~for fire prevention and~~
9 ~~control, forest planting, and other forestry activities,~~ for wildlife restoration projects
10 and fish restoration and management projects, and for other purposes shall be
11 devoted to the purposes for which these moneys are received.

12 **SECTION 495.** 25.29 (7) (a) of the statutes is amended to read:

13 **25.29 (7) (a)** Eight percent of the tax levied under s. 70.58 or of the funds
14 provided for in lieu of the levy shall be used to acquire and develop forests of the state
15 for the purposes or capable of providing the benefits described under s. 28.04 (2)
16 within areas approved by the department of agriculture, trade and consumer
17 protection and the governor and located within the region composed of Manitowoc,
18 Calumet, Winnebago, Sheboygan, Fond du Lac, Ozaukee, Washington, Dodge,
19 Milwaukee, Waukesha, Jefferson, Racine, Kenosha, Walworth, Rock and Outagamie
20 counties.

21 **SECTION 496.** 25.29 (7) (b) of the statutes is amended to read:

22 **25.29 (7) (b)** An additional 4% of the tax levied under s. 70.58 or of the funds
23 provided in lieu of the levy shall be used to purchase forests for the state for the
24 purposes or capable of providing the benefits described under s. 28.04 (2) within

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1 areas approved by the department of agriculture, trade and consumer protection and
2 the governor and located within the region specified under par. (a) (am).

3 **SECTION 497.** 25.295 (1) (b) of the statutes is amended to read:

4 25.295 (1) (b) Notwithstanding s. 23.15 (4), all moneys received by the
5 department of ~~natural resources~~ state from utility easements on property located in
6 the state park system, a southern state forest, ~~as defined in s. 27.016 (1) (e)~~, or a state
7 recreation area ~~under ss. 23.09 (10), 27.01 (2) (g) and 28.02 (5)~~.

8 **SECTION 498.** 25.43 (2) (c) of the statutes is amended to read:

9 25.43 (2) (c) The department of administration may establish and change
10 accounts in the environmental improvement fund other than those under pars. (a),
11 (ae), (am) and (b). The department of administration shall consult the department
12 of ~~natural resources~~ environmental quality before establishing or changing an
13 account that is needed to administer the programs under ss. 281.58, 281.59 and
14 281.61.

15 **SECTION 499.** 25.43 (3) of the statutes is amended to read:

16 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),
17 the environmental improvement fund may be used only for the purposes authorized
18 under ss. 20.320 (1) (r), (s), (sm), (t), (x) and (y), (2) (s) and (x) and (3) (q), ~~20.370~~ 20.375
19 (4) (mt), (mx) and, (nz), ~~(8) (mr) and (9) (mt), (mx) and (ny)~~ (sr), (tt), (tx), and (ty),
20 20.505 (1) (v), (x) and (y), 281.58, 281.59, 281.60, 281.61 and 281.62.

21 **SECTION 500.** 25.46 (1e) of the statutes is amended to read:

22 25.46 (1e) The moneys transferred under s. ~~20.370~~ 20.375 (2) (mu) for
23 environmental management.

24 **SECTION 501.** 25.46 (1g) of the statutes is amended to read:

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1 25.46 (1g) The moneys transferred under s. ~~20.370~~ 20.375 (4) (mw) for
2 environmental management.

3 **SECTION 502.** 26.01 (1) of the statutes is amended to read:

4 26.01 (1) Unless the context requires otherwise, “department” means the
5 department of ~~natural resources~~ agriculture, trade and consumer protection.

6 **SECTION 503.** 26.02 (1) (intro.) of the statutes is amended to read:

7 26.02 (1) DUTIES. (intro.) The council on forestry shall advise the governor, the
8 legislature, the department of ~~natural resources~~ agriculture, trade and consumer
9 protection, the department of commerce, and other state agencies, as determined to
10 be appropriate by the council, on all of the following topics as they affect forests
11 located in this state:

12 **SECTION 504.** 26.06 (1) of the statutes is amended to read:

13 26.06 (1) Foresters, forest supervisors, rangers, and state forest rangers and
14 wardens of the department and the cruisers and foresters of the board of
15 commissioners of public lands have the enforcement powers specified in s. 26.97 with
16 respect to, and may seize, without process, any forest products unlawfully severed
17 from public lands of the state, federal lands leased to the state, county forest lands
18 entered under s. 28.11, forest croplands entered under subch. I of ch. 77 or managed
19 forest land designated under subch. VI of ch. 77. Seized products cut from lands
20 under the control of the board of commissioners of public lands shall be held for the
21 commissioners and those cut from forest croplands, managed forest land or county
22 forest shall be held for the owner, and subject to the payment of severance taxes, yield
23 taxes or severance share thereon to the state. Products cut from state forest lands
24 or federal lands leased to the department shall be appraised and sold. Products
25 appraised at more than \$500 shall be sold on sealed bids not less than 10 days after

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1 a class 1 notice has been published, under ch. 985, in the county where the material
2 is located. Any sheriff may seize and hold for the owner thereof any forest products
3 unlawfully severed or removed.

4 **SECTION 505.** 26.08 (1) of the statutes is amended to read:

5 26.08 (1) The department of agriculture, trade and consumer protection may,
6 ~~from time to time~~, lease parts or parcels of ~~state park lands or state forest lands~~. The
7 department of natural resources may lease parts or parcels of state park lands.
8 These leases shall contain proper covenants to guard against trespass and waste.
9 The rents arising from these leases shall be paid into the state treasury to the credit
10 of the proper fund. Licenses also may be granted to prospect for ore or mineral upon
11 any of these lands; but proper security shall be taken that the licensees will fully
12 inform the department of every discovery of ore or mineral and will restore the
13 surface to its former condition and value if no discovery of valuable deposits is made.
14 The department that enters into a lease or grants a license shall retain a copy of each
15 lease or license and file the original in the office of the board of commissioners of
16 public lands.

17 **SECTION 506.** 26.08 (2) (a) of the statutes is amended to read:

18 26.08 (2) (a) Except as provided under pars. (b) to (d), ~~the department may lease~~
19 ~~state park land or state forest land~~ leases under sub. (1) shall be for terms not
20 exceeding 15 years.

21 **SECTION 507.** 26.08 (2) (b) of the statutes is amended to read:

22 26.08 (2) (b) The department of natural resources may lease Rib Mountain
23 state park lands and Willow River state park lands for terms not exceeding 30 years.

24 **SECTION 508.** 26.08 (2) (bn) of the statutes is amended to read:

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1 26.08 (2) (bn) The department of natural resources may lease state park land
2 located within the boundaries of the Wisconsin Dells natural area for terms not
3 exceeding 30 years.

4 **SECTION 509.** 26.08 (2) (c) of the statutes is amended to read:

5 26.08 (2) (c) The department of natural resources may lease Kettle Moraine
6 state forest land for the YMCA Camp Matawa for a term not exceeding 30 years.

7 **SECTION 510.** 26.08 (2) (d) of the statutes is amended to read:

8 26.08 (2) (d) The department of agriculture, trade and consumer protection
9 may lease Northern Highland American Legion State Forest land on Statehouse
10 Lake in the town of Manitowish Waters for the North Lakeland Discovery Center for
11 a term not exceeding 30 years.

12 **SECTION 511.** 26.08 (3) of the statutes is amended to read:

13 26.08 (3) The department of natural resources and the department of
14 agriculture, trade and consumer protection shall furnish to the board of
15 commissioners of public lands such maps, plats, surveys, valuations, information
16 and other services as the board may request respecting any of the public lands, for
17 use by it in granting leases or licenses or in making sales under s. 24.39.

18 **SECTION 512.** 26.11 (6) of the statutes is amended to read:

19 26.11 (6) The department, as the director of the effort, may suppress a forest
20 fire on lands located outside the boundaries of intensive or extensive forest fire
21 protection districts but not within the limits of any city or village if the town
22 responsible for suppressing fires within its boundaries spends more than \$3,000, as
23 determined by rates established by the department, on suppressing the forest fire
24 and if the town chairperson makes a request to the department for assistance.
25 Persons participating in the suppression efforts shall act at the direction of the

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1 department after the department begins suppression efforts under this subsection.
2 Funds expended by the state under this subsection shall be expended from the
3 appropriation under s. ~~20.370 (1) (mv)~~ 20.115 (5) (q).

4 **SECTION 513.** 26.11 (7) of the statutes is amended to read:

5 26.11 (7) (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered
6 balances in the appropriation accounts under s. ~~20.370 (1) (es)~~ 20.115 (5) (rf) and ~~(mz)~~
7 (z) exceeds \$1,000,000 on June 30 of any fiscal year, the amount in excess of
8 \$1,000,000 shall lapse from the appropriation account under s. ~~20.370 (1) (es)~~ 20.115
9 (5) (rf) to the conservation fund, except as provided in par. (b).

10 (b) Notwithstanding s. 20.001 (3) (c), if the amount in the appropriation account
11 under s. ~~20.370 (1) (es)~~ 20.115 (5) (rf) is insufficient for the amount that must lapse
12 under par. (a), the remainder that is necessary for the lapse shall lapse from the
13 appropriation account under s. ~~20.370 (1) (mz)~~ 20.115 (5) (z).

14 **SECTION 514.** 26.12 (2) of the statutes is amended to read:

15 26.12 (2) ORGANIZATION. The department shall organize each forest protection
16 area so as to most effectively prevent, detect and suppress forest fires, and to that
17 end may employ experienced wardens or state forest rangers to have charge of its
18 efforts in each area; may subdivide each area into patrol areas; may establish lookout
19 towers, construct ranger stations, telephone lines, purchase tools for fire fighting as
20 well as other necessary supplies or equipment, and carry on all other activities
21 considered necessary to effectively protect the area from forest fires, including the
22 promulgation of rules for the payment of fire fighters, the preparation of notices and
23 forms for publication and the disposition and use of all fire-fighting equipment or
24 property. All property or equipment purchased by the state shall be owned by the
25 state, but counties or towns may purchase and own equipment for fire suppression,

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1 and the equipment shall be used for the improvement of the forest fire-fighting
2 organization.

3 **SECTION 515.** 26.14 (2) of the statutes is amended to read:

4 26.14 (2) All such state forest rangers, town chairpersons, emergency fire
5 wardens, conservation wardens and other duly appointed deputies may in the
6 performance of their official duty go on the lands of any person to fight forest fires,
7 and in so doing may set back fires, dig trenches, cut fire lines or carry on all other
8 customary activities in the fighting of forest fires, without incurring a liability to
9 anyone.

10 **SECTION 516.** 26.14 (4) of the statutes is amended to read:

11 26.14 (4) Emergency fire wardens or those assisting them in the fighting of
12 forest fires shall prepare itemized accounts of their services and the services of those
13 employed by them, as well as other expenses incurred, on blanks to be furnished by
14 the department and in a manner prescribed by the department, and make oaths or
15 affirmation that said account is just and correct, which account shall be forwarded
16 and approved for payment by the department. As soon as any such account has been
17 paid by the secretary of administration the department of ~~natural resources~~
18 agriculture, trade and consumer protection shall send to the proper county treasurer
19 a bill for the county's share of such expenses. The county shall have 60 days within
20 which to pay such bill, but if not paid within that time the county shall be liable for
21 interest at the rate of 6% per year. If payment is not made within 60 days the
22 department of administration shall include such amount as a part of the next levy
23 against the county for state taxes, but no county shall be required to pay more than
24 \$5,000 in any one year. Any unpaid levy under this section shall remain a charge

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1 against the county and the department of administration shall include such unpaid
2 sums in the state tax levy of the respective counties in subsequent years.

3 **SECTION 517.** 26.20 (6) (b) of the statutes is amended to read:

4 26.20 (6) (b) Any state forest ranger, conservation warden, sheriff or other duly
5 appointed authority may, in the performance of official duties, require any train
6 causing fires or suspected of causing fires to stop within a safe distance from the fires
7 to avoid further setting or spread of fire.

8 **SECTION 518.** 26.22 of the statutes is amended to read:

9 **26.22 Sales, etc.** The department of agriculture, trade and consumer
10 protection and the department of natural resources may sell any timber on land
11 under the respective department's jurisdiction ~~which~~ that has been damaged by fire,
12 snow, hail, ice, insects, disease, or wind, on such terms and in such manner as the
13 department determines is in the best interest of the state.

14 **SECTION 519.** 26.30 (2) of the statutes is amended to read:

15 26.30 (2) POWERS. The department is vested with authority and jurisdiction in
16 all matters relating to the prevention, detection and control of forest pests on the
17 forest lands of the state, and to do all things necessary in the exercise of such
18 authority and jurisdiction, ~~except that this shall not be construed to grant any~~
19 ~~powers or authority to the department for the silvicultural control of forest pests on~~
20 ~~any land. This section shall apply only to the detection and control of forest pests on~~
21 ~~forest lands and does not affect the authority of the department of agriculture, trade~~
22 ~~and consumer protection under chs. 93 and 94. The action of the department under~~
23 ~~sub. (4) shall be coordinated with the department of agriculture, trade and consumer~~
24 ~~protection in accordance with s. 20.901. The secretaries of natural resources and~~

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1 ~~agriculture, trade and consumer protection shall execute annually a memorandum~~
2 ~~of agreement to enable the coordination of pest control work of their departments.~~

3 **SECTION 520.** 26.30 (4) of the statutes is amended to read:

4 26.30 (4) SURVEYS, INVESTIGATIONS AND CONTROL. The department shall make
5 surveys and investigations to determine the presence, condition and extent of
6 infestations and it shall also carry on control measures when necessary. For such
7 purposes the department or its wardens state forest rangers may enter public and
8 private lands at reasonable times without incurring a liability to anyone.

9 **SECTION 521.** 26.30 (5) of the statutes is amended to read:

10 26.30 (5) COOPERATIVE AGREEMENTS. To carry out the purposes of this section
11 the department may enter into arrangements or agreements with the University of
12 Wisconsin System, the department of agriculture, ~~trade and consumer protection~~
13 natural resources, other departments of this and other states, the U.S. department
14 of agriculture and other federal agencies and with counties, towns, corporations and
15 individuals.

16 **SECTION 522.** 26.36 of the statutes is amended to read:

17 **26.36 Forest energy resources.** Biennially, in consultation with the
18 department of agriculture, ~~trade and consumer protection~~ natural resources and any
19 other appropriate agency, the department shall prepare a report regarding the
20 extent of forest lands in this state and the potential of such lands to provide fuel for
21 use in electric generating facilities, industrial facilities and home heating systems.
22 The report shall evaluate progress made in meeting the afforestation goal under s.
23 1.12 (3) (c). The department shall submit the report before April 1 of each
24 even-numbered year to the legislature under s. 13.172 (3).

25 **SECTION 523.** 26.37 (1) (intro.) of the statutes is amended to read:

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1 26.37 (1) (intro.) The department of ~~natural resources~~ agriculture, trade and
2 consumer protection and the department of commerce shall ~~jointly develop a~~ comply
3 with any plan to establish developed by the department of natural resources and the
4 department of commerce to establish a lake states wood utilization consortium to
5 provide research, development and demonstration grants to enhance the forest
6 products industry in Wisconsin and other states. ~~The~~ if the plan shall ~~do~~ does all of
7 the following:

8 **SECTION 524.** 26.37 (1) (a) of the statutes is amended to read:

9 26.37 (1) (a) ~~Define~~ Defines the powers, duties and responsibilities of the
10 consortium.

11 **SECTION 525.** 26.37 (1) (b) of the statutes is amended to read:

12 26.37 (1) (b) ~~Establish~~ Establishes an implementation committee for the
13 consortium. Members of the committee may include one or more representatives
14 from the department of natural resources, the department of agriculture, trade and
15 consumer protection, the department of commerce and the forest products industry.

16 **SECTION 526.** 26.37 (1) (c) of the statutes is amended to read:

17 26.37 (1) (c) ~~Specify~~ Specifies eligibility requirements for the grants and
18 criteria for awarding the grants, including how the grants are to be distributed to
19 each state participating in the consortium.

20 **SECTION 527.** 26.37 (1) (d) of the statutes is amended to read:

21 26.37 (1) (d) ~~Require~~ Requires that the grants require matching funds or
22 in-kind contributions by industrial recipients of the grants.

23 **SECTION 528.** 26.37 (1) (e) of the statutes is amended to read:

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1 26.37 (1) (e) ~~Require~~ Requires the implementation committee to identify an
2 organization that can administer and award the grants and oversee the grant
3 program.

4 **SECTION 529.** 26.37 (1) (f) of the statutes is amended to read:

5 26.37 (1) (f) ~~Require~~ Requires the consortium to actively pursue funding from
6 the states of Michigan and Minnesota of \$200,000 annually from each state for 3
7 years.

8 **SECTION 530.** 26.37 (1) (g) of the statutes is amended to read:

9 26.37 (1) (g) ~~Require~~ Requires the consortium to actively pursue federal and
10 other funding sources.

11 **SECTION 531.** 26.38 (2m) (am) of the statutes is amended to read:

12 26.38 (2m) (am) Beginning with fiscal year 2008–09, from the appropriation
13 under s. ~~20.370 (5) (av)~~ 20.115 (5) (sp), the department shall allocate for each fiscal
14 year at least \$60,000 for grants for projects to control invasive plants in weed
15 management areas. From the amount allocated, the department shall award grants
16 to all eligible applicants for grants for such projects before awarding any balance of
17 the allocated amount for grants for stewardship management plans.

18 **SECTION 532.** 26.39 (2) of the statutes is amended to read:

19 26.39 (2) FORESTRY EDUCATION CURRICULUM; SCHOOLS. Using the moneys
20 appropriated under s. ~~20.370 (1) (cu)~~ 20.115 (5) (rp), the department, in cooperation
21 with the Center for Environmental Education in the College of Natural Resources
22 at the University of Wisconsin–Stevens Point, shall develop a forestry education
23 curriculum for grades kindergarten to 12.

24 **SECTION 533.** 26.39 (3) of the statutes is amended to read:

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1 26.39 (3) FORESTRY EDUCATION FOR THE PUBLIC. Using the moneys appropriated
2 under s. ~~20.370 (1) (ev)~~ 20.115 (5) (rs), the department shall develop a program to
3 educate the public on the value of sustainable forestry. The program shall include
4 support for educational efforts conducted by school districts at school forests or
5 conducted by other entities that provide education on the topic of sustainable
6 forestry.

7 **SECTION 534.** 26.39 (7) (a) of the statutes, as affected by 2009 Wisconsin Acts
8 28 and 181, is amended to read:

9 26.39 (7) (a) From the appropriation under s. ~~20.370 (5) (ax)~~ 20.115 (5) (sq), the
10 department shall establish a scholarship grant program to assist individuals who
11 are seeking certification by the Great Lakes Timber Professionals Association as
12 master loggers or who are seeking logger safety training certified by the Wisconsin
13 Professional Loggers Association. A scholarship grant under the program may not
14 exceed 50 percent of the total cost of receiving the certification or training. The
15 department shall promulgate rules that establish criteria for the program.

16 **SECTION 535.** 26.97 (1) of the statutes is amended to read:

17 26.97 (1) Arrest a person, with or without a warrant, when the person is
18 detected actually committing a violation of this chapter, ch. 28, subch. VI of ch. 77,
19 or s. 167.10 (3), 941.10 (1), 941.11, 941.12, 941.13, 943.02 (1), 943.03, 943.04, 943.05
20 or 943.06 (2).

21 **SECTION 536.** 27.01 (7) (a) 3. of the statutes is amended to read:

22 27.01 (7) (a) 3. In this subsection “vehicle admission area” means the Bong area
23 lands acquired under s. 23.09 (13), the Wisconsin Dells natural area, the Point Beach
24 state forest, recreational areas in other state forests designated as such by the
25 department of natural resources or the department of agriculture, trade and

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1 consumer protection, designated use zones within recreation areas established
2 under s. 23.091 (3), and any state park or roadside park except those specified in par.
3 (c) 5.

4 **SECTION 537.** 27.01 (7) (gu) of the statutes is amended to read:

5 27.01 (7) (gu) *Transaction payments.* The department shall establish a system
6 under which ~~the department pays~~ each agent appointed under sub. (7m) (a) ~~a~~
7 ~~payment of 1. is paid~~ 50 cents for each time that the agent processes a transaction
8 through the statewide automated system contracted for under sub. (7m) (d). This
9 payment is in addition to any issuing fee retained by the agent. ~~The department shall~~
10 ~~make these~~ These payments shall be made by allowing the agent to retain an amount
11 equal to the payments from the amounts that are collected by the agent and that
12 would otherwise be remitted to the department.

13 **SECTION 538.** 27.01 (7) (h) of the statutes is renumbered 27.01 (7) (h) 1.

14 **SECTION 539.** 27.01 (7) (h) 2. of the statutes is created to read:

15 27.01 (7) (h) 2. The department of natural resources and the department of
16 agriculture, trade and consumer protection shall enter into an agreement to
17 determine how the moneys credited to the conservation fund under subd. 1. will be
18 allocated for use between the departments, how the payments made under par. (gu)
19 will be allocated for payment between the departments, and how the fees collected
20 for conservation patron licenses will be allocated between the departments. The
21 secretary of administration shall resolve any disputes between the departments
22 concerning the agreement entered into under this subdivision.

23 **SECTION 540.** 27.01 (7m) (a) of the statutes, as affected by 2009 Wisconsin Act
24 70, is renumbered 27.01 (7m) (a) 1.

25 **SECTION 541.** 27.01 (7m) (a) 2. of the statutes is created to read:

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1 27.01 (7m) (a) 2. The department of agriculture, trade and consumer
2 protection, as an agent of the department, shall issue vehicle admission receipts and
3 collect the vehicle admission fees under sub. (7). The vehicle admission fees collected
4 by the department of agriculture, trade and consumer protection shall be deposited
5 in the conservation fund.

6 **SECTION 542.** 27.01 (7m) (b) of the statutes is renumbered 27.01 (7m) (b) 1. and
7 amended to read:

8 27.01 (7m) (b) 1. An agent appointed under par. (a) 1. shall collect the
9 applicable issuing fee specified in sub. (7) (gr). The agent may retain the issuing fees
10 to compensate the agent for the agent's services in issuing the receipts.

11 **SECTION 543.** 27.01 (7m) (b) 2. of the statutes is created to read:

12 27.01 (7m) (b) 2. The department of agriculture, trade and consumer protection
13 shall collect the applicable issuing fee specified in sub. (7) (gr) for the vehicle
14 admission receipts that it issues and shall deposit the issuing fees into the
15 conservation fund.

16 **SECTION 544.** 27.01 (10) (b) of the statutes is amended to read:

17 27.01 (10) (b) *Establishment, operation and categories of campgrounds.* The
18 department of natural resources and the department of agriculture, trade and
19 consumer protection may each establish and operate state campgrounds ~~in state~~
20 ~~parks, state forests and other~~ on lands under ~~its~~ their respective supervision and
21 management. ~~The~~ Each department may classify, by rule, its state campgrounds into
22 separate categories.

23 **SECTION 545.** 27.01 (10) (d) 1. of the statutes is amended to read:

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1 27.01 (10) (d) 1. The camping fee for each night at a campsite in a campground
2 which is classified as a Type “A” campground ~~by the department~~ under par. (b) is \$10
3 for a resident camping party.

4 **SECTION 546.** 27.01 (10) (d) 2. of the statutes is amended to read:

5 27.01 (10) (d) 2. The camping fee for each night at a campsite in a campground
6 which is classified as a Type “A” campground ~~by the department~~ under par. (b) is \$12
7 for a nonresident camping party.

8 **SECTION 547.** 27.01 (10) (d) 3. of the statutes is amended to read:

9 27.01 (10) (d) 3. The camping fee for each night at a campsite in a state
10 campground which is classified as a Type “B” campground ~~by the department~~ under
11 par. (b) is \$9 for a resident camping party.

12 **SECTION 548.** 27.01 (10) (d) 4. of the statutes is amended to read:

13 27.01 (10) (d) 4. The camping fee for each night at a campsite in a state
14 campground which is classified as a Type “B” campground ~~by the department~~ under
15 par. (b) is \$11 for a nonresident camping party.

16 **SECTION 549.** 27.01 (10) (d) 5. of the statutes is amended to read:

17 27.01 (10) (d) 5. The camping fee for each night at a campsite in a campground
18 which is classified as a Type “C” campground ~~by the department~~ under par. (b) is \$8
19 for a resident camping party.

20 **SECTION 550.** 27.01 (10) (d) 6. of the statutes is amended to read:

21 27.01 (10) (d) 6. The camping fee for each night at a campsite in a campground
22 which is classified as a Type “C” campground ~~by the department~~ under par. (b) is \$10
23 for a nonresident camping party.

24 **SECTION 551.** 27.01 (10) (e) of the statutes is amended to read:

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1 27.01 (10) (e) *Determination of residency.* The department of natural resources
2 and the department of agriculture, trade and consumer protection shall base its
3 determination their determinations of whether a camping party is a resident or
4 nonresident camping party upon the residency of the person who applies for a
5 reservation under sub. (11) at the time the application for reservation is made or, if
6 no reservation is made, the residency of the person who registers for the campsite at
7 the time of registration.

8 **SECTION 552.** 27.01 (10) (f) of the statutes is amended to read:

9 27.01 (10) (f) *Waiver of fees; special fees.* The department of natural resources
10 or the department of agriculture, trade and consumer protection may waive camping
11 fees, charge additional camping fees or charge special fees instead of camping fees
12 for certain classes of persons or groups, certain areas, certain types of camping or
13 times of the year and for admission to special events.

14 **SECTION 553.** 27.01 (10) (g) (intro.) of the statutes is amended to read:

15 27.01 (10) (g) *Additional camping fees.* (intro.) Besides the additional camping
16 fees authorized under par. (f), the department of natural resources or the department
17 of agriculture, trade and consumer protection may charge:

18 **SECTION 554.** 27.01 (10) (h) of the statutes is amended to read:

19 27.01 (10) (h) *Increased camping fees.* In addition to its authority under par.
20 (f), the department of natural resources and the department of agriculture, trade and
21 consumer protection shall determine which state campgrounds under their
22 respective supervision and management are located in areas where local market
23 conditions justify the establishment of charging higher camping fees ~~to be charged~~
24 by the department. ~~For these state campgrounds, the department.~~ The departments
25 shall promulgate rules for state campgrounds under their respective supervision and

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1 management to establish higher camping fees to be based on the applicable local
2 market conditions.

3 **SECTION 555.** 27.01 (11) (a) of the statutes is amended to read:

4 27.01 (11) (a) *Authorization.* The department of natural resources and the
5 department of agriculture, trade and consumer protection may ~~establish and jointly~~
6 operate a campground reservation system for state campgrounds in state parks,
7 state forests and other lands under the either department's supervision and ~~control~~.
8 The ~~department~~ management and may participate with owners of private
9 campgrounds in a cooperative reservation system.

10 **SECTION 556.** 27.01 (11) (b) (intro.) of the statutes is amended to read:

11 27.01 (11) (b) *Rules.* (intro.) The department of natural resources and the
12 department of agriculture, trade and consumer protection shall promulgate rules for
13 the operation of the campground reservation system. The rules shall include all of
14 the following:

15 **SECTION 557.** 27.01 (11) (cm) of the statutes is amended to read:

16 27.01 (11) (cm) *Contracts.* The department of natural resources and the
17 department of agriculture, trade and consumer protection may jointly enter into a
18 contract with another party to operate the campground reservation system that the
19 ~~department establishes~~ departments establish under par. (a).

20 **SECTION 558.** 27.01 (11) (cr) (intro.) of the statutes is amended to read:

21 27.01 (11) (cr) *Contracts; distribution of fees.* (intro.) A contract entered into
22 under this paragraph shall require that the department entering into the contract
23 retain \$1 of each reservation fee collected. Under the contract the other party shall
24 be required to do either of the following:

25 **SECTION 559.** 27.01 (11) (cr) 1. of the statutes is amended to read:

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1 27.01 (11) (cr) 1. Remit the entire amount of each reservation fee it collects to
2 the department. ~~The with which it entered into the contract. That~~ department shall
3 credit to the appropriation under s. 20.370 (1) (2) (er) for payment to the party all but
4 \$1 of each fee remitted.

5 **SECTION 560.** 27.01 (11) (cr) 2. of the statutes is amended to read:

6 27.01 (11) (cr) 2. Remit \$1 of each reservation fee it collects to the department
7 with which it entered into the contract.

8 **SECTION 561.** 27.01 (11) (i) of the statutes is amended to read:

9 27.01 (11) (i) *Cooperation with tourism.* The department of natural resources
10 and the department of tourism shall work jointly to ~~establish an~~ on any automated
11 campground reservation system established or operated by the department of
12 natural resources. The department of agriculture, trade and consumer protection
13 and the department of tourism shall work jointly on any automated campground
14 reservation system established or operated by the department of agriculture, trade
15 and consumer protection.

16 **SECTION 562.** 27.01 (12) of the statutes is amended to read:

17 27.01 (12) LEGAL COUNSEL. A representative of the department of justice
18 designated by the attorney general shall act as legal counsel for ~~said~~ the department
19 of natural resources, both in proceedings and litigation, and in giving advice and
20 counsel. The respective district attorneys of the county or counties where ~~said~~ the
21 relevant park is or shall be located shall prosecute all violations of this section
22 occurring within their respective counties ~~as provided in s. 26.18.~~

23 **SECTION 563.** 27.01 (17) of the statutes, as created by 2009 Wisconsin Act 54,
24 is amended to read:

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1 27.01 (17) LIMITED GOLF CART USE. The department shall permit the use of golf
2 carts by persons age 16 and over in Governor Tommy G. Thompson Centennial State
3 Park and the Peshtigo River State Forest. The department shall promulgate a rule
4 that specifies when and where golf carts may be used in the state park and the state
5 forest. The rule shall allow golf carts to be used for at least the same hours and in
6 at least the same places as golf carts were used in the state park and the state forest
7 before they were it was acquired by the state.

8 **SECTION 564.** 27.016 (1) (a) of the statutes is amended to read:

9 27.016 (1) (a) “Endowment fund” means an endowment, trust or other
10 segregated fund for the benefit of a specific state park, ~~southern state forest~~ or state
11 recreation area.

12 **SECTION 565.** 27.016 (1) (b) of the statutes is amended to read:

13 27.016 (1) (b) “Friends group” means a nonstock, nonprofit corporation
14 described under section 501 (c) (3) or (4) of the Internal Revenue Code and exempt
15 from taxation under section 501 (a) of the Internal Revenue Code that is organized
16 to raise funds for state parks, ~~state forests~~ or state recreation areas.

17 **SECTION 566.** 27.016 (1) (c) of the statutes is repealed.

18 **SECTION 567.** 27.016 (2) (a) of the statutes is amended to read:

19 27.016 (2) (a) The department shall establish a grant program under which
20 friends groups that qualify under par. (b) may receive matching grants for the
21 operation and maintenance of state parks, ~~southern state forests~~ or state recreation
22 areas.

23 **SECTION 568.** 27.016 (2) (b) of the statutes is amended to read:

24 27.016 (2) (b) To qualify for a grant under this section, a friends group shall
25 have established an endowment fund for the benefit of a state park, ~~a southern state~~

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1 forest or a state recreation area and shall have entered into a written agreement with
2 the department as required by the department by rule.

3 **SECTION 569.** 27.016 (3) of the statutes is amended to read:

4 27.016 (3) The department shall promulgate rules to establish criteria to be
5 used in determining which friends groups and which activities related to the
6 maintenance or operation of state parks, ~~southern state forests~~ or state recreation
7 areas are eligible for these grants.

8 **SECTION 570.** 27.016 (4) of the statutes is amended to read:

9 27.016 (4) The department may not expend more than \$30,000 as grants under
10 this section for a given friends group, state park, ~~southern state forest~~ or state
11 recreation area in a fiscal year.

12 **SECTION 571.** 27.016 (5) of the statutes is amended to read:

13 27.016 (5) The amount of a grant under this section shall equal 50% of the
14 amount of matching funds that are provided by the friends group for the grant. A
15 friends group may only use the interest generated by the endowment fund for
16 purposes of providing the matching funds. The matching funds and the grant may
17 be used only for the operation and maintenance of the state park, ~~southern state~~
18 ~~forest~~ or state recreation area that the endowment fund was established to benefit.

19 **SECTION 572.** 27.016 (6) of the statutes is amended to read:

20 27.016 (6) Annually, on or before January 1, the department shall review all
21 applications received under this section in the previous year and shall make the
22 grants that it approves from the appropriation under s. 20.370 (1) ~~(eq)~~ (2) (es). If
23 insufficient funds are available to pay all approved grants, the board shall prorate
24 the available funds among the applicants in proportion to the approved grant
25 amounts.

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1 **SECTION 573.** 27.016 (7) of the statutes is amended to read:

2 27.016 (7) Beginning in fiscal year 1996–97 and for each fiscal year thereafter,
3 any moneys not encumbered or expended for grants under sub. (6) from the
4 appropriation under s. 20.370 (1) ~~(eq)~~ (2) (es) may be used by the department for the
5 operation and maintenance of the state parks, ~~of the southern state forests~~ and of
6 state recreation areas.

7 **SECTION 574.** 28.005 of the statutes is amended to read:

8 **28.005 Definition.** “Department” when used in this chapter without other
9 words of description or qualification means the department of ~~natural resources~~
10 agriculture, trade and consumer protection.

11 **SECTION 575.** 28.012 of the statutes is created to read:

12 **28.012 Powers of department. (1)** For the state forests, the department may
13 accept and administer, in the name of the state, any gifts, grants, bequests, and
14 devises, including land, interests in land, and funds made available to the
15 department by the federal government under any act of congress relating to any of
16 the functions of the department.

17 **(2)** The department may extend or consolidate lands or waters suitable for the
18 state forests by the exchange of other lands or waters under its supervision.

19 **(3)** The department may accept donations of buildings, facilities, and
20 structures to be constructed upon lands owned by this state in the state forests.

21 **(4)** The department may grant easements to parts or parcels of areas in the
22 state forests.

23 **(5)** All funds included in the gifts, grants, bequests, and devises received or
24 expected to be received by the department for the state forests under its jurisdiction
25 in a biennium shall be included in the statement of its actual and estimated receipts

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1 and disbursements for such biennium required to be contained in the biennial state
2 budget report under s. 16.46. Those funds shall be considered to be, and shall be
3 treated the same as, other actual and estimated receipts and disbursements of the
4 department. The department may acknowledge the receipt of any funding from a
5 particular person or group in any department pamphlet, bulletin, or other
6 publication.

7 (6) The donor of any building, facility, or structure under sub. (3) may contract
8 for this construction according to plans and specifications provided by the
9 department or may enter into a contract for professional architectural and
10 engineering services to develop plans and specifications for the building, facility, or
11 structure and contract for their construction. Upon the completion of construction
12 satisfactory to the department, title to the building, facility, or structure shall vest
13 in the state. No person may construct any building, facility, or structure under this
14 subsection without the prior approval of the department regarding plans and
15 specifications, materials, suitability, design, capacity, or location. The plans and
16 specifications for any building, structure, or facility donated under sub. (3) shall also
17 be subject to the approval of the building commission.

18 (7) Any easements granted under sub. (4) or s. 28.02 (5) and any leases under
19 s. 23.305 or 26.08 by the department shall have the restrictions necessary to preserve
20 and protect the land subject to the lease or easement for the purposes for which it was
21 acquired or made part of the state forests.

22 (8) (a) In this subsection, "easement" includes a negative easement, a
23 restrictive covenant, a covenant running with the land, and any other right for a
24 lawful use of the property together with the right to acquire all negative easements,

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1 restrictive covenants, covenants running with the land, and all rights for use of the
2 property.

3 (b) The department may acquire any easement for the benefit of any area in the
4 state forests.

5 (9) If there are areas of the state forests under the jurisdiction of the
6 department that are inaccessible because they are surrounded by lands not
7 belonging to the state, and if the department determines that the usefulness or value
8 of these areas for these state forests will be increased if there is access to them over
9 lands not belonging to the state, the department may acquire the land necessary to
10 construct highways that will furnish the needed access.

11 **SECTION 576.** 28.02 (title) of the statutes is amended to read:

12 **28.02 (title) State forests forest lands.**

13 **SECTION 577.** 28.02 (1) of the statutes is amended to read:

14 28.02 (1) DEFINED. “State ~~forests~~ forest lands” include all lands granted to the
15 state by an act of congress entitled, “An act granting lands to the state of Wisconsin
16 for forestry purposes,” approved June 27, 1906; all lands donated to the state by the
17 Nebagamon Lumber Company for forestry purposes; all lands acquired pursuant to
18 chapter 450, laws of 1903, chapter 264, laws of 1905, chapter 638, laws of 1911, and
19 chapter 639, laws of 1911, or under ss. 1494–41 to 1494–62, 1915 stats., and all lands
20 subsequently acquired for forestry purposes. Unless an island is designated as state
21 forest land by the department, “state forest lands” do not include lands granted to
22 the state by an act of congress entitled, “An act granting unsurveyed and unattached
23 islands to the state of Wisconsin for forestry purposes,” approved August 22, 1912.
24 The department may designate as state forest lands any lands within state forest

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1 boundaries which were purchased with other conservation funds and where forestry
2 would not conflict with a more intensive use.

3 **SECTION 578.** 28.022 of the statutes is created to read:

4 **28.022 Limited golf cart use.** The department shall permit the use of golf
5 carts by persons age 16 and over in the Peshtigo River State Forest. The department
6 shall promulgate a rule that specifies when and where golf carts may be used in the
7 state forest. The rule shall allow golf carts to be used for at least the same hours and
8 in at least the same places as golf carts were used in the state forest before it was
9 acquired by the state.

10 **SECTION 579.** 28.025 (3) (a) 2. of the statutes is amended to read:

11 28.025 (3) (a) 2. Notwithstanding subd. 1., the department shall submit its
12 report to the council on forestry as required under subd. 1. by January 1, 2009, and
13 biennially thereafter, if the forested property that is the subject of the report has not
14 been inventoried by the department under s. ~~23.135~~ 26.025.

15 **SECTION 580.** 28.03 (1) of the statutes is amended to read:

16 28.03 (1) DEFINED. State forests shall consist of well blocked areas of state
17 owned lands which have been established as state forests ~~by the department~~.

18 **SECTION 581.** 28.035 (2) of the statutes is amended to read:

19 28.035 (2) The department shall ~~enter into an~~ comply with the agreement with
20 the Wisconsin department of the American Legion for hunting in the state forest
21 lands described as lots 3, 4, 6 and 7 of section 8 and lots 2 and 3 of section 17, township
22 38 north, range 7 east, Oneida County, which are used in connection with Camp
23 American Legion and which the Legion is now maintaining on this location as a
24 restoration camp for sick and disabled veterans and their dependents.

25 **SECTION 582.** 28.035 (3) (b) of the statutes is amended to read:

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1 28.035 (3) (b) The ownership of all of the buildings and equipment of the camp
2 shall revert to the state upon the discontinuance of the use thereof for such purposes.
3 On or before January 15 of each year the department of the American Legion shall
4 file with the governor, the department of veterans affairs, and the department of
5 ~~natural resources~~ agriculture, trade and consumer protection a written report of the
6 operations and the financial status of the camp.

7 **SECTION 583.** 28.047 of the statutes is created to read:

8 **28.047 Designation of trails and areas.** (1) In this section, “special use
9 area” includes a trail, campground, or picnic area.

10 (2) The department shall designate special use areas in state forests and shall
11 indicate the location of each special use area in one of the following manners:

12 (a) By showing it on a map available at the district office of the department that
13 is nearest to the special use area.

14 (b) By indicating its location on a sign outside any office of the department that
15 is located within the same state forest.

16 (c) By placing a sign at the special use area.

17 (3) The department shall inspect trail signs and designated features twice a
18 year, once before July 1 and once after July 1.

19 (4) Subsection (3) does not apply to snowmobile trails on land under the control
20 of the department that are maintained by snowmobile clubs or other nonprofit
21 organizations.

22 **SECTION 584.** 28.05 (3) (c) of the statutes is amended to read:

23 28.05 (3) (c) Of the amount received by the department from each timber sale
24 for which the department used the services of a cooperating forester under this
25 subsection, the department shall credit to the appropriation account under s. ~~20.370~~

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1 ~~(1) (ey)~~ 20.115 (5) (rw) an amount equal to the portion of the sale proceeds that the
2 department is required to pay to the cooperating forester.

3 **SECTION 585.** 28.06 (2m) (b) of the statutes is amended to read:

4 28.06 **(2m)** (b) For fiscal year 2002-03 and each fiscal year thereafter, the
5 department shall credit 50% of the moneys received as surcharges under par. (a)
6 during the applicable fiscal year to the appropriation account under s. ~~20.370 (1) (eu)~~
7 20.115 (5) (rp) and the remaining 50% to the appropriation account under s. ~~20.370~~
8 ~~(1) (ev)~~ 20.115 (5) (rs).

9 **SECTION 586.** 28.11 (5m) (a) (intro.) of the statutes is amended to read:

10 28.11 **(5m)** (a) (intro.) The department may make grants, from the
11 appropriation under s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands
12 entered under sub. (4) to fund all of the following for one professional forester in the
13 position of county forest administrator or assistant county forest administrator:

14 **SECTION 587.** 28.11 (5m) (am) of the statutes is amended to read:

15 28.11 **(5m)** (am) The department may make grants, from the appropriation
16 under s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands entered under sub.
17 (4) to fund up to 50 percent of the costs of a county's annual dues to a nonprofit
18 organization that provides leadership and counsel to that county's forest
19 administrator and that functions as an organizational liaison to the department.
20 The total amount that the department may award in grants under this paragraph
21 in any fiscal year may not exceed \$50,000.

22 **SECTION 588.** 28.11 (5r) (b) of the statutes is amended to read:

23 28.11 **(5r)** (b) The department may make grants, from the appropriation under
24 s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands entered under sub. (4) to
25 fund the cost of activities designed to improve sustainable forestry on the lands.

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1 **SECTION 589.** 28.11 (8) (a) of the statutes is amended to read:

2 28.11 (8) (a) *Acreage payments.* As soon after April 20 of each year as feasible,
3 the department shall pay to each town treasurer 30 cents per acre, based on the
4 acreage of such lands as of the preceding June 30, as a grant out of the appropriation
5 made by s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm) on each acre of county lands entered under
6 this section.

7 **SECTION 590.** 28.11 (8) (b) 1. of the statutes is amended to read:

8 28.11 (8) (b) 1. A county having established and maintaining a county forest
9 under this section is eligible to receive from the state from the appropriations under
10 s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5) (t) and (u) an annual payment as a noninterest
11 bearing loan to be used for the purchase, development, preservation and
12 maintenance of the county forest lands and the payment shall be credited to a county
13 account to be known as the county forestry aid fund. A county board may, by a
14 resolution adopted during the year and transmitted to the department by December
15 31, request to receive a payment of not more than 50 cents for each acre of land
16 entered and designated as “county forest land”. The department shall review the
17 request and approve the request if the request is found to be consistent with the
18 comprehensive county forest land use plan. If any lands purchased from the fund
19 are sold, the county shall restore the purchase price to the county forestry aid fund.
20 The department shall pay to the county the amount due to it on or before March 31
21 of each year, based on the acreage of the lands as of the preceding June 30. If the
22 amounts in the appropriations under s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5) (t) and (u)
23 are not sufficient to pay all of the amounts approved by the department under this
24 subdivision, the department shall pay eligible counties on a prorated basis.

25 **SECTION 591.** 28.11 (8) (b) 2. of the statutes is amended to read:

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1 28.11 (8) (b) 2. The department may allot additional interest free forestry aid
2 loans on a project basis to individual counties to permit the counties to undertake
3 meritorious and economically productive forestry operations, including land
4 acquisitions. These additional aids may not be used for the construction of
5 recreational facilities or for fish and game management projects. Application shall
6 be made in the manner and on forms prescribed by the department and specify the
7 purpose for which the additional aids will be used. The department shall make an
8 investigation as it deems necessary to satisfy itself that the project is feasible,
9 desirable and consistent with the comprehensive plan. If the department so finds,
10 it may make allotments in such amounts as it determines to be reasonable and
11 proper and charge the allotments to the forestry fund account of the county. These
12 allotments shall be credited by the county to the county forestry aid fund. After
13 determining the loans as required under subd. 1., the department shall make the
14 remainder of the amounts appropriated under s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5)
15 (t) and (u) for that fiscal year available for loans under this subdivision. The
16 department shall also make loans under this subdivision from the appropriations
17 under s. ~~20.370 (5) (bt) and (bu)~~ 20.115 (5) (um) and (v).

18 **SECTION 592.** 28.11 (9) (am) of the statutes is amended to read:

19 28.11 (9) (am) The acreage loan severance share payments shall be deposited
20 in the conservation fund and credited to the appropriation under s. ~~20.370 (5) (bq)~~
21 20.115 (5) (t), and the project loan severance share payments shall be deposited in
22 the conservation fund and credited to the appropriation under s. ~~20.370 (5) (bu)~~
23 20.115 (5) (v).

24 **SECTION 593.** 28.11 (9) (ar) 1. of the statutes is amended to read:

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1 28.11 (9) (ar) 1. Notwithstanding s. 20.001 (3) (c), if the sum of the
2 unencumbered balances in the appropriations under s. ~~20.370 (5) (bq), (bt) and (bu)~~
3 20.115 (5) (t), (um), and (v) exceeds \$400,000 on June 30 of any fiscal year, the amount
4 in excess of \$400,000 shall lapse from the appropriation under s. ~~20.370 (5) (bq)~~
5 20.115 (5) (t) to the conservation fund, except as provided in subd. 2.

6 **SECTION 594.** 28.11 (9) (ar) 2. of the statutes is amended to read:

7 28.11 (9) (ar) 2. Notwithstanding s. 20.001 (3) (c), if the amount in the
8 appropriation under s. ~~20.370 (5) (bq)~~ 20.115 (5) (t) is insufficient for the amount that
9 must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse
10 from the appropriation under s. ~~20.370 (5) (bu)~~ 20.115 (5) (v).

11 **SECTION 595.** 28.11 (12) of the statutes is amended to read:

12 28.11 (12) ENFORCEMENT. If at any time it appears to the department that the
13 lands are not being managed in accordance with this section it shall so advise the
14 county forestry committee and the county clerk. If the condition persists the
15 department may proceed against the persons responsible for such noncompliance
16 under s. 30.03 (4) order a hearing under ch. 227 concerning the noncompliance, and
17 may request the hearing examiner to issue an order directing the responsible parties
18 to perform or refrain from performing acts in order to remedy the noncompliance.
19 If any person fails or neglects to obey an order, the department may request the
20 attorney general to institute proceedings for the enforcement of the department's
21 order in the name of the state. The proceedings shall be brought in the manner and
22 with the effect of proceedings under s. 111.07 (7). No penalty may be imposed for
23 violation of a hearing examiner's order under this subsection, but violation of a
24 judgment enforcing the order may be punished in civil contempt proceedings.

25 **SECTION 596.** 28.90 of the statutes is created to read:

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STATE OF WISCONSIN

(Seal)

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By

(3) The department shall furnish to each state forest ranger at the time of the ranger’s appointment, a pocket identification folder in the same form and substance as the folder described in s. 23.10 (5), except that the impression shall be the seal of the department.

(4) A state forest ranger shall carry the identification folder on his or her person at all times that he or she is on official duty, and a state forest ranger shall, on demand, exhibit the same to any person to whom he or she may represent himself or herself as a state forest ranger.

SECTION 598. 28.94 of the statutes is created to read:

28.94 Resisting or falsely impersonating a state forest ranger. Any person who does any of the following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:

(1) Assaults or otherwise resists or obstructs any state forest ranger in the performance of his or her duties.

(2) Falsely represents himself or herself to be a state forest ranger or assumes to act as a state forest ranger without having been first appointed.

SECTION 599. 28.98 of the statutes is created to read:

28.98 General penalty provision. Any person who violates any provision of this chapter or any rule promulgated or order issued under this chapter for which no other penalty is prescribed is subject to a forfeiture of not more than \$100.

SECTION 600. 29.024 (6) (ag) of the statutes is amended to read:

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1 29.024 **(6)** (ag) Under a contract issued under par. (a) 4., the department may
2 deduct a portion of each fee collected for a license issued pursuant to the statewide
3 automated system. The department shall credit all of the amounts deducted to the
4 appropriation account under s. 20.370 ~~(9) (hv)~~ (1) (hx).

5 **SECTION 601.** 29.088 (2g) (b) of the statutes is amended to read:

6 29.088 **(2g)** (b) Subsections (1) and (2) do not apply to toxicants placed in the
7 waters of a preexisting fish rearing facility that is an artificial body of water if the
8 toxicants are necessary to the operation of the fish farm and the department of environmental quality
9 has issued a permit under s. 283.31 for the preexisting fish
10 rearing facility.

11 **SECTION 602.** 29.097 of the statutes is created to read:

12 **29.097 Hunting, trapping, and fishing in certain forests.** No person may
13 hunt, trap, or fish in forests owned by the state and under the jurisdiction of the
14 department of agriculture, trade and consumer protection unless the department of
15 natural resources authorizes hunting, trapping, or fishing in those forests.

16 **SECTION 603.** 29.219 (3) (c) of the statutes is amended to read:

17 29.219 **(3)** (c) *Use of fees.* The department shall deposit receipts from the sale
18 of resident 2-day sports fishing licenses under this subsection in the conservation
19 fund. The department shall credit 50% of these receipts to the appropriation under
20 s. 20.370 ~~(4) (1)~~ (ku).

21 **SECTION 604.** 29.219 (3m) (c) of the statutes is amended to read:

22 29.219 **(3m)** (c) *Use of fees.* The department shall deposit receipts from the sale
23 of 2-day inland lake trout fishing licenses under this subsection in the conservation
24 fund. The department shall credit 50 percent of these receipts to the appropriation
25 account under s. 20.370 ~~(4) (1)~~ (kv).

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1 **SECTION 605.** 29.228 (7) (c) of the statutes is amended to read:

2 29.228 (7) (c) *Use of fees.* The department shall deposit receipts from the sale
3 of nonresident 2-day sports fishing licenses under this subsection in the
4 conservation fund. The department shall credit 50% of these receipts to the
5 appropriation under s. 20.370 ~~(4)~~ (1) (ku).

6 **SECTION 606.** 29.2285 (3) (e) of the statutes is amended to read:

7 29.2285 (3) (e) *Use of moneys from fees.* The department shall deposit the
8 receipts from the sale of sturgeon hook and line tags issued under this subsection into
9 the conservation fund and shall credit these receipts to the appropriation account
10 under s. 20.370 ~~(4)~~ (1) (ky).

11 **SECTION 607.** 29.229 (5r) of the statutes is amended to read:

12 29.229 (5r) FEES TO THE DEPARTMENT. The department may require that the
13 band remit all of the fees collected under sub. (3) (a) to the department. If the
14 department so requires, all of these fees shall be deposited in the conservation fund
15 and credited to the appropriation account under s. 20.370 ~~(9)~~ ~~(hs)~~ (1) (js).

16 **SECTION 608.** 29.2295 (4) (c) of the statutes, as affected by 2009 Wisconsin Act
17 28, is amended to read:

18 29.2295 (4) (c) 1. Subject to subd. 2., the department shall make the payment
19 under par. (a) from the appropriation under s. 20.370 ~~(9)~~ ~~(hk)~~ (1) (hg).

20 2. If the amount calculated under par. (b) for a fiscal year exceeds the amount
21 appropriated under s. 20.370 ~~(9)~~ ~~(hk)~~ (1) (hg) for that fiscal year, the department shall
22 make a payment from the appropriation under s. 20.370 ~~(9)~~ ~~(ht)~~ (1) (hv) to the band
23 that equals the difference between the 2 amounts.

24 **SECTION 609.** 29.2297 (4) of the statutes is amended to read:

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1 29.2297 (4) USE OF MONEYS. All moneys retained by the department pursuant
2 to a contract entered into under this section shall be credited to the appropriation
3 account under s. 20.370 ~~(9) (hu)~~ (1) (jw).

4 **SECTION 610.** 29.237 (5) of the statutes is amended to read:

5 29.237 (5) The department shall deposit receipts from the sale of sturgeon
6 spearing licenses under this subsection into the conservation fund and shall credit
7 these receipts to the appropriation account under s. 20.370 ~~(4) (1)~~ (kw).

8 **SECTION 611.** 29.556 (3) of the statutes is amended to read:

9 29.556 (3) Any fees collected under this section by the department shall be
10 credited to the appropriation account under s. 20.370 ~~(9) (hu)~~ (1) (jw).

11 **SECTION 612.** 29.564 (2) of the statutes, as affected by 2009 Wisconsin Act 28,
12 is amended to read:

13 29.564 (2) All moneys collected under sub. (1), less the amount retained as
14 authorized under sub. (1m), shall be deposited into the account under s. 20.370 ~~(3)~~
15 (1) (is).

16 **SECTION 613.** 29.601 (3) (b) of the statutes is amended to read:

17 29.601 (3) (b) Paragraph (a) does not apply to authorized drainage and sewage
18 from municipalities and industrial or other wastes discharged from mines or
19 commercial or industrial or ore processing plants or operations, through treatment
20 and disposal facilities installed and operated in accordance with plans submitted to
21 and approved by the department of environmental quality under chs. 281, 285 or 289
22 to 299 or in compliance with orders of the department of environmental quality. Any
23 order is subject to modification by subsequent orders.

24 **SECTION 614.** 29.601 (5) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 926**SECTION 614**

1 29.601 (5) (b) 2. This section does not apply to toxicants placed in the waters
2 of a preexisting fish rearing facility that is an artificial body of water if the toxicants
3 are necessary to the operation of the fish farm and the department of environmental
4 quality has issued a permit under s. 283.31 for the preexisting fish rearing facility.

5 **SECTION 615.** 29.931 (2) (am) of the statutes is amended to read:

6 29.931 (2) (am) If the department or its wardens seize any net or similar fishing
7 device under par. (a), the owner shall reimburse the department for all costs
8 associated with the seizure within 20 days after the department gives written notice
9 to the owner of the owner's obligation to reimburse the department. The notice shall
10 include the amount of the costs required to be reimbursed by the owner. If the owner
11 does not reimburse the department as required under this paragraph, the owner
12 shall forfeit not more than \$1,000 in addition to the costs of reimbursement. All
13 reimbursement costs collected under this paragraph shall be credited to the
14 appropriation under s. 20.370 ~~(3) (mi)~~ (1) (pi).

15 **SECTION 616.** 29.984 (2) of the statutes is amended to read:

16 29.984 (2) USE OF COMMERCIAL FISH PROTECTION SURCHARGE FUNDS. All moneys
17 collected from commercial fish protection surcharges shall be credited to the
18 appropriation under s. 20.370 ~~(4) (1) (kr)~~.

19 **SECTION 617.** 29.987 (2) of the statutes is amended to read:

20 29.987 (2) USE OF NATURAL RESOURCES SURCHARGE FUNDS. All moneys collected
21 from natural resources surcharges shall be credited to the appropriation under s.
22 20.370 ~~(3) (mu)~~ (1) (pu).

23 **SECTION 618.** 29.989 (2) of the statutes is amended to read:

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1 29.989 (2) USE OF NATURAL RESOURCES RESTITUTION SURCHARGE FUNDS. All
2 moneys collected from natural resources restitution surcharges shall be
3 appropriated for use under s. 20.370 ~~(3) (mu)~~ (1) (pu).

4 **SECTION 619.** 29.9905 (2) of the statutes is amended to read:

5 29.9905 (2) USE OF GREAT LAKES RESOURCE SURCHARGE FUNDS. All moneys
6 collected from Great Lakes resource surcharges shall be credited to the
7 appropriation under s. 20.370 ~~(4) (1)~~ (kr).

8 **SECTION 620.** 30.01 (title) of the statutes is amended to read:

9 **30.01 (title) Definitions for chapter.**

10 **SECTION 621.** 30.01 (1j) of the statutes is repealed.

11 **SECTION 622.** 30.01 (6) of the statutes is repealed.

12 **SECTION 623.** 30.015 of the statutes is created to read:

13 **30.015 Definitions for subchs. I to III. (1)** In subchs. I to III:

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

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

16 **SECTION 624.** 30.03 (2) of the statutes is amended to read:

17 30.03 (2) The district attorney of the appropriate county or, at the request of
18 the department of environmental quality, the attorney general shall institute
19 proceedings to recover any forfeiture imposed or to abate any nuisance committed
20 under ~~this chapter subchs. I to III~~ or ch. 31. The district attorney or, at the request
21 of the department of natural resources, the attorney general shall institute
22 proceedings to recover any forfeiture imposed or to abate any nuisance committed
23 under subch. IV or V.

24 **SECTION 625.** 30.07 of the statutes, as created by 2009 Wisconsin Act 55, is
25 renumbered 30.795.

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1 **SECTION 626.** 30.12 (1m) (a) of the statutes is amended to read:

2 30.12 **(1m)** (a) The department of agriculture, trade and consumer protection,
3 after consulting with the department of ~~natural resources~~ environmental quality,
4 specifically approves the structure or deposit.

5 **SECTION 627.** 30.12 (1m) (b) of the statutes is amended to read:

6 30.12 **(1m)** (b) The structure or deposit is required, under rules promulgated
7 by the department of agriculture, trade and consumer protection, in order to conform
8 the drain to specifications approved by the department of agriculture, trade and
9 consumer protection after consulting with the department of ~~natural resources~~
10 environmental quality.

11 **SECTION 628.** 30.124 of the statutes, as affected by 2009 Wisconsin Act 55, is
12 renumbered 23.244, and 23.244 (1) (intro.) and (a), as renumbered are amended to
13 read:

14 23.244 **(1)** (intro.) Notwithstanding ss. 30.12, 30.20, 30.44, and 30.45, and if the
15 department finds, after consulting with the department of environmental quality,
16 that the activity will not adversely affect public or private rights or interests in fish
17 and wildlife populations, navigation, or waterway flood flow capacity and will not
18 result in environmental pollution, as defined in s. 299.01 (4), the department may
19 do all of the following on public lands or waters:

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

23 **SECTION 629.** 30.1255 of the statutes, as affected by 2009 Wisconsin Act 55, is
24 renumbered 23.243.

25 **SECTION 630.** 30.20 (1g) (c) of the statutes is amended to read:

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1 30.20 (1g) (c) A removal of material by the drainage board for the Duck Creek
2 Drainage District from a drain that the board operates in the Duck Creek Drainage
3 District is exempt from the individual and general permit requirements under this
4 section if the removal is required, under rules promulgated by the department of
5 agriculture, trade and consumer protection, in order to conform the drain to
6 specifications imposed by the department of agriculture, trade and consumer
7 protection after consulting with the department of ~~natural resources~~ environmental
8 quality.

9 **SECTION 631.** 30.203 of the statutes is renumbered 23.178.

10 **SECTION 632.** 30.24 of the statutes is renumbered 23.0942.

11 **SECTION 633.** 30.255 of the statutes is renumbered 23.0943.

12 **SECTION 634.** 30.26 of the statutes, as affected by 2009 Wisconsin Acts 7 and
13 32, is renumbered 23.43.

14 **SECTION 635.** 30.265 of the statutes is renumbered 23.431.

15 **SECTION 636.** 30.27 of the statutes is renumbered 23.432.

16 **SECTION 637.** 30.275 of the statutes is renumbered 23.434.

17 **SECTION 638.** 30.277 of the statutes is renumbered 23.0944.

18 **SECTION 639.** 30.40 (3e) of the statutes is created to read:

19 30.40 (3e) "Department" means the department of natural resources.

20 **SECTION 640.** 30.40 (3g) of the statutes is amended to read:

21 30.40 (3g) "Forester" means a person who is employed by the department of of
22 natural resources or the department of agriculture, trade and consumer protection
23 to carry out assigned forest management responsibilities or who has received a
24 bachelor's or higher degree from a school of forestry with curriculum accredited by
25 the society of American foresters in the management of forest resources.

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1 **SECTION 641.** 30.40 (15m) of the statutes is created to read:

2 30.40 **(15m)** “Secretary” means the secretary of natural resources.

3 **SECTION 642.** 30.42 (1) (d) 1. of the statutes is amended to read:

4 30.42 **(1)** (d) 1. Promulgate rules, in consultation with the department of
5 agriculture, trade and consumer protection, that are applicable only to land in the
6 riverway to regulate the cutting and harvesting of timber so that the effect of cutting
7 or harvesting of timber on the scenic beauty and the natural value of the riverway
8 is minimized. For land that is in the river edge zone or the bluff zone, the rules
9 promulgated under this paragraph shall require that the cutting and harvesting of
10 timber be solely by selection cutting and that the minimum basal area for the
11 residual stand of timber be 60 square feet per acre. The rules promulgated under this
12 paragraph do not apply to any cutting or harvesting of timber subject to regulation
13 under s. 30.43 (3).

14 **SECTION 643.** 30.50 (3m) of the statutes is created to read:

15 30.50 **(3m)** “Department” means the department of natural resources.

16 **SECTION 644.** 30.50 (4s) of the statutes is amended to read:

17 30.50 **(4s)** “Law enforcement officer” has the meaning specified under s. 165.85
18 (2) (c) and includes a person appointed as a conservation warden ~~by the department~~
19 under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.

20 **SECTION 645.** 30.50 (11m) of the statutes is created to read:

21 30.50 **(11m)** “Secretary” means the secretary of natural resources.

22 **SECTION 646.** 30.52 (1m) (e) of the statutes is amended to read:

23 30.52 **(1m)** (e) *Receipt of fees.* All fees remitted to or collected by the department
24 under par. (ar) shall be credited to the appropriation account under s. 20.370 ~~(9) (hu)~~
25 (1) (jw).

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1 **SECTION 647.** 30.52 (3m) (b) of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 30.52 **(3m)** (b) All moneys collected under par. (a), less the amount retained as
4 authorized under par. (am), shall be deposited into the account under s. 20.370 ~~(3)~~
5 (1) (is).

6 **SECTION 648.** 30.54 (2) of the statutes is amended to read:

7 30.54 **(2)** If a person applies for a replacement certificate under sub. (1),
8 ~~conservation wardens or local law enforcement officials~~ law enforcement officers,
9 after presenting appropriate credentials to the owner or legal representative of the
10 owner named in the certificate of title, shall inspect the boat's engine serial number
11 or hull identification number, for purposes of verification or enforcement.

12 **SECTION 649.** 30.544 of the statutes is amended to read:

13 **30.544 Inspection of boats purchased out-of-state.** For purposes of
14 enforcement, ~~conservation wardens or local law enforcement officials~~ law
15 enforcement officers, after presenting appropriate credentials to the owner of a boat
16 which was purchased outside of this state and which is subject to the certificate of
17 title requirements of this chapter, shall inspect the boat's engine serial number or
18 hull identification number.

19 **SECTION 650.** 30.67 (2) (a) of the statutes is amended to read:

20 30.67 **(2)** (a) If a boating accident results in death or injury to any person, the
21 disappearance of any person from a boat under circumstances indicating death or
22 injury, or property damage, every operator of a boat involved in an accident shall,
23 without delay and by the quickest means available, give notice of the accident to a
24 ~~conservation warden or local law enforcement officer~~ and shall file a written report
25 with the department on the form prescribed by it. The department shall promulgate

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1 rules necessary to keep accident reporting requirements in conformity with rules
2 adopted by the U.S. coast guard.

3 **SECTION 651.** 30.773 (2) of the statutes is amended to read:

4 30.773 (2) PROCEDURES. A municipality authorized to establish a bulkhead line
5 under s. 30.11 may establish a designated mooring area in the same manner as it is
6 authorized to establish the bulkhead line except that the municipality is required to
7 obtain the approval of the department of natural resources, rather than the
8 department of environmental quality, and if the municipality created a board of
9 harbor commissioners, the municipality is also required to obtain the approval of
10 that board ~~in addition to the approval of the department.~~

11 **SECTION 652.** 30.80 (5m) of the statutes, as created by 2009 Wisconsin Act 55,
12 is amended to read:

13 30.80 (5m) Any person violating any provision of s. ~~30.07~~ 30.795 (2) or (6) shall
14 forfeit not more than \$500 for the first offense and shall forfeit not more than \$2,000
15 upon conviction of the same offense a 2nd or subsequent time within 3 years.

16 **SECTION 653.** 30.92 (1) (b) of the statutes is amended to read:

17 30.92 (1) (b) “Governmental unit” means the department of natural resources,
18 the department of agriculture, trade and consumer protection, a municipality, a lake
19 sanitary district, a public inland lake protection and rehabilitation district organized
20 under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State
21 Riverway board, or any other local governmental unit, as defined in s. 66.0131 (1) (a),
22 that is established for the purpose of lake management.

23 **SECTION 654.** 31.01 (2) of the statutes is amended to read:

24 31.01 (2) “Department” means the department of ~~natural resources~~
25 environmental quality.

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1 **SECTION 655.** 31.02 (4) (c) of the statutes is amended to read:

2 31.02 (4) (c) With good and sufficient fishways or fish ladders, or in lieu thereof,
3 the department of environmental quality may permit the owner ~~may be permitted~~
4 to enter into an agreement with the department of natural resources to pay for or to
5 supply to the state of Wisconsin annually such quantities of game fish for stocking
6 purposes as may be agreed upon by the owner and the department of natural
7 resources.

8 **SECTION 656.** 31.02 (4r) of the statutes is amended to read:

9 31.02 (4r) The department of environmental quality shall promulgate rules
10 specifying the rights held by the public in navigable waters that are dammed. The
11 rules shall include provisions on the rights held by the public that affect the
12 placement of fishways or fish ladders in navigable waters that are dammed. The
13 department of environmental quality shall consult with the department of natural
14 resources concerning the rules under this subsection.

15 **SECTION 657.** 31.02 (7m) of the statutes is amended to read:

16 31.02 (7m) The drainage board for the Duck Creek Drainage District shall
17 operate, repair and maintain dams, dikes and other structures in district drains that
18 the board operates in the Duck Creek Drainage District in compliance with ch. 88
19 and any rules promulgated by the department of agriculture, trade and consumer
20 protection under ch. 88. If a county drainage board fails to perform its duties under
21 this subsection, the department of ~~natural resources~~ environmental quality may
22 exercise its authority under subs. (6), (8) and (9).

23 **SECTION 658.** 31.06 (1) of the statutes is amended to read:

24 31.06 (1) Upon receipt of an application for a permit under s. 31.05 the
25 department of environmental quality may order a hearing or it may mail a notice

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1 that it will proceed on the application without public hearing unless a request for a
2 public hearing is filed as provided in this section. The notice shall be mailed to the
3 clerk of each municipality directly affected by the proposed dam and to the
4 department of natural resources. The department of environmental quality may
5 give further or other notice as it considers proper. The department of environmental
6 quality shall mail a copy of the notice to the applicant who shall cause the notice to
7 be published in each county in which affected riparian lands are located as a class
8 1 notice, under ch. 985. If a hearing is not requested in writing within 30 days after
9 mailing of the notice, the department of environmental quality may waive the
10 hearing.

11 **SECTION 659.** 31.06 (3) (b) of the statutes is amended to read:

12 31.06 (3) (b) If it appears, after consulting with the department of natural
13 resources, that the construction, operation or maintenance of the proposed dam is in
14 the public interest, considering ecological, aesthetic, economic and recreational
15 values, the department of environmental quality shall so find and grant a permit to
16 the applicant, provided the department of environmental quality also finds that the
17 applicant has complied with s. 31.14 (2) or (3) and, where applicable, with s. 31.05
18 (3), based on the department's own estimate of the department of environmental
19 quality of the area of the flowage.

20 **SECTION 660.** 31.187 (2) of the statutes is amended to read:

21 31.187 (2) Whenever the department of environmental quality, after
22 consultation with the department of natural resources, determines that the
23 conservation of any species or variety of wild animals will be promoted thereby, the
24 department of environmental quality may maintain and repair any dam located
25 wholly upon lands the title to which is in the state either as proprietor or in trust for

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1 the people after giving due consideration to fixing the level and regulating the flow
2 of the public waters.

3 **SECTION 661.** 31.307 (4) of the statutes is repealed.

4 **SECTION 662.** 31.309 (1) (a) and (am) of the statutes are repealed.

5 **SECTION 663.** 31.309 (1) (b) of the statutes is renumbered 31.309 (1) and
6 amended to read:

7 31.309 (1) When the department determines that the renovation and repair
8 described under ~~par. (a)~~ s. 31.309 (1) (a), 2007 stats., are complete, the city of Portage
9 shall assume the maintenance of the city of Portage levee in the Portage levee system
10 in a manner that will best protect the surrounding area from the overflow of the
11 Wisconsin River.

12 **SECTION 664.** 31.309 (2) (a) of the statutes is renumbered 31.309 (2).

13 **SECTION 665.** 31.309 (2) (b) of the statutes is repealed.

14 **SECTION 666.** 31.34 of the statutes is amended to read:

15 **31.34 Flow of water regulated.** Each person, firm or corporation
16 maintaining a dam on any navigable stream shall pass at all times at least 25% of
17 the natural low flow of water of such stream, except as otherwise provided by law.
18 This section, however, shall not apply to a plant or dam where the water is discharged
19 directly into a lake, mill pond, storage pond or cranberry marsh, nor shall it apply
20 to cases ~~where in the opinion of~~ in which the department of environmental quality
21 determines, after consultation with the department of natural resources, that such
22 minimum discharge is not necessary for the protection of fish life. Any person, firm
23 or corporation violating this section shall be fined not less than \$50 nor more than
24 \$1,000.

25 **SECTION 667.** 32.02 (15m) of the statutes is created to read:

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1 32.02 (15m) The department of agriculture, trade and consumer protection
2 with the approval of the appropriate standing committees of each house of the
3 legislature as determined by the presiding officer thereof and as authorized by law,
4 for acquisition of lands.

5 **SECTION 668.** 32.035 (3) of the statutes is amended to read:

6 32.035 (3) PROCEDURE. The condemnor shall notify the department of any
7 project involving the actual or potential exercise of the powers of eminent domain
8 affecting a farm operation. If the condemnor is the department of natural resources,
9 or the department of agriculture, trade and consumer protection, the notice required
10 by this subsection shall be given at the time that permission of the ~~senate and~~
11 assembly appropriate standing committees on natural resources is sought under s.
12 23.09 (2) (d) ~~or~~, 27.01 (2) (a), or 28.02 (2). To prepare an agricultural impact statement
13 under this section, the department may require the condemnor to compile and
14 submit information about an affected farm operation. The department shall charge
15 the condemnor a fee approximating the actual costs of preparing the statement. The
16 department may not publish the statement if the fee is not paid.

17 **SECTION 669.** 33.01 (2) of the statutes is amended to read:

18 33.01 (2) “Department” means the department of ~~natural resources~~
19 environmental quality.

20 **SECTION 670.** 33.265 of the statutes is amended to read:

21 **33.265 Notice, filing and recording requirements.** If a district is created
22 or its boundaries altered, the board of commissioners shall record the authorizing
23 document, including a legal description of the boundary, with the register of deeds
24 in each county where the district is situated, and file the document and legal

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1 description with the department of ~~natural resources~~ environmental quality and the
2 department of revenue.

3 **SECTION 671.** 33.457 (4) (intro.) of the statutes is amended to read:

4 33.457 (4) (intro.) Within 3 months after the implementation plan is developed
5 and submitted under sub. (1), the department of environmental quality, the
6 department of natural resources, and the designated planning agency under s.
7 281.51 that covers the county shall evaluate the implementation plan to determine
8 whether it is consistent with the criteria for water quality planning under s. 281.51
9 and whether the plan is adequate to:

10 **SECTION 672.** 33.55 (1) (p) of the statutes is created to read:

11 33.55 (1) (p) One nonvoting representative from the department of
12 environmental quality, who shall be appointed by the secretary of environmental
13 quality.

14 **SECTION 673.** 36.25 (8) of the statutes is amended to read:

15 36.25 (8) WATER RESOURCES RESEARCH. Funds made available to the various
16 state agencies for joint water resources research and data collection programs shall
17 be administered and coordinated by the director of the water resources center of the
18 University of Wisconsin-Madison. Such funds shall be made available, on
19 application from the state agencies concerned, when the director, after seeking the
20 advice of the department of natural resources and the department of environmental
21 quality, finds the proposed projects to be consistent with other state projects and the
22 needs of the state. The director shall make biennial reports to the chief clerk of each
23 house of the legislature, for distribution to the legislature under s. 13.172 (2), at the
24 convening of the legislature.

25 **SECTION 674.** 36.25 (11) (c) of the statutes is amended to read:

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1 36.25 (11) (c) The laboratory shall provide analytical support to the appropriate
2 state agencies charged with water system evaluation. The support service shall
3 include an evaluation from a public health standpoint and analytical support to
4 ascertain the water's suitability for manufacturing, commercial and recreational
5 purposes as determined by the rules promulgated by the department of health
6 services, the department of ~~natural resources~~ environmental quality and the
7 department of agriculture, trade and consumer protection.

8 **SECTION 675.** 36.25 (11) (d) of the statutes is amended to read:

9 36.25 (11) (d) The laboratory shall be operated to furnish a complete laboratory
10 service to the department of health services, the department of environmental
11 quality, and the department of natural resources in the areas of water quality, air
12 quality, public health and contagious diseases and to make available to the system,
13 the department of health services, the department of environmental quality, and the
14 department of natural resources such facilities for teaching in the fields of public
15 health and environmental protection as may be derived from such a laboratory.

16 **SECTION 676.** 36.25 (30) of the statutes is amended to read:

17 36.25 (30) POLLUTION PREVENTION. The board shall maintain in the extension
18 a solid and hazardous waste education center to promote pollution prevention, as
19 defined in s. 299.13 (1) (dm). In cooperation with the department of ~~natural resources~~
20 environmental quality and the department of commerce, the center shall conduct an
21 education and technical assistance program to promote pollution prevention in this
22 state.

23 **SECTION 677.** 36.27 (3m) (a) 2. of the statutes is amended to read:

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1 36.27 (3m) (a) 2. “Law enforcement officer” has the meaning given in s. 165.85
2 (2) (c) and includes a person appointed as a conservation warden under s. 23.10 and
3 a person appointed as an environmental warden under s. 278.10.

4 **SECTION 678.** 40.02 (17) (n) of the statutes is created to read:

5 40.02 (17) (n) Notwithstanding par. (d), each participant who is a state forest
6 ranger on or after the effective date of this paragraph [LRB inserts date], shall be
7 granted creditable service as a protective occupation participant for all covered
8 service as a state forest ranger that was earned on or after the effective date of this
9 paragraph [LRB inserts date], but may not be granted creditable service as a
10 protective occupation participant for any covered service as a state forest ranger that
11 was earned before the effective date of this paragraph [LRB inserts date], unless
12 that service was earned while the participant was classified under sub. (48) (a) and
13 s. 40.06 (1) (d) as a protective occupation participant.

14 **SECTION 679.** 40.02 (48) (am) 5m. of the statutes is created to read:

15 40.02 (48) (am) 5m. An environmental warden.

16 **SECTION 680.** 40.02 (48) (c) of the statutes is amended to read:

17 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
18 participating employee who is a police officer, fire fighter, an individual determined
19 by a participating employer under par. (a) or (bm) to be a protective occupation
20 participant, county undersheriff, deputy sheriff, state probation and parole officer,
21 county traffic police officer, conservation warden, state forest ranger, field
22 conservation employee of the department of natural resources or the department of
23 agriculture, trade and consumer protection who is subject to call for forest fire control
24 or warden duty, environmental warden, member of the state traffic patrol, state
25 motor vehicle inspector, University of Wisconsin System full-time police officer,

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1 guard or any other employee whose principal duties are supervision and discipline
2 of inmates at a state penal institution, excise tax investigator employed by the
3 department of revenue, person employed under s. 61.66 (1), or special criminal
4 investigation agent employed by the department of justice.

5 **SECTION 681.** 40.65 (4w) of the statutes is created to read:

6 40.65 (4w) A state forest ranger who becomes a protective occupation
7 participant on or after the effective date of this subsection [LRB inserts date], is
8 not entitled to a duty disability benefit under this section for an injury or disease
9 occurring before the effective date of this subsection [LRB inserts date].

10 **SECTION 682.** 42.09 (2) (b) of the statutes is amended to read:

11 42.09 (2) (b) The state fair park board shall allow the department of natural
12 resources and the department of agriculture, trade and consumer protection access
13 to and use of the buildings, appurtenances, fixtures, exhibits and other structures
14 and facilities described in par. (a) so that the ~~department~~ departments may prepare,
15 display and dismantle exhibits during events occurring at state fair park.

16 **SECTION 683.** 44.57 (1) (c) of the statutes is amended to read:

17 44.57 (1) (c) Game farms, fish hatcheries, nurseries and other production
18 facilities operated by the department of natural resources or the department of
19 agriculture, trade and consumer protection.

20 **SECTION 684.** 46.34 of the statutes is amended to read:

21 **46.34 Emission standards for hazardous air contaminants.** The
22 department may assist the department of ~~natural resources~~ environmental quality
23 in the development of emission standards for hazardous air contaminants under s.
24 285.27 (2) (b).

25 **SECTION 685.** 59.01 of the statutes is amended to read:

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1 **59.01 Body corporate; status.** Each county in this state is a body corporate,
2 authorized to sue and be sued, to acquire and hold, lease or rent real and personal
3 estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease
4 and convey the same, including the authority to enter into leases or contracts with
5 the state for a period of years for the uses and purposes specified in s. ss. 23.09 (2)
6 (d) and 28.02 (2), to make such contracts and to do such other acts as are necessary
7 and proper to the exercise of the powers and privileges granted and the performance
8 of the legal duties charged upon it.

9 **SECTION 686.** 59.692 (1) (a) of the statutes is amended to read:

10 59.692 (1) (a) “Department” means the department of ~~natural resources~~
11 environmental quality.

12 **SECTION 687.** 59.693 (1) of the statutes is amended to read:

13 59.693 (1) DEFINITION. In this section, “department” means the department of
14 ~~natural resources~~ environmental quality.

15 **SECTION 688.** 59.70 (2) (q) 4. of the statutes is amended to read:

16 59.70 (2) (q) 4. The cleanup of the site is conducted under the supervision of the
17 department of ~~natural resources~~ environmental quality.

18 **SECTION 689.** 59.70 (6) (a) 1. of the statutes is amended to read:

19 59.70 (6) (a) 1. “Department” means the department of ~~natural resources~~
20 environmental quality.

21 **SECTION 690.** 59.70 (13) (b) of the statutes is amended to read:

22 59.70 (13) (b) Members or employees of the commission may request admission
23 onto any property within the district at reasonable times to determine if mosquito
24 breeding is present. If the owner or occupant refuses admission, the commission
25 member or employee shall seek a warrant to inspect the property as a potential

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1 mosquito breeding ground. Commission members or employees may enter upon
2 property to clean up stagnant pools of water or shores of lakes or streams, and may
3 spray mosquito breeding areas with insecticides subject to the approval of the district
4 director and the department of ~~natural resources~~ environmental quality. The
5 commission shall notify the property owner of any pending action under this
6 paragraph and shall provide the property owner with a hearing prior to acting under
7 this paragraph if the owner objects to the commission's actions.

8 **SECTION 691.** 59.74 (2) (g) of the statutes is amended to read:

9 59.74 (2) (g) Every land surveyor and every officer of the department of natural
10 resources, every officer of the department of agriculture, trade and consumer
11 protection, and the district attorney shall enforce this subsection.

12 **SECTION 692.** 60.627 (1) of the statutes is amended to read:

13 60.627 (1) DEFINITION. In this section, “department” means the department of
14 ~~natural resources~~ environmental quality.

15 **SECTION 693.** 60.71 (4) (b) of the statutes is amended to read:

16 60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the
17 hearing. The notice shall contain an announcement of the hearing and a description
18 of the boundaries of the proposed town sanitary district. The town board shall mail
19 the notice to the department of commerce and the department of ~~natural resources~~
20 environmental quality at least 10 days prior to the hearing.

21 **SECTION 694.** 60.71 (4) (c) of the statutes is amended to read:

22 60.71 (4) (c) Any person may file written comments on the formation of the
23 district with the town clerk. Any owner of property within the boundary of the
24 proposed district may appear at the hearing and offer objections, criticisms or
25 suggestions as to the necessity of the proposed district and the question of whether

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1 his or her property will be benefited by the establishment of the district. A
2 representative of the department of commerce and of the department of natural
3 resources environmental quality may attend the hearing and advise the town board.

4 **SECTION 695.** 60.71 (7) of the statutes is amended to read:

5 60.71 (7) FILING AND RECORDING THE ORDER. The town board shall file copies of
6 the order establishing the town sanitary district with the department of natural
7 resources environmental quality and record the order with the register of deeds in
8 each county in which the district is located.

9 **SECTION 696.** 60.72 (title) and (1) of the statutes are amended to read:

10 **60.72 (title) Creation of town sanitary district by order of the**
11 **department of natural resources environmental quality.** (1) DEFINITION. In
12 this section, "department" means the department of ~~natural resources~~
13 environmental quality.

14 **SECTION 697.** 60.73 of the statutes is amended to read:

15 **60.73 Review of orders creating town sanitary districts.** Any person
16 aggrieved by any act of the town board or the department of ~~natural resources~~
17 environmental quality in establishing a town sanitary district may bring an action
18 in the circuit court of the county in which his or her lands are located, to set aside the
19 final determination of the town board or the department of ~~natural resources~~
20 environmental quality, within 90 days after the final determination, as provided
21 under s. 893.73 (2). If no action is taken within the 90-day period, the determination
22 by the town board or the department of ~~natural resources~~ environmental quality is
23 final.

24 **SECTION 698.** 60.782 (2) (d) of the statutes is amended to read:

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1 60.782 (2) (d) Lease or acquire, including by condemnation, any real property
2 situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g)
3 or ~~30.275~~ 23.434 (4).

4 **SECTION 699.** 60.785 (2) (a) of the statutes is amended to read:

5 60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous
6 town sanitary district by resolution passed by a two-thirds vote of all of the
7 commissioners of each district, fixing the terms of the consolidation and ratified by
8 the qualified electors of each district at a referendum held in each district. The
9 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words
10 “for consolidation”, and “against consolidation”. If a majority of the votes cast on the
11 referendum in each town sanitary district are for consolidation, the resolutions are
12 effective and have the force of a contract. Certified copies of the resolutions and the
13 results of the referendum shall be filed with the secretary of ~~natural resources~~
14 environmental quality and the original documents shall be recorded with the
15 register of deeds in each county in which the consolidated district is situated.

16 **SECTION 700.** 60.85 (1) (n) of the statutes is amended to read:

17 60.85 (1) (n) “Tax incremental district” means a contiguous geographic area
18 within a town defined and created by resolution of the town board, consisting solely
19 of whole units of property as are assessed for general property tax purposes, other
20 than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or
21 highways may be included in a tax incremental district only if they are continuously
22 bounded on either side, or on both sides, by whole units of property as are assessed
23 for general property tax purposes which are in the tax incremental district. “Tax
24 incremental district” does not include any area identified as a wetland on a map
25 under s. ~~23.32~~ 278.32.

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1 **SECTION 701.** 61.351 (1) (b) of the statutes is amended to read:

2 61.351 (1) (b) "Wetlands" has the meaning specified under s. ~~23.32~~ 278.32 (1).

3 **SECTION 702.** 61.351 (2) of the statutes is amended to read:

4 61.351 (2) **FILLED WETLANDS.** Any wetlands which are filled prior to the date
5 on which a village receives a final wetlands map ~~from the department of natural~~
6 ~~resources~~ under s. 278.32 in a manner which affects their characteristics as wetlands
7 are filled wetlands and not subject to an ordinance adopted under this section.

8 **SECTION 703.** 61.351 (3) of the statutes is amended to read:

9 61.351 (3) **ADOPTION OF ORDINANCE.** To effect the purposes of s. 281.31 and to
10 promote the public health, safety and general welfare, each village shall zone by
11 ordinance all unfilled wetlands of 5 acres or more which are shown on the final
12 wetland inventory maps prepared ~~by the department of natural resources~~ for the
13 village under s. ~~23.32~~ 278.32, which are located in any shorelands and which are
14 within its incorporated area. A village may zone by ordinance any unfilled wetlands
15 which are within its incorporated area at any time.

16 **SECTION 704.** 61.351 (6) of the statutes is amended to read:

17 61.351 (6) **FAILURE TO ADOPT ORDINANCE.** If any village does not adopt an
18 ordinance required under sub. (3) within 6 months after receipt of final wetland
19 inventory maps prepared ~~by the department of natural resources~~ for the village
20 under s. ~~23.32~~ 278.32, or if the department of ~~natural resources~~ environmental
21 quality, after notice and hearing, determines that a village adopted an ordinance
22 which fails to meet reasonable minimum standards in accomplishing the shoreland
23 protection objectives of s. 281.31 (1), the department of ~~natural resources~~
24 environmental quality shall adopt an ordinance for the village. As far as applicable,
25 the procedures set forth in s. 87.30 apply to this subsection.

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1 **SECTION 705.** 61.354 (1) of the statutes is amended to read:

2 61.354 (1) DEFINITION. As used in this section, “department” means the
3 department of ~~natural resources~~ environmental quality.

4 **SECTION 706.** 62.231 (1) (b) of the statutes is amended to read:

5 62.231 (1) (b) “Wetlands” has the meaning specified under s. ~~23.32~~ 278.32 (1).

6 **SECTION 707.** 62.231 (2) of the statutes is amended to read:

7 62.231 (2) FILLED WETLANDS. Any wetlands which are filled prior to the date
8 on which a city receives a final wetlands map ~~from the department of natural~~
9 ~~resources~~ under s. 278.32 in a manner which affects their characteristics as wetlands
10 are filled wetlands and not subject to an ordinance adopted under this section.

11 **SECTION 708.** 62.231 (3) of the statutes is amended to read:

12 62.231 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to
13 promote the public health, safety and general welfare, each city shall zone by
14 ordinance all unfilled wetlands of 5 acres or more which are shown on the final
15 wetland inventory maps prepared by ~~the department of natural resources~~ for the city
16 under s. ~~23.32~~ 278.32, which are located in any shorelands and which are within its
17 incorporated area. A city may zone by ordinance any unfilled wetlands which are
18 within its incorporated area at any time.

19 **SECTION 709.** 62.231 (6) of the statutes is amended to read:

20 62.231 (6) FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance
21 required under sub. (3) within 6 months after receipt of final wetland inventory maps
22 prepared by ~~the department of natural resources~~ for the city under s. ~~23.32~~ 278.32,
23 or if the department of ~~natural resources~~ environmental quality, after notice and
24 hearing, determines that a city adopted an ordinance which fails to meet reasonable
25 minimum standards in accomplishing the shoreland protection objectives of s.

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1 281.31 (1), the department of ~~natural resources~~ environmental quality shall adopt
2 an ordinance for the city. As far as applicable, the procedures set forth in s. 87.30
3 apply to this subsection.

4 **SECTION 710.** 62.231 (6m) of the statutes is amended to read:

5 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
6 ordinance enacted under this section that affects an activity that meets all of the
7 requirements under s. 281.165 (2) or (3) (a), the department of ~~natural resources~~
8 environmental quality may not proceed under sub. (6), or otherwise review the
9 amendment, to determine whether the ordinance, as amended, fails to meet
10 reasonable minimum standards.

11 **SECTION 711.** 62.234 (1) of the statutes is amended to read:

12 62.234 (1) DEFINITION. As used in this section, “department” means the
13 department of ~~natural resources~~ environmental quality.

14 **SECTION 712.** 66.0217 (9) (b) of the statutes is amended to read:

15 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
16 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to
17 the department of transportation, one copy to the department of administration, one
18 copy to the department of revenue, one copy to the department of public instruction,
19 one copy to the department, one copy to the department of natural resources, one
20 copy to the department of environmental quality, one copy to the department of
21 agriculture, trade and consumer protection and 2 copies to the clerk of the
22 municipality from which the territory was annexed.

23 **SECTION 713.** 66.0221 (1) of the statutes is amended to read:

24 66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)
25 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of

ASSEMBLY BILL 926**SECTION 713**

1 its governing body, may enact an ordinance annexing territory which comprises a
2 portion of a town or towns and which was completely surrounded by territory of the
3 city or village on December 2, 1973. The ordinance shall include all surrounded town
4 areas except those that are exempt by mutual agreement of all of the governing
5 bodies involved. The annexation ordinance shall contain a legal description of the
6 territory and the name of the town or towns from which the territory is detached.
7 Upon enactment of the ordinance, the city or village clerk immediately shall file 6
8 certified copies of the ordinance in the office of the secretary of state, together with
9 6 copies of a scale map. The secretary of state shall forward 2 copies of the ordinance
10 and scale map to the department of transportation, one copy to the department of
11 natural resources, one copy to the department of environmental quality, one copy to
12 the department of agriculture, trade and consumer protection, one copy to the
13 department of revenue and one copy to the department of administration. This
14 subsection does not apply if the town island was created only by the annexation of
15 a railroad right-of-way or drainage ditch. This subsection does not apply to land
16 owned by a town government which has existing town government buildings located
17 on the land. No town island may be annexed under this subsection if the island
18 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies
19 to annexations under this subsection. Except as provided in sub. (2), after
20 December 2, 1973, no city or village may, by annexation, create a town area which
21 is completely surrounded by the city or village.

22 **SECTION 714.** 66.0223 (1) of the statutes is amended to read:

23 66.0223 (1) In addition to other methods provided by law and subject to sub.
24 (2) and ss. 59.692 (7), 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying
25 near but not necessarily contiguous to a village or city may be annexed to a village

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1 or city by ordinance enacted by the board of trustees of the village or the common
2 council of the city, provided that in the case of noncontiguous territory the use of the
3 territory by the city or village is not contrary to any town or county zoning regulation.
4 The ordinance shall contain the exact description of the territory annexed and the
5 names of the towns from which detached, and attaches the territory to the village or
6 city upon the filing of 7 certified copies of the ordinance in the office of the secretary
7 of state, together with 7 copies of a plat showing the boundaries of the territory
8 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
9 of state to the department of transportation, one copy to the department of
10 administration, one copy to the department of natural resources, one copy to the
11 department of environmental quality, one copy to the department of agriculture,
12 trade and consumer protection, one copy to the department of revenue and one copy
13 to the department of public instruction. Within 10 days of filing the certified copies,
14 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county
15 in which the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11)
16 apply to annexations under this section.

17 **SECTION 715.** 66.0235 (5) of the statutes is amended to read:

18 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local
19 governmental units, or committees selected for that purpose, acting together,
20 constitute an apportionment board. When a local governmental unit is dissolved
21 because all of its territory is transferred the board or council of the local
22 governmental unit existing at the time of dissolution shall, for the purpose of this
23 section, continue to exist as the governing body of the local governmental unit until
24 there has been an apportionment of assets by agreement of the interested local
25 governmental units or by an order of the circuit court. After an agreement for

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1 appportionment of assets has been entered into between the interested local
2 governmental units, or an order of the circuit court becomes final, a copy of the
3 appportionment agreement, or of the order, certified to by the clerks of the interested
4 local governmental units, shall be filed with the department of revenue, the
5 department of natural resources, the department of environmental quality, the
6 department of agriculture, trade and consumer protection, the department of
7 transportation, the state superintendent of public instruction, the department of
8 administration, and with any other department or agency of the state from which the
9 town may be entitled by law to receive funds or certifications or orders relating to the
10 distribution or disbursement of funds, with the county treasurer, with the treasurer
11 of any local governmental unit, or with any other entity from which payment would
12 have become due if the dissolved local governmental unit had continued in existence.
13 Subject to ss. 79.006 and 86.303 (4), payments from the shared revenue account
14 made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of
15 transportation aids under s. 20.395, of state aids for school purposes under ch. 121,
16 payments for managed forest land under subch. VI of ch. 77 and all payments due
17 from a department or agency of the state, from a county, from a local governmental
18 unit, or from any other entity from which payments would have become due if the
19 dissolved local governmental unit had continued in existence, shall be paid to the
20 interested local governmental unit as provided by the agreement for apportionment
21 of assets or by any order of apportionment by the circuit court and the payments have
22 the same force and effect as if made to the dissolved local governmental unit.

23 **SECTION 716.** 66.0307 (4) (a) 1. of the statutes is amended to read:

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1 66.0307 (4) (a) 1. The department, the department of natural resources, the
2 department of environmental quality, the department of agriculture, trade and
3 consumer protection and the department of transportation.

4 **SECTION 717.** 66.0407 (5) of the statutes is amended to read:

5 66.0407 (5) This section does not apply to Canada thistle or annual noxious
6 weeds that are located on land that the department of natural resources or the
7 department of agriculture, trade and consumer protection owns, occupies, or controls
8 and that is maintained in whole or in part as habitat for wild birds by the either
9 department of ~~natural resources~~.

10 **SECTION 718.** 66.1006 of the statutes is amended to read:

11 **66.1006 Department of ~~natural resources~~ environmental quality**
12 **approval of discontinuance.** No resolution, ordinance, order, or similar action of
13 a town board or county board, or of a committee of a town board or county board,
14 discontinuing any highway, street, alley, or right-of-way that provides public access
15 to any navigable lake or stream shall be effective until such resolution, ordinance,
16 order, or similar action is approved by the department of ~~natural resources~~
17 environmental quality.

18 **SECTION 719.** 66.1105 (2) (k) of the statutes is amended to read:

19 66.1105 (2) (k) "Tax incremental district" means a contiguous geographic area
20 within a city defined and created by resolution of the local legislative body, consisting
21 solely of whole units of property as are assessed for general property tax purposes,
22 other than railroad rights-of-way, rivers or highways. Railroad rights-of-way,
23 rivers or highways may be included in a tax incremental district only if they are
24 continuously bounded on either side, or on both sides, by whole units of property as
25 are assessed for general property tax purposes which are in the tax incremental

ASSEMBLY BILL 926**SECTION 719**

1 district. “Tax incremental district” does not include any area identified as a wetland
2 on a map under s. ~~23.32~~ 278.32.

3 **SECTION 720.** 66.1106 (1) (fm) of the statutes is amended to read:

4 66.1106 (1) (fm) “Environmental remediation tax incremental district” means
5 a contiguous geographic area within a political subdivision defined and created by
6 resolution of the governing body of the political subdivision consisting solely of whole
7 units of property as are assessed for general property tax purposes, other than
8 railroad rights-of-way, rivers, or highways. Railroad rights-of-way, rivers, or
9 highways may be included in an environmental remediation tax incremental district
10 only if they are continuously bounded on either side, or on both sides, by whole units
11 of property as are assessed for general property tax purposes which are in the
12 environmental remediation tax incremental district. “Environmental remediation
13 tax incremental district” does not include any area identified as a wetland on a map
14 under s. ~~23.32~~ 278.32.

15 **SECTION 721.** 66.1106 (4) (a) of the statutes is amended to read:

16 66.1106 (4) (a) The political subdivision submits a statement that it has
17 incurred some eligible costs, and includes with the statement a detailed proposed
18 remedial action plan approved by the department of natural resources that contains
19 cost estimates for anticipated eligible costs and a schedule for the design,
20 implementation and construction that is needed to complete the remediation, with
21 respect to the parcel or contiguous parcels of property and the statement details the
22 purpose and amount of the expenditures already made and includes a dated
23 certificate issued by the department of ~~natural resources~~ environmental quality that
24 certifies that the department of ~~natural resources~~ environmental quality has
25 approved the site investigation report that relates to the parcel or contiguous parcels

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1 in accordance with rules promulgated by the department of ~~natural resources~~
2 environmental quality.

3 **SECTION 722.** 66.1106 (7) (d) of the statutes is amended to read:

4 66.1106 (7) (d) 1. The department may not authorize a positive environmental
5 remediation tax increment under par. (a) to pay otherwise eligible costs that are
6 incurred by the political subdivision after the department of ~~natural resources~~
7 environmental quality certifies to the department of revenue that environmental
8 pollution on the parcel or contiguous parcels of property has been remediated unless
9 the costs are associated with activities, as determined by the department of ~~natural~~
10 ~~resources~~ environmental quality, that are necessary to close the site described in the
11 site investigation report.

12 2. The department of ~~natural resources~~ environmental quality shall certify to
13 the department of revenue the completion of the remediation of environmental
14 pollution at the site described in the site investigation report.

15 **SECTION 723.** 67.12 (1) (b) 2. of the statutes is amended to read:

16 67.12 (1) (b) 2. Any municipality may issue municipal obligations in
17 anticipation of receiving proceeds from brownfields revolving loan program loans or
18 grants under the program described in s. 292.72 if the municipality has received
19 written notification from the department of ~~natural resources~~ environmental quality
20 that the department intends to distribute such proceeds to the municipality. The
21 obligation shall be repaid within 10 years after the original date of the obligation,
22 except that the obligation may be refunded one or more times. Any refundings shall
23 be repaid within 20 years after the original date of the original obligation.

24 **SECTION 724.** 70.11 (21) (am) of the statutes is amended to read:

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1 70.11 (21) (am) All property purchased or constructed as a waste treatment
2 facility used exclusively and directly to remove, store, or cause a physical or chemical
3 change in industrial waste or air contaminants for the purpose of abating or
4 eliminating pollution of surface waters, the air, or waters of the state if that property
5 is not used to grow agricultural products for sale and, if the property's owner is taxed
6 under ch. 76, if the property is approved by the department of revenue. The
7 department of ~~natural resources~~ environmental quality and department of health
8 services shall make recommendations upon request to the department of revenue
9 regarding such property. All property purchased or upon which construction began
10 prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

11 **SECTION 725.** 70.11 (21) (b) of the statutes is amended to read:

12 70.11 (21) (b) The books and records of owners of property covered by this
13 subsection shall be open to examination by representatives of the department of
14 ~~natural resources~~ environmental quality, department of health services and
15 department of revenue.

16 **SECTION 726.** 70.113 (1) (intro.) of the statutes is amended to read:

17 70.113 (1) (intro.) As soon after April 20 of each year as is feasible, the
18 department of natural resources shall pay to the city, village, or town treasurer all
19 of the following amounts from the following appropriations for each acre situated in
20 the municipality of ~~state forest lands, as defined in s. 28.02 (1)~~, state parks under s.
21 27.01 and state public shooting, trapping or fishing grounds and reserves or refuges
22 operated thereon, acquired at any time under s. 29.10, 1943 stats., s. 23.09 (2) (d) or
23 29.749 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department
24 of natural resources or leased from the federal government by the department of
25 natural resources:

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1 **SECTION 727.** 70.113 (1m) of the statutes is created to read:

2 70.113 (1m) As soon after April 20 of each year as is feasible, the department
3 of agriculture, trade and consumer protection shall pay to the city, village, or town
4 treasurer all of the following amounts from the following appropriations for each acre
5 situated in the municipality that is state forest land, as defined in s. 28.02 (1):

6 (a) Eighty cents, to be paid from the appropriation under s. 20.115 (5) (d) or (s).

7 (b) Eight cents, to be paid from the appropriation under s. 20.115 (5) (s).

8 **SECTION 728.** 70.113 (2) (a) of the statutes is amended to read:

9 70.113 (2) (a) Towns, cities or villages shall be paid for state forest lands as
10 defined in s. 28.02 (1), state parks under s. 27.01, and other lands acquired under s.
11 23.09 (2) (d), 23.27, 23.29, 23.293, 23.31 or 29.749 (1) located within such
12 municipality and acquired after June 30, 1969. Such payments shall be made from
13 ~~the appropriation under s. 20.370 (5) (da) or (dc) and~~ remitted by the department of
14 natural resources or the department of agriculture, trade and consumer protection
15 in the amounts certified by the department of revenue according to par. (b).

16 **SECTION 729.** 70.114 (1) (a) of the statutes is repealed.

17 **SECTION 730.** 70.114 (1) (c) of the statutes is amended to read:

18 70.114 (1) (c) "Land" means state forests forest lands, as defined in s. 28.02 (1),
19 that are acquired after December 31, 1991, state parks that are acquired after
20 December 31, 1991, under s. 27.01 and other areas that are acquired after
21 December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or
22 29.749 (1).

23 **SECTION 731.** 70.114 (1) (d) of the statutes is amended to read:

24 70.114 (1) (d) "Purchase price" means the amount paid by the department of
25 natural resources or the department of agriculture, trade and consumer protection

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1 for a fee simple interest in real property. “Purchase price” does not include
2 administrative costs incurred by the applicable department to acquire the land, such
3 as legal fees, appraisal costs or recording fees. If real estate is transferred by gift to
4 the applicable department ~~by gift~~ or is sold to the applicable department for an
5 amount that is less than the estimated fair market value of the property as shown
6 on the property tax bill prepared for the prior year under s. 74.09, “purchase price”
7 means an amount equal to the estimated fair market value of the property as shown
8 on that tax bill. If the real estate is exempt from taxation at the time that it is
9 transferred or sold to the applicable department and if the property was not sold at
10 an arm’s-length sale, “purchase price” means the fair market value of the real estate
11 at the time that the applicable department takes title to it.

12 **SECTION 732.** 70.114 (2) of the statutes is amended to read:

13 70.114 (2) APPLICATION. For all land acquired after December 31, 1991, the
14 department of natural resources and the department of agriculture, trade and
15 consumer protection shall pay aids in lieu of taxes under this section and not under
16 s. 70.113.

17 **SECTION 733.** 70.114 (3) of the statutes is amended to read:

18 70.114 (3) ASCERTAINING RATE. Each year, the department of natural resources
19 and the department of agriculture, trade and consumer protection shall ascertain
20 from the clerks of the taxation district the aggregate net general property tax rate
21 for taxation districts to which aids are paid under this section.

22 **SECTION 734.** 70.114 (4) (a) of the statutes is amended to read:

23 70.114 (4) (a) On or before January 31, the department of natural resources
24 shall pay to each treasurer of a taxation district, with respect to each parcel of land
25 acquired by, and that is under the jurisdiction of, the department and that is within

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1 the taxation district on or before January 1 of the preceding year, an amount
2 determined under par. (ar).

3 (ar) The amount to be paid under par. (a) or (ag) shall be determined by
4 multiplying each parcel's estimated value equated to the average level of assessment
5 in the taxation district by the aggregate net general property tax rate that would
6 apply to the parcel of land if it were taxable, as shown on property tax bills prepared
7 for that year under s. 74.09.

8 **SECTION 735.** 70.114 (4) (ag) of the statutes is created to read:

9 70.114 (4) (ag) On or before January 31, the department of agriculture, trade
10 and consumer protection shall pay to each treasurer of a taxation district, with
11 respect to each parcel of land acquired by, and that is under the jurisdiction of, the
12 department of agriculture, trade and consumer protection and that is within the
13 taxation district on or before January 1 of the preceding year an amount determined
14 under par. (ar).

15 **SECTION 736.** 70.114 (4) (b) of the statutes is amended to read:

16 70.114 (4) (b) On or before February 15, the taxation district treasurer shall
17 pay to the treasurer of each taxing jurisdiction, from the amount received under ~~par.~~
18 pars. (a) and (ag), the taxing jurisdiction's proportionate share of the tax that would
19 be levied on the parcel if it were taxable.

20 **SECTION 737.** 70.32 (2) (c) 4. of the statutes is amended to read:

21 70.32 (2) (c) 4. "Undeveloped land" means bog, marsh, lowland brush,
22 uncultivated land zoned as shoreland under s. 59.692 and shown as a wetland on a
23 final map under s. ~~23.32~~ 278.32 or other nonproductive lands not otherwise classified
24 under this subsection.

25 **SECTION 738.** 70.375 (4) (o) of the statutes is amended to read:

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1 70.375 (4) (o) Actual and necessary reclamation and restoration costs
2 associated with a mine in this state, including payments for future reclamation and
3 postmining costs which are required by law or by department of ~~natural resources~~
4 environmental quality order and fees and charges under chs. 281, 285 or 289 to 299
5 not otherwise deductible under this section. Any refunds of escrowed or reserve fund
6 payments allowed as a deduction under this paragraph shall be taxed as net proceeds
7 at the average effective tax rate for the years the deduction was taken.

8 **SECTION 739.** 70.395 (2) (dc) 1. of the statutes is amended to read:

9 70.395 (2) (dc) 1. Each person intending to submit an application for a mining
10 permit shall pay \$50,000 to the department of revenue for deposit in the investment
11 and local impact fund at the time that the person notifies the department of ~~natural~~
12 ~~resources~~ environmental quality under s. 293.31 (1) of that intent.

13 **SECTION 740.** 70.395 (2) (j) of the statutes is amended to read:

14 70.395 (2) (j) Prior to the beginning of a fiscal year, the board shall certify to
15 the department of administration for payment from the investment and local impact
16 fund any sum necessary for the department of ~~natural resources~~ environmental
17 quality to make payments under s. 289.68 (3) for the long-term care of mining waste
18 sites, if moneys in the waste management fund are insufficient to make complete
19 payments during that fiscal year, but this sum may not exceed the balance in the
20 waste management fund at the beginning of that fiscal year or 50% of the balance
21 in the investment and local impact fund at the beginning of that fiscal year,
22 whichever amount is greater.

23 **SECTION 741.** 70.395 (2) (k) of the statutes is amended to read:

24 70.395 (2) (k) Prior to the beginning of each fiscal year, the board shall certify
25 to the department of administration for payment from the investment and local

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1 impact fund any sum necessary for the department of ~~natural resources~~
2 environmental quality to make payments under s. 292.31 for the environmental
3 repair of mining waste sites, if moneys in the environmental fund that are available
4 for environmental repair are insufficient to make complete payments during that
5 fiscal year. This sum may not exceed the balance in the environmental fund at the
6 beginning of that fiscal year or 50% of the balance in the investment and local impact
7 fund at the beginning of that fiscal year, whichever amount is greater.

8 **SECTION 742.** 71.05 (11) (a) of the statutes is amended to read:

9 71.05 (11) (a) The federal adjusted basis at the end of the calendar year 1968
10 or corresponding fiscal year of waste treatment plant or pollution abatement
11 equipment acquired pursuant to order or recommendation of the committee on water
12 pollution, state board of health, city council, village board or county board pursuant
13 to s. 59.07 (53) or (85), 1971 stats., may be treated as a subtraction modification on
14 the return of the calendar year 1969 or corresponding fiscal year but not in later
15 years. In case of such subtraction an add modification shall be made in 1969 and
16 later taxable years to reverse federal depreciation or amortization of such basis or
17 to correct gain or loss on disposition. The cost of such plant or equipment acquired
18 in 1969 or thereafter pursuant to order, recommendation or approval of the
19 committee on water pollution, department of resource development, department of
20 ~~natural resources~~ environmental quality, state board of health, city council, village
21 board, or county board pursuant to s. 59.07 (53) or (85), 1971 stats., (less any federal
22 depreciation or amortization taken) may be deducted as a subtraction modification
23 or as subtraction modifications in the year or years in which paid or accrued,
24 dependent on the method of accounting employed. In case of such election,
25 appropriate add modifications shall be made in subsequent years to reverse federal

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1 depreciation or amortization or to correct gain or loss on disposition. This paragraph
2 is intended to apply only to depreciable property except that where wastes are
3 disposed of through a lagoon process, lagooning costs and the cost of land containing
4 such lagoons may be treated as depreciable property for purposes of this paragraph.
5 In no event may any amount in excess of cost be deducted. The taxpayer shall file
6 with the department copies of all recommendations, orders or approvals relating to
7 installation of such property and such other documents or data relating thereto as
8 the department requests.

9 **SECTION 743.** 73.0301 (1) (e) of the statutes is amended to read:

10 73.0301 (1) (e) “Licensing department” means the department of
11 administration; the board of commissioners of public lands; the department of
12 commerce; the department of children and families; the government accountability
13 board; the department of financial institutions; the department of health services;
14 the department of natural resources; the department of environmental quality; the
15 department of public instruction; the department of regulation and licensing; the
16 department of workforce development; the office of the commissioner of insurance;
17 or the department of transportation.

18 **SECTION 744.** 75.105 (1) (a) of the statutes is amended to read:

19 75.105 (1) (a) “Department” means the department of ~~natural resources~~
20 environmental quality.

21 **SECTION 745.** 75.106 (1) (b) of the statutes is amended to read:

22 75.106 (1) (b) “Department” means the department of ~~natural resources~~
23 environmental quality.

24 **SECTION 746.** 77.02 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
25 is amended to read:

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1 77.02 (1) PETITION. The owner of an entire quarter quarter section, fractional
2 lot or government lot as determined by U.S. government survey plat, excluding
3 public roads and railroad rights-of-way that may have been sold, may file with the
4 department of ~~natural resources~~ agriculture, trade and consumer protection a
5 petition stating that the owner believes the lands therein described are more useful
6 for growing timber and other forest crops than for any other purpose, that the owner
7 intends to practice forestry thereon, that all persons holding encumbrances thereon
8 have joined in the petition and requesting that such lands be approved as “Forest
9 Croplands” under this subchapter. Whenever any such land is encumbered by a
10 mortgage or other indenture securing any issue of bonds or notes, the trustee named
11 in such mortgage or indenture or any amendment thereto may join in such petition,
12 and such action shall for the purpose of this section be deemed the action of all
13 holders of such bonds or notes. Land for which a petition is submitted under sub. (4)
14 is exempt from the size requirements specified under this subsection.

15 **SECTION 747.** 77.02 (2) of the statutes is amended to read:

16 77.02 (2) NOTICE OF HEARING, ADJOURNMENT. Upon receipt of such petition the
17 department of ~~natural resources~~ agriculture, trade and consumer protection shall
18 investigate the same and shall file a listing of descriptions with the town
19 chairperson. For petitions received prior to May 1, the department shall within the
20 same calendar year cause a notice that such petition has been filed to be published
21 as a class 3 notice, under ch. 985, in the newspaper having the largest general
22 circulation in the county in which the lands are located, and notice by registered mail
23 shall be given to the town clerk of any town in which the lands are located. Such
24 notice shall contain the name of the petitioner, a description of the lands and a
25 statement that any resident of or taxpayer in the town may within 15 days from the

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1 date of publication of the notice file a request with the department that it conduct
2 a public hearing on the petition. Upon receipt of such a request the department shall
3 conduct a public hearing on the petition. The department may conduct a public
4 hearing on any petition without a request, if it deems it advisable to do so. Notice
5 of the time and place of such hearing and a description, in specific or general terms,
6 as the department deems advisable, of the property requested to be approved as
7 “Forest Croplands” shall be given to persons making the request, the owner of such
8 land and to the assessor of towns in which it is situated, by mail, at least one week
9 before the day of hearing. The notice also shall be published as a class 1 notice, under
10 ch. 985, in a newspaper having general circulation in the county in which such land
11 is located, at least one week before the day of the hearing. Such hearing may be
12 adjourned and no notice of the time and place of such adjourned hearing need be
13 given, excepting the announcement thereof by the presiding officer at the hearing at
14 which the adjournment is had.

15 **SECTION 748.** 77.02 (3) (a) and (c) of the statutes, as affected by 2009 Wisconsin
16 Act 28, are amended to read:

17 77.02 (3) DECISION, COPIES. (a) After receiving all the evidence offered at any
18 hearing held on the petition and after making such independent investigation as it
19 sees fit the department of agriculture, trade and consumer protection shall make its
20 findings of fact and make and enter an order accordingly. If it finds that the facts give
21 reasonable assurance that a stand of merchantable timber will be developed on such
22 descriptions within a reasonable time, and that such descriptions are then held
23 permanently for the growing of timber under sound forestry practices, rather than
24 for agricultural, mineral, shoreland development of navigable waters, recreational,
25 residential or other purposes, and that all persons holding encumbrances against

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1 such descriptions have in writing agreed to the petition, the order entered shall grant
2 the request of the petitioner on condition that all unpaid taxes against said
3 descriptions be paid within 30 days thereafter; otherwise the department of ~~natural~~
4 ~~resources~~ agriculture, trade and consumer protection shall deny the request of the
5 petitioner.

6 (c) Except as provided in sub. (4) (b), any order of the department of agriculture,
7 trade and consumer protection relating to the entry of forest croplands issued on or
8 before November 20 of any year shall take effect on January 1 of the following
9 calendar year, but all orders issued after November 20 shall take effect on January
10 1 of the calendar year following the calendar year in which orders issued on or before
11 November 20 would have been effective.

12 **SECTION 749.** 77.03 of the statutes, as affected by 2009 Wisconsin Act 28, is
13 amended to read:

14 **77.03 Taxation of forest croplands.** After the filing and recording of the
15 order with the officers under s. 77.02 (3) the lands described therein shall be “Forest
16 Croplands”, on which taxes shall thereafter be payable only as provided under this
17 subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the
18 making of the order under s. 77.02 (3) or (4) (a) shall constitute a contract between
19 the state and the owner, running with the lands, for a period of 25 or 50 years at the
20 election of the applicant at the time the petition is filed, unless withdrawn under s.
21 77.10, with privilege of renewal by mutual agreement between the owner and the
22 state, whereby the state as an inducement to owners and prospective purchasers of
23 forest croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn
24 under s. 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then
25 accepted as forest croplands, except as the department of ~~natural resources~~

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1 agriculture, trade and consumer protection and the owner may expressly agree in
2 writing and except as provided in s. 77.17. If at the end of the contract period the land
3 is not designated as managed forest land under subch. VI, the merchantable timber
4 on the land shall be estimated by an estimator jointly agreed upon by the department
5 of ~~natural resources~~ agriculture, trade and consumer protection and the owner, and
6 if the department and the owner fail to agree on an estimator, the judge of the circuit
7 court of the district in which the lands lie shall appoint a qualified forester, whose
8 estimate shall be final, and the cost thereof shall be borne jointly by the department
9 of ~~natural resources~~ agriculture, trade and consumer protection and the owner; and
10 the 10% severance tax paid on the stumpage thereon in the same manner as if the
11 stumpage had been cut. The owners by such contract consent that the public may
12 hunt and fish on the lands, subject to such rules as the department of natural
13 resources prescribes regulating hunting and fishing.

14 **SECTION 750.** 77.04 (2) of the statutes, as affected by 2009 Wisconsin Act 28,
15 is amended to read:

16 77.04 (2) TAX PER ACRE; PAYMENT; PENALTY. The “acreage share” shall be
17 computed at the rate of 10 cents per acre on all lands entered prior to 1972 or entered
18 under s. 77.02 (4) (a). On all lands entered after December 31, 1971, the “acreage
19 share” shall be computed every 10 years to the nearest cent by the department of
20 revenue at the rate of 20 cents per acre multiplied by a ratio using the equalized value
21 of the combined residential, commercial, manufacturing, agricultural, undeveloped,
22 agricultural forest, and productive forest land classes under s. 70.32 (2) within the
23 state in 1972 as the denominator, and using equalized value for these combined land
24 classes in 1982 and every 10th year thereafter as the numerator. All owners shall
25 pay to the taxation district treasurer the acreage share on each description on or

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1 before January 31. If the acreage share is not paid when due to the taxation district
2 treasurer it shall be subject to interest and penalty as provided under ss. 74.11 (11),
3 74.12 (10) and 74.47. These lands shall be returned as delinquent and a tax
4 certificate under subch. VII of ch. 74 shall be issued on them. After 2 years from the
5 date of the issuance of a tax certificate, the county clerk shall promptly take a tax
6 deed under ch. 75. On taking such deed the county clerk shall certify that fact and
7 specify the descriptions to the department of ~~natural resources~~ agriculture, trade
8 and consumer protection.

9 **SECTION 751.** 77.05 of the statutes is amended to read:

10 **77.05 State contribution.** The department of ~~natural resources~~ agriculture,
11 trade and consumer protection shall pay before June 30 annually to the town
12 treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm), 20 cents
13 for each acre of land in the town that is described as forest croplands under this
14 subchapter.

15 **SECTION 752.** 77.06 (1) of the statutes is amended to read:

16 **77.06 (1) CUTTING TIMBER REGULATED.** No person shall cut any merchantable
17 wood products on any forest croplands where the forest crop taxes are delinquent nor
18 until 30 days after the owner has filed with the department of ~~natural resources~~
19 agriculture, trade and consumer protection a notice of intention to cut, specifying by
20 descriptions and the estimated amount of wood products to be removed and the
21 proportion of present volume to be left as growing stock in the area to be cut. The
22 department of ~~natural resources~~ agriculture, trade and consumer protection may
23 require a bond executed by some surety company licensed in this state or other surety
24 for such amount as may reasonably be required for the payment to the department
25 of ~~natural resources~~ agriculture, trade and consumer protection of the severance tax

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1 hereinafter provided. The department, after examination of the lands specified, may
2 prescribe the amount of forest products to be removed. Cutting in excess of the
3 amount prescribed shall render the owner liable to double the severance tax
4 prescribed in s. 77.06 (5) and subject to cancellation under s. 77.10. Merchantable
5 wood products include all wood products except wood used for fuel by the owner.

6 **SECTION 753.** 77.06 (2) of the statutes is amended to read:

7 77.06 (2) APPRAISAL OF TIMBER, ZONES. Each year the department of ~~natural~~
8 ~~resources~~ agriculture, trade and consumer protection, at the time and place it shall
9 fix and after such public notice as it deems reasonable, shall hold a public hearing.
10 After the hearing the department shall make and file, open to public inspection, a
11 determination of the reasonable stumpage values of the wood products usually
12 grown in the several towns in which any forest croplands lie. A public hearing under
13 this section shall be held prior to August 1 of each year and the determination of
14 stumpage values made by the department of ~~natural resources~~ agriculture, trade
15 and consumer protection shall take effect on November 1 of that year. If the
16 department of ~~natural resources~~ agriculture, trade and consumer protection finds
17 there is a material variance in the stumpage values in the different localities, it may
18 fix separate zones and determine the values for each zone.

19 **SECTION 754.** 77.06 (3) of the statutes is amended to read:

20 77.06 (3) REVALUATION. As to any locality or zone in which the department of
21 ~~natural resources~~ agriculture, trade and consumer protection deems there has been
22 no material variance from the preceding year in stumpage values, it may omit to
23 make any new valuation in any year, in which event the last preceding valuation
24 shall continue in force until changed in a succeeding year.

25 **SECTION 755.** 77.06 (4) of the statutes is amended to read:

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1 77.06 (4) CUTTING REPORTED. Within 30 days after completion of cutting on any
2 land description, but not more than one year after filing of the notice of intention to
3 cut, the owner shall transmit to the department of ~~natural resources~~ agriculture,
4 trade and consumer protection on forms provided by the department a written
5 statement of the products so cut, specifying the variety of wood, kind of product, and
6 quantity of each variety and kind as shown by the scale or measurement thereof
7 made on the ground as cut, skidded, loaded, delivered, or by tree scale certified by
8 a qualified forester when stumpage is sold by tree measurement. The department
9 of ~~natural resources~~ agriculture, trade and consumer protection may accept such
10 reports as sufficient evidence of the facts, or may either with or without hearing and
11 notice of time and place thereof to such owner, investigate and determine the fact of
12 the quantity of each variety and kind of product so cut during said periods preceding
13 such reports.

14 **SECTION 756.** 77.06 (5) of the statutes is amended to read:

15 77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of ~~natural resources~~
16 agriculture, trade and consumer protection shall assess and levy against the owner
17 a severance tax on the right to cut and remove wood products covered by reports
18 under this section, at the rate of 10% of the value of the wood products based upon
19 the stumpage value then in force. Upon making the assessment, the department of
20 ~~natural resources~~ agriculture, trade and consumer protection shall mail a duplicate
21 of the certificate by registered mail to the owner who made the report of cutting at
22 the owner's last-known post-office address. The tax assessed is due and payable to
23 the department of ~~natural resources~~ agriculture, trade and consumer protection on
24 the last day of the next calendar month after mailing the certificate. The proceeds

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1 of the tax shall be paid into the forestry account of the conservation fund for
2 distribution under s. 77.07 (3).

3 **SECTION 757.** 77.07 (2) of the statutes, as affected by 2009 Wisconsin Act 177,
4 is amended to read:

5 77.07 (2) PENALTY, COLLECTIONS. If any severance tax remain unpaid for 30 days
6 after it becomes due, there shall then be added a penalty of 10 percent, and such tax
7 and penalty shall thereafter draw interest at the rate of one 1 percent per month until
8 paid. At the expiration of said 30 days the department of ~~natural resources~~
9 agriculture, trade and consumer protection shall report to the attorney general any
10 unpaid severance tax, adding said penalty, and the attorney general shall thereupon
11 proceed to collect the same with penalty and interest by suit against the owner and
12 by attachment or other legal means to enforce the lien and by action on the bond
13 mentioned in s. 77.06 (1), or by any or all such means.

14 **SECTION 758.** 77.08 of the statutes is amended to read:

15 **77.08 Supplemental severance tax.** At any time within one year after any
16 cutting should have been reported, the department of ~~natural resources~~ agriculture,
17 trade and consumer protection after due notice to the owner and opportunity to be
18 heard, and on evidence duly made a matter of record, may determine whether the
19 quantity of wood products cut from any such land, did in fact substantially exceed
20 the amount on which the severance tax theretofore levied was based, and if so shall
21 assess a supplemental severance tax which, in all respects, shall have the same force
22 and effect as the former severance tax, except only it shall not be a lien on any
23 property the title of which has passed to a purchaser for value without notice.

24 **SECTION 759.** 77.09 (1) of the statutes is amended to read:

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1 77.09 (1) Any person who fails to report or shall intentionally make any false
2 statement or report to the department of ~~natural resources~~ agriculture, trade and
3 consumer protection required by s. 77.06 shall forfeit not more than \$1,000. An
4 action under this section shall not be a bar to a cancellation of entry and order of
5 withdrawal under s. 77.10.

6 **SECTION 760.** 77.10 (1) (a) of the statutes is amended to read:

7 77.10 (1) (a) The department of ~~natural resources~~ agriculture, trade and
8 consumer protection shall on the application of the department of revenue or the
9 owner of any forest croplands or the town board of the town in which said lands lie
10 and may on its own motion at any time cause an investigation to be made and hearing
11 to be had as to whether any forest croplands shall continue under this subchapter.
12 If on such hearing after due notice to and opportunity to be heard by the department
13 of revenue, the town and the owner, the department of ~~natural resources~~ agriculture,
14 trade and consumer protection finds that any such lands are not meeting the
15 requirements set forth in s. 77.02 or that the owner has made use of the land for
16 anything other than forestry or has failed to practice sound forestry on the land, the
17 department of ~~natural resources~~ agriculture, trade and consumer protection shall
18 cancel the entry of such description and issue an order of withdrawal, and the owner
19 shall be liable for the tax and penalty under sub. (2). Copies of the order of
20 withdrawal specifying the description shall be filed by the department of ~~natural~~
21 ~~resources~~ agriculture, trade and consumer protection with all officers designated to
22 receive copies of the order of entry and withdrawal and this subchapter shall not
23 thereafter apply to the lands withdrawn, except s. 77.07 so far as it may be needed
24 to collect any previously levied severance or supplemental severance tax. If the
25 owner shall not repay the amounts on or before the last day of February next

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1 succeeding the return of such lands to the general property tax roll as provided in
2 sub. (4), the department of ~~natural resources~~ agriculture, trade and consumer
3 protection shall certify to the county treasurer the descriptions and the amounts due,
4 and the county treasurer shall sell such lands as delinquent as described in s. 77.04
5 (2). Whenever any county clerk has certified to the taking of tax deed under s. 77.04
6 (2) the department of ~~natural resources~~ agriculture, trade and consumer protection
7 shall issue an order of withdrawal as to the lands covered in such tax deed. Such
8 order may also be issued when examination of tax records reveals prolonged
9 delinquency and noncompliance with the requirements of s. 77.04 (2).

10 **SECTION 761.** 77.10 (1) (b) of the statutes is amended to read:

11 77.10 (1) (b) Whenever any owner of forest croplands conveys such land the
12 owner shall, within 10 days of the date of the deed, file with the department of
13 ~~natural resources~~ agriculture, trade and consumer protection on forms prepared by
14 the department a transfer of ownership signed by the owner and an acceptance of
15 transfer signed by the grantee certifying that the grantee intends to continue the
16 practice of forestry on such land. The department of ~~natural resources~~ agriculture,
17 trade and consumer protection shall immediately issue a notice of transfer to all
18 officers designated to receive copies of orders of entry and withdrawal. Whenever a
19 purchaser of forest croplands declines to certify his or her intention to continue the
20 practice of forestry thereon, such action shall constitute cause for cancellation of
21 entry under par. (a) without hearing.

22 **SECTION 762.** 77.10 (2) (a) 1. of the statutes is amended to read:

23 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any
24 of such lands from under this subchapter, by filing with the department of ~~natural~~
25 ~~resources~~ agriculture, trade and consumer protection a declaration withdrawing

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1 from this subchapter any description owned by such person which he or she specified,
2 and by payment by such owner to the department of ~~natural resources~~ agriculture,
3 trade and consumer protection within 60 days the amount of tax due from the date
4 of entry or the most recent date of renewal, whichever is later, as determined by the
5 department of revenue under s. 77.04 (1) with simple interest thereon at 12% per
6 year, less any severance tax and supplemental severance tax or acreage share paid
7 thereon, with interest computed according to the rule of partial payments at the rate
8 of 12% per year.

9 **SECTION 763.** 77.10 (2) (a) 2. of the statutes is amended to read:

10 77.10 (2) (a) 2. The amount of the tax shall be determined by the department
11 of revenue and furnished to the department of ~~natural resources~~ agriculture, trade
12 and consumer protection, which shall determine the exact amount of payment.
13 When the tax rate or assessed value ratio of the current year has not been determined
14 the rate of the preceding tax year may be used. On receiving such payment the
15 department of ~~natural resources~~ agriculture, trade and consumer protection shall
16 issue an order of withdrawal and file copies thereof with the department of revenue,
17 the supervisor of equalization and the clerk of the town, and shall record the order
18 with the register of deeds of the county, in which the land lies. The land shall then
19 cease to be forest croplands.

20 **SECTION 764.** 77.10 (2) (b) of the statutes is amended to read:

21 77.10 (2) (b) Upon receipt of any taxes under this section by the state, the
22 department of ~~natural resources~~ agriculture, trade and consumer protection shall
23 first deduct all moneys paid by the state on account of the lands under s. 77.05 with
24 interest on the moneys computed according to the rule of partial payments at the rate
25 of interest paid under par. (a) by the person withdrawing such lands. The

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1 department shall within 20 days remit the balance to the town treasurer who shall
2 pay 20% to the county treasurer and retain the remainder.

3 **SECTION 765.** 77.10 (4) of the statutes is amended to read:

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

9 **SECTION 766.** 77.11 of the statutes is amended to read:

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

17 **SECTION 767.** 77.13 (1) of the statutes is amended to read:

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

21 **SECTION 768.** 77.13 (2) of the statutes is amended to read:

22 77.13 (2) On and after January 1, 1986, the department of ~~natural resources~~
23 agriculture, trade and consumer protection may not act on any petition requesting
24 the designation of land as forest croplands, issue any order entering land as forest

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1 croplands or enter into a renewal of any forest croplands contract under this
2 subchapter.

3 **SECTION 769.** 77.14 of the statutes is amended to read:

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

13 **SECTION 770.** 77.16 (1) of the statutes is amended to read:

14 77.16 (1) In this section “department” means the department of ~~natural~~
15 ~~resources~~ agriculture, trade and consumer protection.

16 **SECTION 771.** 77.81 (1) of the statutes is amended to read:

17 77.81 (1) “Department” means the department of ~~natural resources~~
18 agriculture, trade and consumer protection.

19 **SECTION 772.** 77.82 (2m) (d) of the statutes is amended to read:

20 77.82 (2m) (d) All of the recording fees collected under par. (a) 1. shall be
21 credited to the appropriation under s. ~~20.370 (1) (er)~~ 20.115 (5) (qr).

22 **SECTION 773.** 77.82 (2m) (dm) of the statutes is amended to read:

23 77.82 (2m) (dm) 1. Of each fee \$300 or the entire fee, whichever is less, that is
24 collected under par. (a) or (e) that is not credited to the appropriation under s. ~~20.370~~

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1 ~~(1) (er)~~ 20.115 (5) (qr) shall be credited to the appropriation under s. ~~20.370 (1) (ex)~~
2 20.115 (5) (rv).

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

6 **SECTION 774.** 77.82 (4) of the statutes is amended to read:

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

18 **SECTION 775.** 77.83 (1m) of the statutes is amended to read:

19 77.83 (1m) MODIFICATION OF DESIGNATION. For a managed forest land order that
20 takes effect on or after April 28, 2004, the owner of the managed forest land may
21 modify the designation of a closed or open area 2 times during the term of the order.
22 For a managed forest land order that takes effect before April 28, 2004, the owner
23 of the managed forest land may modify the designation of a closed or open area 2
24 times during the period beginning with April 28, 2004, and ending with the
25 expiration date of the order, regardless of whether the owner has previously modified

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1 the designation as authorized by rules promulgated by the department of natural
2 resources.

3 **SECTION 776.** 77.83 (2) (am) 3. of the statutes is amended to read:

4 77.83 (2) (am) 3. Subdivisions 1. and 2. do not apply to any lease or other
5 agreement if the consideration involved solely consists of reasonable membership
6 fees charged by a nonprofit organization and the lease or agreement is approved by
7 the department of natural resources.

8 **SECTION 777.** 77.83 (2) (c) of the statutes is amended to read:

9 77.83 (2) (c) An owner may prohibit the use of motor vehicles, as defined under
10 s. 340.01 (35), or snowmobiles, as defined under s. 340.01 (58a), or both on any open
11 managed forest land. At the request of an owner, the department of natural
12 resources may provide assistance in enforcing the prohibition.

13 **SECTION 778.** 77.83 (3) of the statutes is amended to read:

14 77.83 (3) SIGNS. An owner may post signs specifying the designation of or
15 restrictions applicable to any area of managed forest land. The department of
16 natural resources may, by rule, specify design standards for these signs.

17 **SECTION 779.** 77.85 of the statutes, as affected by 2009 Wisconsin Act 28, is
18 amended to read:

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

25 **SECTION 780.** 77.88 (2) (d) of the statutes is amended to read:

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

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

12 **SECTION 781.** 77.88 (2) (e) of the statutes is amended to read:

13 77.88 (2) (e) The transferred land shall remain managed forest land if the
14 transferee, within 30 days after the transfer, certifies to the department of of
15 agriculture, trade and consumer protection an intent to comply with the existing
16 management plan for the land and with any amendments agreed to by the
17 department and the transferee, and provides proof that each person holding any
18 encumbrance on the land agrees to the designation. The transferee may designate
19 an area of the transferred land closed to public access as provided under s. 77.83
20 subject to approval by the department of natural resources. The department of of
21 agriculture, trade and consumer protection shall issue an order continuing the
22 designation of the land as managed forest land under the new ownership.

23 **SECTION 782.** 77.89 (1) of the statutes is amended to read:

24 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
25 from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm), shall pay 100 percent

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1 of each payment received under ss. 77.84 (3) (b) and 77.87 (3) and 100 percent of each
2 withdrawal tax payment received under s. 77.88 (7) to the treasurer of each
3 municipality in which is located the land to which the payment applies.

4 **SECTION 783.** 77.89 (2) (b) of the statutes is amended to read:

5 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
6 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.
7 The county treasurer shall, by June 30 of each year, pay all amounts received under
8 this paragraph to the department. All amounts received by the department shall be
9 credited to the conservation fund and shall be reserved for land acquisition, resource
10 management activities relating to state forests, and grants under s. 77.895.

11 **SECTION 784.** 77.91 (2) (b) of the statutes is amended to read:

12 77.91 (2) (b) The department of natural resources shall prepare, update
13 annually and, by March 31 of each year, offer for sale to the public information
14 describing the location of managed forest land designated as open under s. 77.83.

15 **SECTION 785.** 77.91 (4) of the statutes is amended to read:

16 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses
17 for the administration of this subchapter shall be paid from the appropriation under
18 s. ~~20.370 (1) (mv)~~ 20.115 (5) (q).

19 **SECTION 786.** 77.91 (5) of the statutes is amended to read:

20 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
21 under this subchapter shall record the action as provided under s. 59.43 (1). The
22 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.
23 from the appropriation under s. ~~20.370 (1) (er)~~ 20.115 (5) (qr). If the amount in the
24 appropriation under s. ~~20.370 (1) (er)~~ 20.115 (5) (qr) in any fiscal year is insufficient
25 to pay the full amount required under this subsection in that fiscal year, the

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1 department shall pay the balance from the appropriation under s. ~~20.370 (1) (mv)~~
2 20.115 (5) (q).

3 **SECTION 787.** 82.10 (4) (a) 3m. of the statutes is created to read:

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

5 **SECTION 788.** 82.10 (4) (a) 3s. of the statutes is created to read:

6 82.10 (4) (a) 3s. The department of agriculture, trade and consumer protection.

7 **SECTION 789.** 84.01 (17) of the statutes is amended to read:

8 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
9 department shall determine, as far as possible, what improvements will be made
10 during the following 6-year period, and shall notify the county clerks prior to
11 February 1 of each even-numbered year, as to the improvements in their respective
12 counties. Such notice shall also be given to the department of natural resources and
13 ~~to~~ the department of environmental quality, and the department of agriculture,
14 trade and consumer protection.

15 **SECTION 790.** 84.01 (23) of the statutes is amended to read:

16 84.01 (23) BRIDGE STANDARDS. The department shall adopt standards and
17 specifications for the design and construction of county, town, village and city
18 bridges, arches or culverts. The standards shall be developed after consultation with
19 the department of natural resources and the department of environmental quality,
20 and shall be directed at preventing undue impairment of public rights in navigable
21 waters.

22 **SECTION 791.** 84.02 (3) (a) of the statutes is amended to read:

23 84.02 (3) (a) Changes may be made in the state trunk system by the
24 department, if it deems that the public good is best served by making the changes.
25 The department, in making the changes, may lay out new highways by the procedure

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1 under this subsection. Due notice shall be given to the localities concerned of the
2 intention to make changes or discontinuances, and if the change proposes to lay a
3 highway via a new location and the distance along such deviation from the existing
4 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the
5 proposed change shall be held prior to making the change effective. The notice shall
6 also be given to the secretary of natural resources, the secretary of environmental
7 quality, and the secretary of agriculture, trade and consumer protection either by
8 registered mail or personally. Whenever the department decides to thus change
9 more than 2 1/2 miles of the system the change shall not be effective until the decision
10 of the department has been referred to and approved by the county board of each
11 county in which any part of the proposed change is situated. A copy of the decision
12 shall be filed in the office of the clerk of each county in which a change is made or
13 proposed. Where the distance along the deviation from the existing location exceeds
14 5 miles the change shall constitute an addition to the state trunk highway system.
15 The preexisting route shall continue to be a state trunk highway unless the county
16 board of each county in which any part of the relocation lies and the department
17 mutually agree to its discontinuance as a state trunk highway. Whenever such
18 county board or boards and the department cannot so agree the department shall
19 report the problem to the next ensuing session of the legislature for determination.

20 **SECTION 792.** 84.078 (1) (am) of the statutes is amended to read:

21 84.078 (1) (am) "High-volume industrial waste" means fly ash, bottom ash,
22 paper mill sludge or foundry process waste, or any other waste with similar
23 characteristics specified by the department of ~~natural resources~~ environmental
24 quality by rule.

25 **SECTION 793.** 84.078 (3) (a) 2. of the statutes is amended to read:

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1 84.078 (3) (a) 2. The department of ~~natural resources~~ environmental quality
2 certifies to the department of transportation, before the time that the department of
3 transportation advertises for bids for the improvement, that the high-volume
4 industrial waste intended to be used and the design for the use of the high-volume
5 industrial waste comply with all applicable state requirements or standards
6 administered by the department of ~~natural resources~~ environmental quality.

7 **SECTION 794.** 84.078 (3) (b) (intro.) of the statutes is amended to read:

8 84.078 (3) (b) (intro.) The exemption under par. (a) extends to the
9 transportation of high-volume industrial waste to or from the site of a highway
10 improvement and to the storage of high-volume industrial waste at the site of a
11 highway improvement. The exemption provided under par. (a) continues to apply
12 after the date of certification by the department of ~~natural resources~~ environmental
13 quality under par. (a) 2., notwithstanding the occurrence of any of the following:

14 **SECTION 795.** 84.078 (3) (c) of the statutes is amended to read:

15 84.078 (3) (c) The department of transportation and the department of ~~natural~~
16 ~~resources~~ environmental quality may enter into agreements establishing standard
17 lists of high-volume industrial waste that may be used in highway improvements
18 and designs for the use of high-volume industrial waste in highway improvements
19 that comply with rules of the department of ~~natural resources~~ environmental quality
20 applicable at the time of the design of the highway improvement in order to simplify
21 certification under par. (a) 2. to the greatest extent possible.

22 **SECTION 796.** 84.11 (3) of the statutes is amended to read:

23 84.11 (3) HEARING. Within 60 days of the receipt of a petition under sub. (2),
24 the department shall fix a time and place for a hearing and give notice of the hearing
25 by publication of a class 2 notice, under ch. 985, in the vicinity of the proposed bridge

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1 project. Notice shall also be given by registered letter addressed to the clerks of the
2 counties, cities, villages and towns in which any part of the bridge project will be
3 located. The notice shall also be given to the secretary of natural resources and the
4 secretary of environmental quality either by registered mail or personally. The
5 hearing may be held in any county, city, village or town in which any part of the bridge
6 project will be located.

7 **SECTION 797.** 84.11 (7m) of the statutes is amended to read:

8 84.11 **(7m)** EXECUTION AND CONTROL OF WORK. Subject to the control and
9 supervision over the navigable waters of the state conferred by law upon the
10 department of ~~natural resources~~ environmental quality, and the control exercised by
11 the United States, the construction under this section of any bridge project shall be
12 wholly under the supervision and control of the department. The secretary shall
13 make and execute all contracts and have complete supervision over all matters
14 pertaining to such construction and shall have the power to suspend or discontinue
15 proceedings or construction relative to any bridge project at any time in the event any
16 county, city, village or town fails to pay the amount required of it as to any project
17 under sub. (1m), or in the event the secretary determines that sufficient funds to pay
18 the state's part of the cost of the bridge project are not available. All moneys provided
19 by counties, cities, villages and towns shall be deposited in the state treasury, when
20 required by the secretary, and paid out on order of the secretary. Any of such moneys
21 deposited for a project eligible for construction under sub. (1m) which remain in the
22 state treasury after the completion of the project shall be repaid to the respective
23 counties, cities, villages and towns in such amounts as to result in the distribution
24 provided in sub. (5m).

25 **SECTION 798.** 84.12 (7) of the statutes is amended to read:

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1 84.12 (7) EXECUTION AND CONTROL OF WORK. Subject to the control and
2 supervision over the navigable waters of the state conferred upon the department of
3 ~~natural resources~~ environmental quality, and the control exercised by the United
4 States, the construction under this section of any bridge project shall be under the
5 joint supervision and control of the department and of the transportation
6 department of the other state concerned. If the transportation department of the
7 other state is not authorized to act jointly with this state in such bridge project
8 arrangements may be made with such subdivisions of the other state as may have
9 proper authority, represented by their proper officers. Control shall be exercised in
10 the manner deemed most expedient by the secretary and such department or by the
11 secretary and the officers of the subdivisions of the other state concerned in the
12 construction. Contracts for the construction of said bridge projects may be made and
13 executed by the secretary and the transportation department of the other state
14 jointly, or jointly by the secretary and such subdivisions of the other state as may
15 participate in the construction, or by appropriate agreement between the parties
16 with respect to financing and control of the work, the authority of either state may
17 contract for all or part of the construction. The secretary may suspend or discontinue
18 proceedings or construction relative to any bridge project at any time in the event any
19 county, city, village or town fails to pay the amount required of it as to any project
20 eligible to construction under sub. (1) (a) or offered by it as to any project eligible to
21 construction under sub. (1) (b), or in the event the secretary determines that
22 sufficient funds to pay the state's part of the cost of the bridge project are not
23 available. All moneys available from this state, or its subdivisions, shall be deposited
24 in the state treasury when required by the secretary and shall be paid out only upon
25 the order of the secretary. Moneys deposited by such subdivisions which remain in

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1 the state treasury after the completion of such project shall be repaid to the
2 respective subdivisions in the proportion paid in.

3 **SECTION 799.** 84.28 (1) of the statutes is amended to read:

4 84.28 (1) Moneys from the appropriation under s. ~~20.370 (7) (mc)~~ 20.115 (5) (b)
5 may be expended for the renovation, marking, and maintenance of a town or county
6 highway located within the boundaries of any ~~state park~~, state forest or other
7 property under the jurisdiction of the department of ~~natural resources~~ agriculture,
8 trade and consumer protection. Moneys from the appropriation under s. 20.370 (7)
9 (mc) may be expended for the renovation, marking, and maintenance of a town or
10 county highway located within the boundaries of any state park, in the lower
11 Wisconsin state riverway as defined in s. 30.40 (15), or on other property under the
12 jurisdiction of the department of natural resources. Outside the lower Wisconsin
13 state riverway as defined in s. 30.40 (15), or outside the boundaries of these parks,
14 forests or other property under the jurisdiction of the department of natural
15 resources, moneys from the appropriation under s. 20.370 (7) (mc) may be expended
16 for the renovation, marking, and maintenance of roads which the department of
17 natural resources certifies are utilized by a substantial number of visitors to these
18 state parks, ~~state forests~~ or other property under the jurisdiction of the department
19 of natural resources. The department of natural resources shall authorize
20 expenditures from the appropriation under s. 20.370 (7) (mc) under this subsection.
21 The department of natural resources shall rank projects eligible for assistance
22 funding from the appropriation under s. 20.370 (7) (mc) under a priority system and
23 funding may be restricted to those projects with highest priority. Outside the
24 boundaries of the forests under the jurisdiction of the department of agriculture,
25 trade and consumer protection, moneys from the appropriation under s. 20.115 (5)

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1 (b) may be expended for the renovation, marking, and maintenance of roads that the
2 department of agriculture, trade and consumer protection certifies are utilized by a
3 substantial number of visitors to these forests. The department of agriculture, trade
4 and consumer protection shall authorize expenditures from the appropriation under
5 s. 20.115 (5) (b) under this subsection. The department of agriculture, trade and
6 consumer protection shall rank projects eligible for funding from the appropriation
7 under s. 20.115 (5) (b) under a priority system and funding may be restricted to those
8 projects with the highest priority.

9 **SECTION 800.** 84.28 (2) of the statutes is amended to read:

10 84.28 (2) The department may administer a program for the construction,
11 maintenance and marking of roads, including fire roads, service areas, trailer or
12 vehicle parking stalls or parking areas and other facilities consistent with highway
13 construction and for the marking of scenic routes in the state parks, state forests, the
14 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,
15 other public used areas under the jurisdiction of the department of natural resources
16 or the department of agriculture, trade and consumer protection, and other public
17 lands as defined in ch. 24, for highways or fire roads leading from the most
18 convenient state trunk highways to such lands, and for the relocation and
19 construction of state trunk highways in or near state parks when required in the
20 interests of public safety. Within the limitations and for the purposes of this section,
21 work may be performed by or under the supervision or authority or with the approval
22 of the department of transportation, upon the request for such work filed by the
23 department of natural resources as having jurisdiction with respect to the lower
24 Wisconsin state riverway, as defined in s. 30.40 (15), or as to state park or forest
25 lands, or by the board of commissioners of the public lands as to other classes of public

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1 lands. Outside the lower Wisconsin state riverway, as defined in s. 30.40 (15), and
2 outside the limits of the park, state forest and public land areas, direct connections
3 to the most convenient state trunk highway may be built or maintained under this
4 section. Roads in unincorporated areas within 5 miles of the boundaries of the
5 Horicon national wildlife refuge or the Horicon marsh wildlife area may be built or
6 maintained under this section upon request of the town board, if the department of
7 transportation certifies that such roads are or will be used by a substantial number
8 of visitors to such area. Costs incurred under this section shall be the responsibility
9 of the department of natural resources, the department of agriculture, trade and
10 consumer protection, commissioners of public lands or town board, as appropriate.

11 **SECTION 801.** 85.19 (1) of the statutes is amended to read:

12 85.19 (1) STANDARDS. The department, in consultation with the department of
13 ~~natural resources~~ environmental quality, shall, by rule, establish standards for the
14 control of soil erosion related to highway and bridge construction that is funded in
15 whole or in part with state or federal funds. At a minimum, the standards shall
16 require the use of best management practices.

17 **SECTION 802.** 85.19 (2) (c) of the statutes is amended to read:

18 85.19 (2) (c) The department shall establish the training program in
19 consultation with the department of ~~natural resources~~ environmental quality.

20 **SECTION 803.** 85.245 (1) of the statutes is renumbered 85.245.

21 **SECTION 804.** 85.245 (2) of the statutes is repealed.

22 **SECTION 805.** 86.255 (2) (a) of the statutes is amended to read:

23 86.255 (2) (a) The purchase of any land that is acquired as compensatory
24 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an
25 adverse impact by degradation or destruction as part of a highway project.

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1 **SECTION 806.** 86.315 (1) of the statutes is amended to read:

2 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
3 shall annually, on March 10, pay to counties having county forests established under
4 ch. 28, for the improvement of public roads within the county forests which are open
5 and used for travel and which are not state or county trunk highways or town roads
6 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road
7 designated in the comprehensive county forest land use plan as approved by the
8 county board and the department of ~~natural resources~~ agriculture, trade and
9 consumer protection. If the amount appropriated under s. 20.395 (1) (fu) is
10 insufficient to make the payments required under this subsection, the department
11 shall prorate the amount appropriated in the manner it considers desirable.

12 **SECTION 807.** 87.01 (1) of the statutes is amended to read:

13 87.01 (1) "Department" means the department of ~~natural resources~~
14 environmental quality.

15 **SECTION 808.** 87.02 (intro.) of the statutes is amended to read:

16 **87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01
17 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

18 **SECTION 809.** 87.14 of the statutes is amended to read:

19 **87.14 Operation and maintenance.** The flood control board is authorized
20 to sell, lease, or lease with power to purchase, any reservoir proposed to be
21 constructed, in the process of construction or completed, to a duly organized river
22 improvement company as defined by s. 182.016, on such terms and conditions as are
23 approved by the department of ~~natural resources~~ as hereinafter provided. Unless so
24 leased or sold it shall be the duty of the flood control board to maintain and operate
25 said improvement. The cost of operation and maintenance during the period

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1 intervening between the completion of said improvement and the date when funds
2 provided under this section become available shall be paid from the funds provided
3 for maintenance pursuant to the estimate made by the department as provided in s.
4 87.07 (3). Prior to the first day of November in each year the flood control board shall
5 certify to the clerk of each town, village and city in which lands to be benefited by the
6 improvement are located an estimated budget, detailed as far as practicable, of the
7 cost of operation and maintenance of said improvement for the succeeding calendar
8 year, together with the amount due upon any judgments outstanding against the
9 board, except those judgments from which the board has appealed or intends to
10 appeal, and shall certify at the same time the portion of such cost to be borne by each
11 such town, village and city. This shall be determined in the same manner and
12 according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon
13 become the duty of each such town, village and city to include in its next succeeding
14 tax levy the amount so certified and to forward such amount, on or before March 15
15 following, to the flood control board.

16 **SECTION 810.** 87.18 of the statutes is amended to read:

17 **87.18 Lease, sale and lease with option to purchase the project.**

18 Whenever the flood control project consists of a storage reservoir and authority to
19 create, operate and maintain a reservoir on the river affected by such storage
20 reservoir is vested in a duly organized river improvement company as defined by s.
21 182.016, and the petitioners file with the department of natural resources a petition
22 and a proposed contract with such improvement company for a lease, sale, or lease
23 with option to purchase said reservoir, and the department finds the terms and
24 conditions of such contract are sufficient to assure the payment of the amount the
25 board will be obligated to pay for the cost of the reservoir and the maintenance and

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1 operation of the same, and the project will secure effective flood control and
2 promotion of the public welfare, then notices, proceedings and assessments provided
3 by ss. 87.04 to 87.12 are not required. The department, however, shall make findings
4 as required by s. 87.05 and shall order that the flood control board be appointed and
5 shall so certify to the governor as provided by s. 87.12. The governor shall thereupon
6 appoint the board as provided in said s. 87.12. The proposed contract filed with the
7 department by petitioners for the sale, lease, or lease with option to purchase said
8 reservoir property shall not be binding upon the board so appointed unless the board
9 approves such contract. Upon approval the board shall so report to the department
10 and file with it a final contract executed by the board and lessee or purchaser. The
11 department has authority to approve or disapprove such contract. If the department
12 approves such contract, then it shall be final and the department shall thereupon
13 order the board to proceed with the work. When such reservoir property is sold and
14 the purchase price has been fully paid and any indebtedness assumed by the
15 purchaser has been paid and discharged, including the fees and expenses of the
16 board, and the department so finds, the said board shall thereupon be dissolved by
17 order of the department.

18 **SECTION 811.** 88.05 (4) (a) of the statutes is amended to read:

19 88.05 (4) (a) The chairperson of the county highway committee except in a
20 county with a highway commissioner appointed under s. 83.01 (1) (c), the highway
21 commissioner; the chairperson of the county land conservation committee in the
22 county involved; the secretary of ~~natural resources~~ environmental quality; the state
23 drainage engineer; and, where a railroad company is involved, the person specified
24 in sub. (6).

25 **SECTION 812.** 88.11 (1) (e) of the statutes is amended to read:

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

3 **SECTION 813.** 88.11 (1) (i) of the statutes is amended to read:

4 88.11 (1) (i) Establish, by rule, performance standards for drainage district
5 structures, ditches, maintenance and operations, in order to minimize adverse
6 effects on water quality. The performance standards shall be consistent with any
7 requirements imposed by the department of ~~natural resources~~ environmental
8 quality under s. 88.31.

9 **SECTION 814.** 88.11 (2) of the statutes is amended to read:

10 88.11 (2) The state drainage engineer shall provide technical assistance to
11 improve district operations on the request of the department of ~~natural resources~~
12 environmental quality, drainage board, landowners in the district or the judge.

13 **SECTION 815.** 88.31 (1) of the statutes is amended to read:

14 88.31 (1) If it is necessary to enter upon any waters that may be navigable, or
15 to acquire and remove any dam or obstruction from the waters, or to clean out, widen,
16 deepen or straighten any stream that may be navigable, the board shall file with the
17 department of ~~natural resources~~ environmental quality an application for a permit
18 to do the work. The board shall file with the application any information that the
19 board or the department of ~~natural resources~~ environmental quality considers
20 necessary. The department shall specify by rule the information to be included in an
21 application. The application shall state that the public health or welfare will be
22 promoted by the removal of the dam or other obstruction or by the straightening,
23 cleaning out, deepening or widening of the waters and that other public rights in and
24 public uses of the waters will not be materially impaired. The application shall be
25 duly verified.

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1 **SECTION 816.** 88.31 (2) of the statutes is amended to read:

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

9 **SECTION 817.** 88.31 (4) (intro.) of the statutes is amended to read:

10 88.31 **(4)** (intro.) Upon the conclusion of the hearing and investigation, the
11 department of ~~natural resources~~ environmental quality shall grant the permit if it
12 finds:

13 **SECTION 818.** 88.31 (4m) of the statutes is amended to read:

14 88.31 **(4m)** The department of ~~natural resources~~ environmental quality shall
15 grant or deny the permit within 6 weeks after the conclusion of the hearing on the
16 application.

17 **SECTION 819.** 88.31 (5) of the statutes is amended to read:

18 88.31 **(5)** When granting a permit under this section the department of ~~natural~~
19 ~~resources~~ environmental quality also shall establish the minimum level at which the
20 affected waters may be maintained.

21 **SECTION 820.** 88.31 (6) of the statutes is amended to read:

22 88.31 **(6)** The department of ~~natural resources~~ environmental quality may
23 require the applicant for the permit to submit a plan for the work to be done in the
24 waters in question and may amend or modify such plan before approving it. The
25 department may at any time, on the application of any interested person, further

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1 amend such plan when the same can be done without materially impairing the
2 navigability of any such waters and without materially impairing any other public
3 right.

4 **SECTION 821.** 88.62 (3) of the statutes is amended to read:

5 88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage
6 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
7 department of ~~natural resources~~ environmental quality, except as provided in par.
8 (b).

9 (b) If drainage work is undertaken in navigable waters located in the Duck
10 Creek Drainage District, the board for that district shall obtain a permit under s.
11 30.20 or ch. 31, as directed by the department of ~~natural resources~~ environmental
12 quality.

13 **SECTION 822.** 88.72 (4) of the statutes is amended to read:

14 88.72 (4) Within 30 days after the department of ~~natural resources~~
15 environmental quality has issued all of the permits as required under this chapter
16 and chs. 30 and 31, the board shall proceed to estimate the cost of the work, including
17 the expenses of the proceeding together with the damages that will result from the
18 work, and shall, within a reasonable time, award damages to all lands damaged by
19 the work and assess the cost of the work against the lands in the district in proportion
20 to the assessment of benefits then in force.

21 **SECTION 823.** 91.46 (1) (i) of the statutes, as created by 2009 Wisconsin Act 28,
22 is amended to read:

23 91.46 (1) (i) Oil and gas exploration or production that is licensed by the
24 department of ~~natural resources~~ environmental quality under subch. II of ch. 295.

25 **SECTION 824.** 92.04 (2) (e) of the statutes is amended to read:

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1 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
2 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
3 recommendations on the plan to the department and to the department of ~~natural~~
4 ~~resources~~ environmental quality.

5 **SECTION 825.** 92.05 (1) of the statutes is amended to read:

6 92.05 (1) CENTRAL AGENCY. The department is the central agency of this state
7 responsible for setting and implementing statewide soil and water conservation
8 policies and administering the state's soil and water conservation programs. The
9 department shall coordinate its soil and water conservation program with the
10 nonpoint source water pollution abatement program established under s. 281.65, the
11 inland lake protection and rehabilitation program established under ch. 33 and other
12 programs with objectives related to soil and water conservation administered by the
13 department of ~~natural resources~~ environmental quality or by other state or federal
14 agencies.

15 **SECTION 826.** 92.10 (6) (a) 1. of the statutes is amended to read:

16 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
17 conditions throughout the county, including any assessment available from the
18 department of ~~natural resources~~ environmental quality.

19 **SECTION 827.** 92.10 (8) of the statutes is amended to read:

20 92.10 (8) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
21 QUALITY. The department of ~~natural resources~~ environmental quality shall provide
22 counties with assistance in land and water resource management planning,
23 including providing available water quality data and information, providing
24 training and support for water resource assessments and appraisals and providing
25 related program information.

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1 **SECTION 828.** 92.14 (2) (j) of the statutes is amended to read:

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

6 **SECTION 829.** 92.14 (6) (b) of the statutes is amended to read:

7 92.14 (6) (b) The department and the department of ~~natural resources~~
8 environmental quality shall prepare an annual grant allocation plan identifying the
9 amounts to be provided to counties under this section and ss. 281.65 and 281.66. In
10 the allocation plan, the departments shall attempt to provide funding under this
11 section for an average of 3 staff persons per county with full funding for the first staff
12 person, 70% funding for the 2nd staff person and 50% funding for any additional staff
13 persons and to provide an average of \$100,000 per county for cost-sharing grants.
14 The department shall submit that plan to the board.

15 **SECTION 830.** 92.14 (6) (d) of the statutes is amended to read:

16 92.14 (6) (d) The board shall review the annual allocation plan submitted to
17 it under par. (b) and make recommendations to the department of agriculture, trade
18 and consumer protection and the department of ~~natural resources~~ environmental
19 quality on approval, modification or disapproval of the plan.

20 **SECTION 831.** 92.14 (6) (h) 3. of the statutes is amended to read:

21 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
22 department of ~~natural resources~~ environmental quality to act under ch. 283.

23 **SECTION 832.** 92.14 (6) (m) of the statutes is amended to read:

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1 92.14 (6) (m) The department of agriculture, trade and consumer protection
2 and the department of ~~natural resources~~ environmental quality shall assist counties
3 in conducting the activities for which grants under sub. (3) may be used.

4 **SECTION 833.** 92.14 (8) of the statutes is amended to read:

5 92.14 (8) RULES. In consultation with the department of ~~natural resources~~
6 environmental quality, the department shall promulgate rules to administer this
7 section and the department's duties under s. 281.65.

8 **SECTION 834.** 92.14 (12) of the statutes is amended to read:

9 92.14 (12) ANNUAL REPORT. Annually, the department, in cooperation with the
10 department of ~~natural resources~~ environmental quality, shall submit a report on the
11 progress of the program under this section and s. 281.65 to the board.

12 **SECTION 835.** 92.14 (13) of the statutes is amended to read:

13 92.14 (13) EVALUATION PLAN. The department, jointly with the department of
14 ~~natural resources~~ environmental quality, shall prepare a plan, which includes water
15 quality monitoring and analysis, for evaluating the program administered under
16 this section and s. 281.65 and submit the plan to the board. The board shall make
17 recommendations to the department and the department of ~~natural resources~~
18 environmental quality on the plan. The department shall review and approve or
19 disapprove the plan and shall notify the board of its final action on the plan. The
20 department shall implement any part of the plan for which the plan gives it
21 responsibility.

22 **SECTION 836.** 92.14 (14) of the statutes is amended to read:

23 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The
24 department, jointly with the department of ~~natural resources~~ environmental quality,
25 shall develop a single set of grant application, reporting and evaluation forms for use

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1 by counties receiving grants under this section and ss. 281.65 and 281.66. The
2 department, jointly with the department of ~~natural resources~~ environmental quality,
3 shall implement a single process for grant application, funding allocation, reporting
4 and evaluation for counties receiving grants under this section and ss. 281.65 and
5 281.66.

6 **SECTION 837.** 92.14 (14m) of the statutes is amended to read:

7 92.14 (14m) COORDINATION. The department of agriculture, trade and
8 consumer protection and the department of ~~natural resources~~ environmental
9 quality, jointly, shall review applications from counties for grants under sub. (5r)
10 and, for projects and activities selected to receive funding shall determine whether
11 to provide funding under this section or under s. 281.65 or 281.66.

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

13 92.14 (15) FINANCIAL INFORMATION. The department shall consult with the
14 department of ~~natural resources~~ environmental quality when it prepares the
15 information which it submits to the department of administration under s. 16.42.

16 **SECTION 839.** 92.15 (3) of the statutes is amended to read:

17 92.15 (3) (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit
18 may enact regulations of livestock operations that exceed the performance
19 standards, prohibitions, conservation practices and technical standards under s.
20 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the
21 department of agriculture, trade and consumer protection or the department of
22 ~~natural resources~~ environmental quality that the regulations are necessary to
23 achieve water quality standards under s. 281.15.

24 (b) The department of agriculture, trade and consumer protection and the
25 department of ~~natural resources~~ environmental quality shall, by rule, specify

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1 procedures for review and approval of proposed local governmental unit regulations
2 under par. (a).

3 **SECTION 840.** 92.18 (4) of the statutes is amended to read:

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

6 **SECTION 841.** 92.18 (5) of the statutes is amended to read:

7 92.18 (5) Any training required under this section may be conducted by the
8 department or the department of ~~natural resources~~ environmental quality or by
9 another person with the approval of the department.

10 **SECTION 842.** 93.06 (3m) of the statutes is created to read:

11 93.06 (3m) CAMP FIRES. Regulate camp fires and smoking in state forests at
12 such times and in such designated localities, as it may find reasonably necessary to
13 reduce the danger of destructive forest fires.

14 **SECTION 843.** 93.07 (12) of the statutes is amended to read:

15 93.07 (12) PLANT PESTS. To conduct surveys and inspections for the detection
16 and control of pests injurious to plants, make, modify, and enforce reasonable rules
17 needed to prevent the dissemination of pests, declare and manage emergencies
18 relating to the detection and control of pests injurious to plants, ~~provided that such~~
19 ~~declaration does not supersede the authority of the chief state forester under s.~~
20 ~~23.114 or the department of natural resources under s. 26.30,~~ and suggest methods
21 of control.

22 **SECTION 844.** 93.077 of the statutes is created to read:

23 **93.077 Sale of aerial photographic survey products.** The department
24 may sell to any person the selection of photographic products from the aerial
25 photographic survey conducted under s. 23.325. The department may retain an

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1 amount equal to the costs that it incurs in selling and reproducing the photographic
2 products.

3 **SECTION 845.** 93.12 (5) of the statutes is amended to read:

4 93.12 (5) The department shall establish uniform minimum standards to be
5 used in the evaluation and certification of laboratory examinations. The department
6 shall submit any rules proposed under this subsection which affect the laboratory
7 certification program under s. 299.11 to the department of ~~natural resources~~
8 environmental quality and to the state laboratory of hygiene for review and
9 comment. These rules may not take effect unless they are approved by the
10 department of natural resources within 6 months after submission.

11 **SECTION 846.** 93.12 (8) of the statutes is amended to read:

12 93.12 (8) The department shall enter into a memorandum of understanding
13 with the department of ~~natural resources~~ environmental quality setting forth the
14 responsibilities of each department in administering the laboratory certification
15 programs under sub. (5) and s. 299.11. The memorandum of understanding shall
16 include measures to be taken by each department to avoid duplication of application
17 and compliance procedures for laboratory certification.

18 **SECTION 847.** 93.12 (9) of the statutes is amended to read:

19 93.12 (9) The department shall recognize the certification or registration of a
20 laboratory by the department of ~~natural resources~~ environmental quality under s.
21 299.11 and shall accept the results of any test conducted by a laboratory certified or
22 registered to conduct that category of test under that section.

23 **SECTION 848.** 93.46 (1m) (b) of the statutes is amended to read:

24 93.46 (1m) (b) The department of natural resources and the department of
25 environmental quality shall assist persons in obtaining any license or approval

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1 required by any state or federal agency to conduct a commercial aquaculture
2 operation.

3 **SECTION 849.** 93.77 of the statutes is created to read:

4 **93.77 Forest land plans and management. (1)** If the department develops,
5 reviews, or implements a master plan or a management plan for any forest land
6 under the jurisdiction of the department, the department shall consult with the chief
7 state forester.

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

11 **SECTION 850.** 93.90 (5) (c) of the statutes is amended to read:

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

23 **SECTION 851.** 94.65 (3) (a) 3. of the statutes is amended to read:

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1 94.65 (3) (a) 3. No permit is required for the landspreading of sewage sludge
2 under a pollutant discharge elimination system permit issued by the department of
3 ~~natural resources~~ environmental quality under s. 283.31 or 283.35.

4 **SECTION 852.** 94.73 (1) (b) of the statutes is amended to read:

5 94.73 (1) (b) “Corrective action” means action that is taken in response to a
6 discharge and that is necessary to restore the environment to the extent practicable
7 and to minimize the harmful effects of the discharge to the air, lands or waters of this
8 state. “Corrective action” includes action taken or ordered by the department of
9 ~~natural resources~~ environmental quality under s. 292.11 (7) in response to a
10 discharge, but does not include action ordered by the department of ~~natural~~
11 ~~resources~~ environmental quality under s. 291.37 (2) or 291.95. “Corrective action”
12 does not include action taken, or ordered to be completed, before January 1, 1989.

13 **SECTION 853.** 94.73 (2) (a) of the statutes is amended to read:

14 94.73 (2) (a) The department may issue an order requiring a responsible person
15 to take corrective action. Except as provided in a memorandum of understanding
16 under sub. (12), if a discharge involves a hazardous substance that may also become
17 a hazardous waste, the department and the department of ~~natural resources~~
18 environmental quality shall consult to determine whether corrective action should
19 be taken under this section or s. 291.37 (2), 291.95 (1) or 292.31 (3).

20 **SECTION 854.** 94.73 (2m) (intro.) of the statutes is amended to read:

21 94.73 (2m) ~~CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL~~
22 ~~RESOURCES~~ ENVIRONMENTAL QUALITY. (intro.) The department of ~~natural resources~~
23 environmental quality may take action under s. 292.11 (7) (a) or may issue an order
24 under s. 292.11 (7) (c) in response to a discharge only if one or more of the following
25 apply:

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1 **SECTION 855.** 94.73 (2m) (b) of the statutes is amended to read:

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

5 **SECTION 856.** 94.73 (2m) (c) of the statutes is amended to read:

6 94.73 **(2m)** (c) The secretary of ~~natural resources~~ environmental quality
7 approves the action or order in advance after notice to the secretary of agriculture,
8 trade and consumer protection.

9 **SECTION 857.** 94.73 (2m) (d) of the statutes is amended to read:

10 94.73 **(2m)** (d) The department of ~~natural resources~~ environmental quality
11 takes action under s. 292.11 (7) (a) after the responsible person fails to comply with
12 an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

13 **SECTION 858.** 94.73 (2m) (e) of the statutes is amended to read:

14 94.73 **(2m)** (e) The department of ~~natural resources~~ environmental quality
15 takes the action or issues the order in compliance with a memorandum of
16 understanding under sub. (12) between the department of agriculture, trade and
17 consumer protection and the department of ~~natural resources~~ environmental
18 quality.

19 **SECTION 859.** 94.73 (3) (d) of the statutes is amended to read:

20 94.73 **(3)** (d) The applicant has complied with every corrective action order
21 issued to the applicant by the department under sub. (2) or the department of ~~natural~~
22 ~~resources~~ environmental quality under s. 292.11 (7) (c).

23 **SECTION 860.** 94.73 (3) (f) of the statutes is amended to read:

24 94.73 **(3)** (f) The applicant, upon discovery of the discharge, promptly reported
25 the discharge to the department or, if the applicant was required to report the

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1 discharge under s. 292.11 (2), to the department of ~~natural resources~~ environmental
2 quality.

3 **SECTION 861.** 94.73 (3m) (a) of the statutes is amended to read:

4 94.73 (3m) (a) Costs for corrective action taken in response to a discharge that
5 is an intentional use of an agricultural chemical for agricultural purposes, unless the
6 corrective action is ordered by the department under sub. (2) or by the department
7 of ~~natural resources~~ environmental quality under s. 292.11 (7) (c).

8 **SECTION 862.** 94.73 (3m) (b) of the statutes is amended to read:

9 94.73 (3m) (b) Costs of reimbursing the department of ~~natural resources~~
10 environmental quality for action taken under s. 292.11 (7) (a) or 292.31 (1), (3) or (7)
11 because the applicant failed to respond adequately to a discharge.

12 **SECTION 863.** 94.73 (3m) (e) of the statutes is amended to read:

13 94.73 (3m) (e) Costs for corrective action taken in response to a discharge from
14 a facility that is required to be licensed under s. 289.31 or that would be required to
15 be licensed except that the department of ~~natural resources~~ environmental quality
16 has issued a specific exemption under s. 289.43 or rules promulgated under s. 289.05
17 (1) or (2).

18 **SECTION 864.** 94.73 (3m) (r) of the statutes is amended to read:

19 94.73 (3m) (r) The cost of providing alternative sources of drinking water,
20 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible
21 person who applies for reimbursement a total of not more than \$50,000 for the
22 replacement or restoration of private wells or for connection to a public or private
23 water source if the department or the department of ~~natural resources~~
24 environmental quality orders the well replacement or restoration or the connection
25 in response to a discharge.

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1 **SECTION 865.** 94.73 (4) (b) of the statutes is amended to read:

2 94.73 (4) (b) Except as agreed under sub. (12), the department of agriculture,
3 trade and consumer protection shall promptly furnish the department of ~~natural~~
4 ~~resources~~ environmental quality with a copy of each work plan submitted to the
5 department of agriculture, trade and consumer protection under par. (a) for comment
6 by the department of ~~natural resources~~ environmental quality. Within 14 days after
7 it receives a copy of a work plan or within a different time period agreed to under sub.
8 (12), the department of ~~natural resources~~ environmental quality may provide the
9 department of agriculture, trade and consumer protection with any comments of the
10 department of ~~natural resources~~ environmental quality on the work plan. If the
11 department of ~~natural resources~~ environmental quality timely submits written
12 comments on a proposed work plan, the department of agriculture, trade and
13 consumer protection shall either incorporate those comments into the approved work
14 plan or give the department of ~~natural resources~~ environmental quality a written
15 explanation of why the comments were not incorporated.

16 **SECTION 866.** 94.73 (9) of the statutes is amended to read:

17 94.73 (9) **SAMPLING REQUIREMENTS.** The department, in cooperation with the
18 department of ~~natural resources~~ environmental quality, shall establish a program
19 for the collection and analysis of soil and other environmental samples at sites where
20 discharges may have occurred, including sites required to be registered according to
21 rules promulgated by the department of agriculture, trade and consumer protection
22 under sub. (11).

23 **SECTION 867.** 94.73 (12) of the statutes is amended to read:

24 94.73 (12) **MEMORANDUM OF UNDERSTANDING.** The department and the
25 department of ~~natural resources~~ environmental quality shall enter into a

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1 memorandum of understanding establishing their respective functions in the
2 administration of this section. The memorandum of understanding shall establish
3 procedures to ensure that corrective actions taken under this section are consistent
4 with actions taken under s. 292.11 (7). The department and the department of
5 ~~natural resources~~ environmental quality may request that the secretary of
6 administration provide assistance in accomplishing the memorandum of
7 understanding.

8 **SECTION 868.** 97.34 (2) (b) of the statutes is amended to read:

9 97.34 (2) (b) No person may manufacture or bottle bottled drinking water for
10 sale or distribution in this state unless the bottled drinking water complies with
11 state drinking water standards adopted by the department of ~~natural resources~~
12 environmental quality under s. 280.11, 281.15 or 281.17 (8) and with health-related
13 enforcement standards adopted by the department of natural resources under ch.
14 160.

15 **SECTION 869.** 97.34 (2) (d) of the statutes is amended to read:

16 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for
17 sale or distribution in this state unless the water system used by the manufacturer
18 or bottler complies with ch. 280 and rules promulgated by the department of ~~natural~~
19 ~~resources~~ environmental quality under that chapter.

20 **SECTION 870.** 100.27 (5) (d) of the statutes is amended to read:

21 100.27 (5) (d) Informs the department and the department of ~~natural resources~~
22 environmental quality of the collection site identified under par. (a) and the
23 telephone number under par. (c).

24 **SECTION 871.** 100.295 (1) of the statutes is amended to read:

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

11 **SECTION 872.** 101.143 (1) (am) of the statutes is amended to read:

12 101.143 (1) (am) “Case closure letter” means a letter provided by the
13 department of ~~natural resources~~ environmental quality that states that, based on
14 information available to the department of natural resources, no further remedial
15 action is necessary with respect to a discharge.

16 **SECTION 873.** 101.143 (2) (h) (intro.) of the statutes is amended to read:

17 101.143 (2) (h) (intro.) The department of commerce and the department of
18 ~~natural resources~~ environmental quality, jointly, shall promulgate rules designed to
19 facilitate effective and cost-efficient administration of the program under this
20 section that specify all of the following:

21 **SECTION 874.** 101.143 (2) (h) 3. of the statutes is amended to read:

22 101.143 (2) (h) 3. Review procedures that must be followed by employees of the
23 department of ~~natural resources~~ environmental quality and the department of
24 commerce in reviewing the information submitted under subd. 1.

25 **SECTION 875.** 101.143 (2) (i) (intro.) of the statutes is amended to read:

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1 101.143 (2) (i) (intro.) The department of commerce and the department of
2 ~~natural resources~~ environmental quality, jointly, shall promulgate rules specifying
3 procedures for evaluating remedial action plans and procedures to be used by
4 employees of the department of commerce and the department of ~~natural resources~~
5 environmental quality while remedial actions are being conducted. The
6 departments shall specify procedures that include all of the following:

7 **SECTION 876.** 101.143 (2) (j) (intro.) of the statutes is amended to read:

8 101.143 (2) (j) (intro.) The department of commerce and the department of
9 ~~natural resources~~ environmental quality, jointly, shall promulgate rules specifying
10 all of the following:

11 **SECTION 877.** 101.143 (2) (j) 1. of the statutes is amended to read:

12 101.143 (2) (j) 1. The conditions under which employees of the department of
13 commerce and the department of ~~natural resources~~ environmental quality must
14 issue approvals under sub. (3) (c) 4.

15 **SECTION 878.** 101.143 (2) (k) of the statutes is amended to read:

16 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
17 commerce and the department of ~~natural resources~~ environmental quality shall
18 attempt to reach an agreement that is consistent with those provisions. If the
19 department of commerce and the department of ~~natural resources~~ environmental
20 quality are unable to reach an agreement, they shall refer the matters on which they
21 are unable to agree to the secretary of administration for resolution. The secretary
22 of administration shall resolve any matters on which the departments disagree in
23 a manner that is consistent with pars. (h) to (j). The department of commerce and
24 the department of ~~natural resources~~ environmental quality, jointly, shall promulgate
25 rules incorporating any agreement between the department of commerce and the

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1 department of ~~natural resources~~ environmental quality under this paragraph and
2 any resolution of disagreements between the departments by the secretary of
3 administration under this paragraph.

4 **SECTION 879.** 101.143 (2e) of the statutes is amended to read:

5 101.143 **(2e)** RISK-BASED ANALYSIS. (a) The department of commerce and the
6 department of ~~natural resources~~ environmental quality shall attempt to agree on a
7 method, which shall include individualized consideration of the routes for migration
8 of petroleum product contamination at each site, for determining the risk to public
9 health, safety and welfare and to the environment posed by discharges for which the
10 department of commerce receives notification under sub. (3) (a) 3.

11 (b) If the department of commerce and the department of ~~natural resources~~
12 environmental quality are unable to reach an agreement under par. (a), they shall
13 refer the matters on which they are unable to agree to the secretary of administration
14 for resolution. The secretary of administration shall resolve any matters on which
15 the departments disagree in a manner that is consistent with par. (a). The
16 department of commerce and the department of ~~natural resources~~ environmental
17 quality, jointly, shall promulgate rules incorporating any agreement between the
18 department of commerce and the department of ~~natural resources~~ environmental
19 quality under par. (a) and any resolution of disagreements between the departments
20 by the secretary of administration under this paragraph.

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

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1 **SECTION 880.** 101.143 (2m) of the statutes is amended to read:

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

8 **SECTION 881.** 101.143 (3) (a) 5. of the statutes is amended to read:

9 101.143 **(3)** (a) 5. The owner or operator or the person reports the discharge in
10 a timely manner to the division of emergency management in the department of
11 military affairs or to the department of ~~natural resources~~ environmental quality,
12 according to the requirements under s. 292.11.

13 **SECTION 882.** 101.143 (3) (a) 9. of the statutes is amended to read:

14 101.143 **(3)** (a) 9. The owner or operator or the person follows standards for
15 groundwater restoration in the groundwater standards in the rules promulgated by
16 the department of ~~natural resources~~ environmental quality under ss. 160.07 and
17 160.09 and restores the environment, to the extent practicable, according to those
18 standards at the site of the discharge from a petroleum product storage system or
19 home oil tank system.

20 **SECTION 883.** 101.143 (3) (c) 4. of the statutes is amended to read:

21 101.143 **(3)** (c) 4. Receive written approval from the department of ~~natural~~
22 ~~resources~~ environmental quality or, if the discharge is covered under s. 101.144 (2)
23 (b), from the department of commerce that the remedial action activities performed
24 under subd. 3. meet the requirements of s. 292.11.

25 **SECTION 884.** 101.143 (3) (cm) of the statutes is amended to read:

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1 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
2 owning a home oil tank system may, with the approval of the department of natural
3 resources environmental quality or, if the discharge is covered under s. 101.144 (2)
4 (b), the department of commerce, satisfy the requirements of par. (c) 2. and 3. by
5 proposing and implementing monitoring to ensure the effectiveness of natural
6 attenuation of petroleum product contamination.

7 **SECTION 885.** 101.143 (3) (cp) 1. of the statutes is amended to read:

8 101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of
9 natural resources environmental quality or, if the site is covered under s. 101.144 (2)
10 (b), the department of commerce estimates that the cost to complete a site
11 investigation, remedial action plan and remedial action for an occurrence exceeds
12 \$60,000, the department of commerce shall implement a competitive public bidding
13 process to obtain information to assist in making the determination under par. (cs).

14 **SECTION 886.** 101.143 (3) (cp) 2. of the statutes is amended to read:

15 101.143 (3) (cp) 2. The department of commerce or the department of natural
16 resources environmental quality may waive the requirement under subd. 1. if an
17 enforcement standard is exceeded in groundwater within 1,000 feet of a well
18 operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other
19 well used to provide water for human consumption.

20 **SECTION 887.** 101.143 (3) (cp) 5. of the statutes is amended to read:

21 101.143 (3) (cp) 5. The department of commerce or the department of natural
22 resources environmental quality may waive the requirement under subd. 1. after
23 providing notice to the other department.

24 **SECTION 888.** 101.143 (3) (cs) 2. of the statutes is amended to read:

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1 101.143 (3) (cs) 2. The department of ~~natural resources~~ environmental quality
2 and the department of commerce shall review the remedial action plan for a site that
3 is classified as high risk under s. 101.144 and shall jointly determine the least costly
4 method of complying with par. (c) 3. and with enforcement standards. The
5 departments shall notify the owner or operator of their determination of the least
6 costly method and shall notify the owner or operator that reimbursement for
7 remedial action under this section is limited to the amount necessary to implement
8 that method.

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

10 101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the
11 department of ~~natural resources~~ environmental quality and the department of
12 commerce shall determine whether natural attenuation will achieve compliance
13 with par. (c) 3. and with enforcement standards.

14 **SECTION 890.** 101.143 (3) (cs) 4. of the statutes is amended to read:

15 101.143 (3) (cs) 4. The department of commerce may review and modify an
16 amount established under subd. 1. if the department determines that new
17 circumstances, including newly discovered contamination at a site, warrant those
18 actions. The department of commerce and the department of ~~natural resources~~
19 environmental quality may review and modify an amount established under subd.
20 2. if the departments determine that new circumstances, including newly discovered
21 contamination at a site, warrant those actions.

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

23 101.143 (3) (cw) 2. The department of ~~natural resources~~ environmental quality
24 and the department of commerce shall conduct the annual review required under
25 sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144 and shall jointly

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1 determine the least costly method of completing remedial action at the site in order
2 to comply with par. (c) 3. and with enforcement standards. The departments shall
3 notify the owner or operator of their determination of the least costly method and
4 shall notify the owner or operator that reimbursement under this section for
5 remedial action conducted after the date of the notice is limited to the amount
6 necessary to implement that method.

7 **SECTION 892.** 101.143 (3) (cw) 3. of the statutes is amended to read:

8 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the
9 department of ~~natural resources~~ environmental quality and the department of
10 commerce shall determine whether natural attenuation will achieve compliance
11 with par. (c) 3. and with enforcement standards.

12 **SECTION 893.** 101.143 (3) (cw) 4. of the statutes is amended to read:

13 101.143 (3) (cw) 4. The department of commerce may review and modify an
14 amount established under subd. 1. if the department determines that new
15 circumstances, including newly discovered contamination at a site, warrant those
16 actions. The department of commerce and the department of ~~natural resources~~
17 environmental quality may review and modify an amount established under subd.
18 2. if the departments determine that new circumstances, including newly discovered
19 contamination at a site, warrant those actions.

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

21 101.143 (3) (d) *Final review of remedial action activities.* The department of
22 ~~natural resources~~ environmental quality or, if the discharge is covered under s.
23 101.144 (2) (b), the department of commerce shall complete a final review of the
24 remedial action activities within 60 days after the claimant notifies the appropriate
25 department that the remedial action activities are completed.

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

2 101.143 (3) (e) *Notifications.* The department of ~~natural resources~~
3 environmental quality shall notify the department when it gives a claimant written
4 approval under par. (c) 4.

5 **SECTION 896.** 101.143 (3) (f) 5. of the statutes is amended to read:

6 101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~
7 environmental quality or the department of commerce under par. (c) 4.

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

9 101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.
10 and 2., an owner or operator or the person may submit a claim for an award under
11 sub. (4) after notifying the department under par. (a) 3., without completing an
12 investigation under par. (c) 1. and without preparing a remedial action plan under
13 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and
14 the remedial action plan under par. (c) 2. inappropriate and, before conducting
15 remedial action, the owner or operator or person notified the department of
16 commerce and the department of ~~natural resources~~ environmental quality of the
17 emergency and the department of commerce and the department of ~~natural~~
18 ~~resources~~ environmental quality authorized emergency action.

19 **SECTION 898.** 101.143 (4) (ei) 2m. of the statutes is amended to read:

20 101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter
21 or notice from the department of commerce or department of ~~natural resources~~
22 environmental quality indicating that the owner or operator must conduct a site
23 investigation or remedial action because of a discharge from the farm tank or an
24 order to conduct such an investigation or remedial action.

25 **SECTION 899.** 101.143 (4) (es) 1. of the statutes is amended to read:

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

8 **SECTION 900.** 101.143 (11) (intro.) of the statutes is amended to read:

9 101.143 (11) REPORTS. (intro.) No later than each January 1 and July 1, the
10 department of commerce and the department of ~~natural resources~~ environmental
11 quality shall submit to the governor, to the joint legislative audit committee, to the
12 joint committee on finance and to the appropriate standing committees of the
13 legislature, under s. 13.172 (3), a report on the program under this section. The
14 departments shall include all of the following information in the report:

15 **SECTION 901.** 101.144 (2) (a) of the statutes is amended to read:

16 101.144 (2) (a) The department shall administer a program under which
17 responsible persons investigate, and take remedial action in response to, those
18 discharges of petroleum products from petroleum storage tanks that are covered
19 under par. (b). The department may issue an order requiring a responsible person
20 to take remedial action in response to a discharge of a petroleum product from a
21 petroleum storage tank if the discharge is covered under par. (b). In administering
22 this section, the department shall follow rules promulgated by the department of
23 ~~natural resources~~ environmental quality for the cleanup of discharges of hazardous
24 substances.

25 **SECTION 902.** 101.144 (3) (intro.) of the statutes is amended to read:

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1 101.144 (3) (intro.) The department of ~~natural resources~~ environmental
2 quality may take action under s. 292.11 (7) (a) or may issue an order under s. 292.11
3 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one or more
4 of the following apply:

5 **SECTION 903.** 101.144 (3) (b) of the statutes is amended to read:

6 101.144 (3) (b) The department of commerce requests the department of
7 ~~natural resources~~ environmental quality to take the action or issue the order.

8 **SECTION 904.** 101.144 (3) (c) of the statutes is amended to read:

9 101.144 (3) (c) The secretary of ~~natural resources~~ environmental quality
10 approves the action or order in advance after notice to the secretary of commerce.

11 **SECTION 905.** 101.144 (3) (d) of the statutes is amended to read:

12 101.144 (3) (d) The department of ~~natural resources~~ environmental quality
13 takes action under s. 292.11 (7) (a) after the responsible person fails to comply with
14 an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

15 **SECTION 906.** 101.144 (3) (e) of the statutes is amended to read:

16 101.144 (3) (e) The department of ~~natural resources~~ environmental quality
17 takes the action under s. 292.11 (7) (a) because the identity of the responsible person
18 is unknown.

19 **SECTION 907.** 101.144 (3g) (a) of the statutes is amended to read:

20 101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified
21 under this section, excluding sites that are contaminated by a hazardous substance
22 other than a petroleum product or an additive to a petroleum product, are classified
23 as high-risk sites, the department of commerce and the department of ~~natural~~
24 ~~resources~~ environmental quality shall attempt to reach an agreement that specifies
25 standards for determining whether the site of a discharge of a petroleum product

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1 from a petroleum storage tank is classified as high risk. The standards shall be
2 designed to classify no more than 35% of those sites as high-risk sites and may not
3 classify all sites at which an enforcement standard is exceeded as high-risk sites.
4 If the department of commerce and the department of ~~natural resources~~
5 environmental quality are unable to reach an agreement, they shall refer the
6 matters on which they are unable to agree to the secretary of administration for
7 resolution. The secretary of administration shall resolve any matters on which the
8 departments disagree in a manner that is consistent with this paragraph. The
9 department of commerce shall promulgate rules incorporating any agreement
10 between the department of commerce and the department of ~~natural resources~~
11 environmental quality under this paragraph and any resolution of disagreements
12 between the departments by the secretary of administration under this paragraph.

13 **SECTION 908.** 101.144 (3m) (a) (intro.) of the statutes is amended to read:

14 101.144 (3m) (a) (intro.) The department of commerce and the department of
15 ~~natural resources~~ environmental quality shall enter into a memorandum of
16 understanding that does all of the following:

17 **SECTION 909.** 101.144 (3m) (b) of the statutes is amended to read:

18 101.144 (3m) (b) The department of commerce and the department of ~~natural~~
19 ~~resources~~ environmental quality shall submit a memorandum of understanding
20 under this subsection to the secretary of administration for review. A memorandum
21 of understanding under this subsection does not take effect until it is approved by
22 the secretary of administration.

23 **SECTION 910.** 101.653 (6m) of the statutes is amended to read:

24 101.653 (6m) REVIEW. The department and the department of ~~natural~~
25 ~~resources~~ environmental quality shall enter into a memorandum of agreement that

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1 establishes a process for reviewing the standards established under sub. (2),
2 periodically updating those standards and reviewing the training program. The
3 memorandum of understanding shall ensure that local officials and other persons
4 interested in the standards established under sub. (2) and the training program may
5 participate in the process.

6 **SECTION 911.** 107.15 (2) (b) of the statutes is amended to read:

7 107.15 (2) (b) "Licensee" means any person licensed to conduct exploration
8 activities by the department of ~~natural resources~~ environmental quality under s.
9 293.21. If the person is a corporation or limited liability company, "licensee" includes
10 the parent and any subsidiary or affiliates of the corporation or limited liability
11 company engaged in mining or activities related to mining in this state.

12 **SECTION 912.** 107.15 (6) (c) 2. of the statutes is amended to read:

13 107.15 (6) (c) 2. By the secretary of the department of ~~natural resources~~
14 environmental quality for purposes of specific environmental analysis and permit
15 application evaluation and by the secretary of the department of revenue provided
16 that the confidential information shall not be released by either the department of
17 revenue or the department of ~~natural resources~~ environmental quality, that the
18 departments of revenue and ~~natural resources~~ environmental quality shall establish
19 procedures to keep any confidential information confidential, and that the
20 responsible person or persons in each department shall be subject to the penalty
21 specified under this paragraph for the unauthorized release of confidential
22 information.

23 **SECTION 913.** 110.20 (4) of the statutes is amended to read:

24 110.20 (4) DEPARTMENTAL COOPERATION. The department shall consult and
25 cooperate with the department of ~~natural resources~~ environmental quality in order

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1 to efficiently and fairly establish and administer the program established under this
2 section.

3 **SECTION 914.** 110.20 (8) (am) 5. of the statutes is amended to read:

4 110.20 (8) (am) 5. No inspection station may be established within 0.5 mile of
5 an air monitoring station which reported a violation during the period from 1976 to
6 1979 of the carbon monoxide primary national ambient air quality standard as
7 defined by the department of ~~natural resources~~ environmental quality.

8 **SECTION 915.** 110.20 (8) (d) of the statutes is amended to read:

9 110.20 (8) (d) No inspection station may be established within 0.5 mile of an
10 air monitoring station which reported a violation during the period from 1976 to 1979
11 of the carbon monoxide primary national ambient air quality standard as defined by
12 the department of ~~natural resources~~ environmental quality.

13 **SECTION 916.** 110.20 (13) (b) of the statutes is amended to read:

14 110.20 (13) (b) The department of ~~natural resources~~ environmental quality
15 shall, by rule, establish the amount of the repair cost limit to equal the amount
16 required under 42 USC 7511a (b) 4. or (c) (3) (C).

17 **SECTION 917.** 110.215 of the statutes is amended to read:

18 **110.215 Motor vehicle emission control equipment grant program.**

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

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1 **SECTION 918.** 118.025 of the statutes is amended to read:

2 **118.025 Arbor day observance.** A school principal may request one free tree
3 provided from state forest nurseries by the department of ~~natural resources~~
4 agriculture, trade and consumer protection under s. 28.06 for each 4th grade pupil
5 in the school for planting in conjunction with an annual observance and celebration
6 of arbor day.

7 **SECTION 919.** 125.52 (2) of the statutes is amended to read:

8 **125.52 (2) LIMITED MANUFACTURER'S PERMIT.** The department shall issue a
9 limited manufacturer's permit which authorizes the use or sale of the intoxicating
10 liquor produced only if it is rendered unfit for use as a beverage and is used or sold
11 for use as fuel. The department shall notify the department of ~~natural resources~~
12 environmental quality of the name and address of any person to whom a limited
13 manufacturer's permit is issued.

14 **SECTION 920.** 134.60 of the statutes is amended to read:

15 **134.60 Cutting or transportation of evergreens.** No person may cut for
16 sale in its natural condition and untrimmed, with or without roots, any evergreen or
17 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another
18 without the written consent of the owner, whether such land is publicly or privately
19 owned. The written consent shall contain the legal description of the land where the
20 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal
21 owner. The written consent or a certified copy of the consent shall be carried by every
22 person in charge of the cutting or removing of the trees, branches, boughs, bushes,
23 saplings or shrubs, and shall be exhibited to any officer of the law, state forest ranger,
24 forest patrol officer, conservation warden, or other officer of the department of
25 ~~natural resources~~ agriculture, trade and consumer protection at the officer's request

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1 at any time. The officer may inspect the trees, branches, boughs, bushes, saplings
2 or shrubs when being transported in any vehicle or other means of conveyance and
3 may investigate to determine whether or not this section has been complied with.
4 The officer may stop any vehicle or means of conveyance found carrying any trees,
5 branches, boughs, bushes, saplings or shrubs upon any public highway of this state
6 for the purpose of making such inspection and investigation, and may seize and hold,
7 subject to the order of the court, any such trees, bushes, saplings or shrubs found
8 being cut, removed or transported in violation of this section. No person may ship
9 or transport any such trees, bushes, saplings or shrubs outside the county where they
10 were cut unless the person attaches to the outside of each package, box, bale,
11 truckload or carload shipped a tag or label on which appears the person's name and
12 address. No common carrier or truck hauler may receive for shipment or
13 transportation any such trees, bushes, saplings or shrubs unless the tag or label is
14 attached. Any person who violates this section shall be fined not less than \$10 nor
15 more than \$100. Any person who signs any such written consent or certified copy
16 under this section who is not authorized to do so, and any person who lends or
17 transfers or offers to lend or transfer any such written consent or certified copy to
18 another person who is not entitled to use it, and any person not entitled to use any
19 such written consent or certified copy, or who borrows, receives or solicits from
20 another any such written consent or certified copy thereof shall be fined not less than
21 \$100 nor more than \$500.

22 **SECTION 921.** 138.09 (7) (i) 3. of the statutes is amended to read:

23 138.09 (7) (i) 3. On motor vehicle loans, the actual filing fee required for filing
24 with the department of transportation under ch. 342 or, on boat loans, the filing fee
25 required for filing with the department of natural resources under subch. V of ch. 30.

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1 **SECTION 922.** 145.20 (5) (c) of the statutes is amended to read:

2 145.20 (5) (c) The department of ~~natural resources~~ environmental quality may
3 suspend or revoke a license issued under s. 281.48 or a certificate issued under s.
4 281.17 (3) to the operator of a septage servicing vehicle if the department of ~~natural~~
5 ~~resources~~ environmental quality finds that the licensee or operator falsified
6 information on inspection forms. The department of commerce may suspend or
7 revoke the license of a plumber licensed under this chapter if the department finds
8 that the plumber falsified information on inspection forms.

9 **SECTION 923.** 146.60 (1) (c) of the statutes is amended to read:

10 146.60 (1) (c) “Departments” means the department of agriculture, trade and
11 consumer protection and the department of ~~natural resources~~ environmental
12 quality.

13 **SECTION 924.** 146.60 (2) (a) of the statutes is amended to read:

14 146.60 (2) (a) The department of ~~natural resources~~ environmental quality shall
15 be the reviewing department for any regulated release subject to 15 USC 2601 to
16 2629.

17 **SECTION 925.** 146.60 (3) (c) 1. of the statutes is amended to read:

18 146.60 (3) (c) 1. If the department of ~~natural resources~~ environmental quality
19 receives information under this subsection or sub. (4) (c), it shall provide the
20 department of agriculture, trade and consumer protection with a copy of the
21 information.

22 **SECTION 926.** 146.60 (3) (c) 2. of the statutes is amended to read:

23 146.60 (3) (c) 2. If the department of agriculture, trade and consumer
24 protection receives information under this subsection or sub. (4) (c), it shall provide

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1 the department of ~~natural resources~~ environmental quality with a copy of the
2 information.

3 **SECTION 927.** 146.60 (5) of the statutes is amended to read:

4 146.60 (5) MEMORANDUM OF UNDERSTANDING. Within 6 months after June 13,
5 1989, the department of ~~natural resources~~ environmental quality shall enter into a
6 memorandum of understanding with the department of agriculture, trade and
7 consumer protection setting forth the procedures and responsibilities of the
8 departments in the administration of this section. The memorandum shall establish
9 procedures that minimize the duplication of effort between the departments and for
10 the person providing information under sub. (3).

11 **SECTION 928.** 160.001 (6) of the statutes is amended to read:

12 160.001 (6) Where necessary to comply with federal statutes or regulations, the
13 department of ~~natural resources~~ environmental quality may adopt rules in
14 regulatory programs administered by it which are more stringent than the
15 enforcement standards and preventive action limits adopted under this chapter.

16 **SECTION 929.** 160.001 (7) of the statutes is amended to read:

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

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1 for the substance and if there is not sufficient scientific information to establish the
2 standard.

3 **SECTION 930.** 160.01 (1) of the statutes is amended to read:

4 160.01 (1) "Department", when used without qualification, means the
5 department of ~~natural resources~~ environmental quality.

6 **SECTION 931.** 160.01 (7) of the statutes is amended to read:

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

13 **SECTION 932.** 160.07 (5) of the statutes is amended to read:

14 160.07 (5) Within 9 months after transmitting the name of a substance to the
15 department of health services under sub. (2), the department of ~~natural resources~~
16 environmental quality shall propose rules establishing the recommendation of the
17 department of health services as the enforcement standard for that substance and
18 publish the notice required under s. 227.16 (2) (e), 227.17 or 227.24 (3).

19 **SECTION 933.** 160.07 (6) of the statutes is amended to read:

20 160.07 (6) If a federal number is established or changed for a substance after
21 an enforcement standard is recommended by the department of health services and
22 if any person or regulatory agency submits a request, the department of ~~natural~~
23 ~~resources~~ environmental quality shall determine whether the enforcement standard
24 needs revision based on recommendations under sub. (4).

25 **SECTION 934.** 160.13 (2) (b) 4. of the statutes is amended to read:

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1 160.13 (2) (b) 4. If no acceptable daily intake or equivalent value for an oncogen
2 is established by the federal environmental protection agency or if an acceptable
3 daily intake is established but oncogenic potential at the established acceptable daily
4 intake presents an unacceptable probability of risk, the department shall provide the
5 department of ~~natural resources~~ environmental quality with an evaluation of the
6 oncogenic potential of the substance. This evaluation of oncogenic potential shall
7 indicate an acceptable daily intake for the substance which, if ingested daily over an
8 entire human lifetime, appears to present an acceptable probability of risk which is
9 presumed to be a risk level equal to a ratio of one to 1,000,000. A risk level equal to
10 a ratio of one to 1,000,000 is the expectation that no more than one excess death will
11 occur in a population of 1,000,000 over a 70-year period. The department shall base
12 the evaluation of oncogenic potential on a review of the most recent and scientifically
13 valid information available.

14 **SECTION 935.** 165.25 (4) (a) of the statutes is amended to read:

15 165.25 (4) (a) The department of justice shall furnish all legal services required
16 by the investment board, the lottery division in the department of revenue, the public
17 service commission, the department of transportation, the department of ~~natural~~
18 ~~resources~~ environmental quality, the department of tourism and the department of
19 employee trust funds, together with any other services, including stenographic and
20 investigational, as are necessarily connected with the legal work.

21 **SECTION 936.** 165.25 (6) (e) of the statutes is amended to read:

22 165.25 (6) (e) The department of justice may appear for and defend the state
23 or any state department, agency, official or employee in any civil action arising out
24 of or relating to the assessment or collection of costs concerning environmental
25 cleanup or natural resources damages including actions brought under 42 USC 9607.

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1 The action may be compromised and settled in the same manner as provided in par.
2 (a). At the request of the department of ~~natural resources~~ environmental quality, the
3 department of justice may provide legal representation to the state or to the
4 department of ~~natural resources~~ environmental quality in the same matter in which
5 the department of justice provides defense counsel, if the attorneys representing
6 those interests are assigned from different organizational units within the
7 department of justice. This paragraph may not be construed as a consent to sue the
8 state or any department, agency, official or employee of the state or as a waiver of
9 sovereign immunity.

10 **SECTION 937.** 165.85 (4) (b) 1. of the statutes is amended to read:

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

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1 the board shall not exceed 2 years, except that the board shall permit part-time law
2 enforcement and tribal law enforcement officers to serve on a temporary or
3 probationary basis without completing a program of law enforcement training
4 approved by the board to a period not exceeding 3 years. For purposes of this section,
5 a part-time law enforcement or tribal law enforcement officer is a law enforcement
6 or tribal law enforcement officer who routinely works not more than one-half the
7 normal annual work hours of a full-time employee of the employing agency or unit
8 of government. Law enforcement training programs including municipal, county
9 and state programs meeting standards of the board are acceptable as meeting these
10 training requirements.

11 **SECTION 938.** 167.10 (3) (b) 3. of the statutes is amended to read:

12 167.10 (3) (b) 3. The disposal of hazardous substances in accordance with rules
13 adopted by the department of ~~natural resources~~ environmental quality.

14 **SECTION 939.** 167.31 (5) (d) of the statutes is amended to read:

15 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the
16 county treasurer the weapons surcharge as required under s. 59.40 (2) (m). The
17 county treasurer shall then pay the secretary of administration as provided in s.
18 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received
19 under this paragraph in the conservation fund to be appropriated under s. 20.370 (~~3~~)
20 (~~mu~~) (1) (pu).

21 **SECTION 940.** 169.46 (1) (e) of the statutes is amended to read:

22 169.46 (1) (e) All moneys collected from natural resources surcharges shall be
23 deposited in the conservation fund and credited to the appropriation under s. 20.370
24 (~~3~~) (~~mu~~) (1) (pu).

25 **SECTION 941.** 169.46 (2) (e) of the statutes is amended to read:

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

4 **SECTION 942.** 170.12 (4) (intro.) of the statutes is amended to read:

5 170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application
6 under sub. (3), the board shall immediately transmit copies of the application to the
7 department of natural resources ~~and to, the department of environmental quality,~~
8 and the historical society for review. The department of natural resources and the
9 historical society shall, as appropriate, within 30 days after their receipt of the
10 application, notify the board whether any of the following applies:

11 **SECTION 943.** 170.12 (4) (c) of the statutes is amended to read:

12 170.12 (4) (c) The proposed project may affect public rights in navigable waters.
13 The department of natural resources and the department of environmental quality
14 shall recommend to the board requirements and conditions to be attached to the
15 permit which shall protect those rights.

16 **SECTION 944.** 182.70 (1) (d) of the statutes is amended to read:

17 182.70 (1) (d) "Department" means the department of ~~natural resources~~
18 environmental quality.

19 **SECTION 945.** 182.70 (3) (a) 1. of the statutes is amended to read:

20 182.70 (3) (a) 1. The company may create, acquire or lease an entire reservoir
21 project or otherwise maintain, operate or control a system of water reservoirs located
22 in or along the Wisconsin river. These reservoirs shall be located north of township
23 37 north in or along the Wisconsin River, and in or along any tributary of the
24 Wisconsin River that discharges into the river at any point north of the south line of
25 township 23 north. The company may create, acquire, maintain and operate

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1 waterways to divert flood waters from or to the Wisconsin River to or from reservoirs
2 on other rivers. Diversion of flood waters shall be subject to approval by the
3 department, in consultation with the department of natural resources. The company
4 may construct, acquire and maintain dams, booms and other structures in, along or
5 across this portion of the Wisconsin River and its tributaries to accomplish the
6 purposes of this section. The company may clean out, straighten, deepen or
7 otherwise improve any tributary to improve navigation of the tributary or of the
8 Wisconsin River, or to prevent injury to property bordering on the rivers.

9 **SECTION 946.** 182.71 (1) (c) of the statutes is amended to read:

10 182.71 (1) (c) “Department” means the department of ~~natural resources~~
11 environmental quality.

12 **SECTION 947.** 182.71 (7) (a) and (b) of the statutes are amended to read:

13 182.71 (7) (a) The commission shall appraise and fix the price of any dam, land
14 or flowage rights to be purchased by the company under this section. The
15 commission shall approve any lease of property by the company prior to the payment
16 of rent. The commission may require the department or the department of natural
17 resources to aid in appraising the value of the land.

18 (b) If the company intends to acquire and overflow property, the commission
19 shall approve the need to overflow the property. The department, in consultation
20 with the department of natural resources, shall mark the height to which any dam
21 may raise the water level by permanent monuments and bench marks, shall
22 supervise and control the time and extent of the drawing of water from the reservoirs,
23 and may compel the maintenance of all reservoirs established. The commission and
24 the department may employ, at the expense of the company, hydraulic engineers and
25 other persons to assist in obtaining information necessary to enforce this section.

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1 The cost of hiring the engineers shall be included as a part of the cost of construction
2 or maintenance and operation of the reservoir system.

3 **SECTION 948.** 196.025 (2m) (title) of the statutes is amended to read:

4 196.025 **(2m)** (title) COORDINATION WITH DEPARTMENT OF NATURAL RESOURCES
5 ENVIRONMENTAL QUALITY.

6 **SECTION 949.** 196.025 (2m) (a) 1. of the statutes is amended to read:

7 196.025 **(2m)** (a) 1. "Department" means the department of ~~natural resources~~
8 environmental quality.

9 **SECTION 950.** 196.374 (3) (a) of the statutes is amended to read:

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

20 **SECTION 951.** 196.491 (1) (c) of the statutes is amended to read:

21 196.491 **(1)** (c) "Department" means the department of ~~natural resources~~
22 environmental quality.

23 **SECTION 952.** 196.491 (2) (b) 5. of the statutes is amended to read:

24 196.491 **(2)** (b) 5. Department of ~~natural resources~~ environmental quality.

25 **SECTION 953.** 196.86 (1) (a) of the statutes is amended to read:

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1 196.86 (1) (a) “Department” means the department of ~~natural resources~~
2 environmental quality.

3 **SECTION 954.** 196.86 (1) (d) of the statutes is amended to read:

4 196.86 (1) (d) “Initial compliance date” means the date specified in a notice by
5 the department of ~~natural resources~~ environmental quality under s. 285.48 (2) by
6 which electric generating facilities in the midcontinent area of this state are required
7 to comply with initial nitrogen oxide emission reduction requirements.

8 **SECTION 955.** 196.86 (2) of the statutes is amended to read:

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

18 **SECTION 956.** 198.22 (7) of the statutes is amended to read:

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

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1 wherein the boundaries of the district are concerned, it shall be sufficient in
2 describing said boundaries to refer to such record of such description.

3 **SECTION 957.** 198.22 (13) of the statutes is amended to read:

4 198.22 **(13)** DISTRIBUTION SYSTEM STANDARDS IN MILWAUKEE COUNTY. When any
5 such district is established in any county having a population of 500,000 or more and
6 containing a city of the 1st class, no municipality in such district shall construct any
7 part of its distribution system except according to the standard of sizes and grades
8 of materials as used by such city of the 1st class, or the standards of the American
9 waterworks association and the department of ~~natural resources~~ environmental
10 quality.

11 **SECTION 958.** 200.01 (2) of the statutes is amended to read:

12 200.01 **(2)** "Department" means the department of ~~natural resources~~
13 environmental quality.

14 **SECTION 959.** 200.11 (1) (e) of the statutes is amended to read:

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

21 **SECTION 960.** 200.27 (9) of the statutes is amended to read:

22 200.27 **(9)** ANNUAL REPORT. The commission shall prepare annually a full report
23 of its official transactions and expenditures and shall mail the report to the governor,
24 to the secretary of ~~natural resources~~ environmental quality and to the governing
25 body of each municipality.

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1 **SECTION 961.** 200.29 (1) (c) 4. b. of the statutes is amended to read:

2 200.29 (1) (c) 4. b. Any area not included within the redefined boundary under
3 subd. 1. or 2. ceases to be a part of the district for all purposes upon the filing of a
4 certified copy of the resolution describing the area not within the district with the
5 clerk of each county in which the district is located. The commission shall also record
6 the resolution with the register of deeds for each county in which the district is
7 located, and file a certified copy of the resolution with the clerk of each city, village
8 and town in the district and with the department of ~~natural resources~~ environmental
9 quality.

10 **SECTION 962.** 200.29 (1) (d) 3. of the statutes is amended to read:

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

18 **SECTION 963.** 200.35 (4) of the statutes is amended to read:

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

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1 **SECTION 964.** 200.35 (8) (a) of the statutes is amended to read:

2 200.35 (8) (a) Subject to s. 30.20 and to any applicable rule of the department
3 of ~~natural resources~~ environmental quality, the commission may improve any river
4 or stream within the district by deepening, widening or otherwise changing it as the
5 commission finds necessary in order to carry off surface or drainage water.

6 **SECTION 965.** 200.35 (9) (b) of the statutes is amended to read:

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

16 **SECTION 966.** 200.35 (9) (c) of the statutes is amended to read:

17 200.35 (9) (c) In addition to the publication required under par. (b) the
18 commission, not less than 20 days prior to the hearing, shall mail a notice of the
19 hearing to every person who has recorded an interest in any lands that are likely to
20 be affected by the proposed diversion and whose post-office address can be
21 ascertained by due diligence. The notice shall specify the time and place of the
22 hearing, shall be accompanied by a general statement of the nature of the application
23 and shall be forwarded to these persons by registered mail in a sealed and postpaid
24 envelope properly addressed. The commission shall file proof of the publication and
25 mailing of notice with the department of ~~natural resources~~ environmental quality.

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1 At the hearing or any adjournment thereof, the department of ~~natural resources~~
2 environmental quality shall consider the application and shall take evidence offered
3 by the commission and other persons in support of or in opposition to the application.
4 The department may require that the application be amended. If the department
5 finds after the hearing that the application is in the public interest, will not violate
6 public rights and will not pose an unreasonable risk to life, health or property, the
7 department shall issue a permit to the commission.

8 **SECTION 967.** 200.35 (12) of the statutes is amended to read:

9 200.35 (12) DISPOSAL OF TREATED SEWAGE. Subject to any applicable rule of the
10 department of ~~natural resources~~ environmental quality, the commission may dispose
11 of treated sewage by commercial or charitable means and may expend an amount
12 reasonably necessary for this purpose.

13 **SECTION 968.** 200.35 (14) (d) 1. of the statutes is amended to read:

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

19 **SECTION 969.** 200.47 (2) (a) of the statutes is amended to read:

20 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
21 of supplies and materials by the commission shall be by contract awarded to the
22 lowest responsible bidder complying with the invitation to bid, if the work or
23 purchase involves an expenditure of \$20,000 or more. If the commission decides to
24 proceed with construction of any sewer after plans and specifications for the sewer
25 are completed and approved by the commission and by the department of ~~natural~~

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1 resources environmental quality under ch. 281, the commission shall advertise by
2 a class 2 notice under ch. 985 for construction bids. All contracts and the awarding
3 of contracts are subject to s. 66.0901.

4 **SECTION 970.** 200.49 (7) (b) of the statutes is amended to read:

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

13 **SECTION 971.** 218.21 (2) (eg) of the statutes is amended to read:

14 218.21 (2) (eg) A copy of correspondence on department of ~~natural resources~~
15 environmental quality letterhead indicating that the applicant has permit coverage
16 under s. 283.33, or a statement from the department of ~~natural resources~~
17 environmental quality that the applicant is not required to have a permit under s.
18 283.33.

19 **SECTION 972.** 218.21 (2) (em) of the statutes is amended to read:

20 218.21 (2) (em) A copy of correspondence on department of ~~natural resources~~
21 environmental quality letterhead indicating that the applicant has registered or
22 certified its compliance with refrigerant recovery to the department of ~~natural~~
23 ~~resources~~ environmental quality, under its rules promulgated pursuant to s. 285.59,
24 or a statement from the department of ~~natural resources~~ environmental quality that

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1 the applicant is not required to register or certify under rules promulgated by the
2 department of ~~natural resources~~ environmental quality pursuant to s. 285.59.

3 **SECTION 973.** 227.137 (1) of the statutes is amended to read:

4 227.137 (1) In this section, “agency” means the departments of agriculture,
5 trade, and consumer protection; commerce; ~~natural resources~~ environmental
6 quality; transportation; and workforce development.

7 **SECTION 974.** 227.42 (5) of the statutes is amended to read:

8 227.42 (5) Except as provided under s. 289.27 (1), this section does not apply
9 to any part of the process for approving a feasibility report, plan of operation or
10 license under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31, any decision
11 by the department of ~~natural resources~~ environmental quality relating to the
12 environmental impact of a proposed action under ch. 289 or 291 or ss. 292.31 and
13 292.35, or any part of the process of negotiation and arbitration under s. 289.33.

14 **SECTION 975.** 227.43 (1) (bd) of the statutes is created to read:

15 227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a
16 contested case that is required to be conducted by the department of environmental
17 quality and that is not conducted by the secretary of environmental quality.

18 **SECTION 976.** 227.43 (1) (be) of the statutes is created to read:

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

23 **SECTION 977.** 227.43 (2) (am) of the statutes is created to read:

24 227.43 (2) (am) The department of environmental quality shall notify the
25 division of hearings and appeals of every pending hearing to which the administrator

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1 of the division is required to assign a hearing examiner under sub. (1) (bd) after the
2 department of environmental quality is notified that a hearing on the matter is
3 required.

4 **SECTION 978.** 227.43 (2) (as) of the statutes is created to read:

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

10 **SECTION 979.** 227.43 (3) (am) of the statutes is created to read:

11 227.43 (3) (am) The administrator of the division of hearings and appeals may
12 set the fees to be charged for any services rendered to the department of
13 environmental quality by a hearing examiner under this section. The fee shall cover
14 the total cost of the services less any costs covered by the appropriation under s.
15 20.505 (4) (f).

16 **SECTION 980.** 227.43 (3) (as) of the statutes is created to read:

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

22 **SECTION 981.** 227.43 (4) (am) of the statutes is created to read:

23 227.43 (4) (am) The department of environmental quality shall pay all costs of
24 the services of a hearing examiner assigned to the department under sub. (1) (bd),
25 according to the fees set under sub. (3) (am).

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1 **SECTION 982.** 227.43 (4) (as) of the statutes is created to read:

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

5 **SECTION 983.** 227.44 (2) (d) of the statutes is amended to read:

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

9 **SECTION 984.** 227.46 (8) of the statutes is amended to read:

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

22 **SECTION 985.** 230.08 (2) (e) 2. of the statutes is amended to read:

23 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 7.

24 **SECTION 986.** 230.08 (2) (e) 4b. of the statutes is created to read:

25 230.08 (2) (e) 4b. Environmental quality — 2.

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1 **SECTION 987.** 230.08 (2) (e) 8. of the statutes is amended to read:

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

3 **SECTION 988.** 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

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

9 **SECTION 989.** 230.36 (1m) (b) 2. (intro.) of the statutes is amended to read:

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

17 **SECTION 990.** 230.36 (2m) (a) 5. of the statutes is amended to read:

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

21 **SECTION 991.** 230.36 (2m) (a) 5m. of the statutes is created to read:

22 230.36 (2m) (a) 5m. An environmental warden.

23 **SECTION 992.** 234.86 (1) (b) of the statutes is amended to read:

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

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1 **SECTION 993.** 236.13 (2m) of the statutes is amended to read:

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

16 **SECTION 994.** 236.16 (3) (a) of the statutes is amended to read:

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

25 **SECTION 995.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

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

14 **SECTION 996.** 254.02 (3) (a) of the statutes is amended to read:

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

22 **SECTION 997.** 254.51 (2) of the statutes is amended to read:

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

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

3 **SECTION 998.** Chapter 278 of the statutes is created to read:

4 **CHAPTER 278**

5 **DEPARTMENT OF**

6 **ENVIRONMENTAL QUALITY**

7 **SUBCHAPTER I**

8 **GENERAL**

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

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

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

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

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

18 STATE OF WISCONSIN

19 DEPARTMENT OF ENVIRONMENTAL QUALITY.

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

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

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1 In testimony whereof, the secretary has hereunto affixed the secretary's
2 signature and the official seal of the department, at its office in the city of Madison,
3 Wisconsin, this day of, (year)

4 (Seal)

STATE OF WISCONSIN

DEPARTMENT OF ENVIRONMENTAL QUALITY.

By

7 **(4)** The department shall furnish to each environmental warden at the time of
8 the environmental warden's appointment, a pocket identification folder in form and
9 substance as follows: A leather-covered folder, size when folded, 3 by 4 inches; on one
10 of the inner sides thereof shall be securely fastened a photograph of the appointee
11 to be furnished by the appointee, and partly on the photograph and partly on the
12 margin of the folder shall be an impression of the seal of the department. The
13 appointee shall also affix the appointee's signature below the photograph on such
14 folder. On the other inner side of the folder shall be securely fastened a miniature
15 true copy of the commission issued to the appointee, which shall be signed by the
16 secretary. The appointee shall carry the identification folder on his or her person at
17 all times that the appointee is on official duty, and the appointee shall on demand
18 exhibit the folder to any person to whom the appointee may represent himself or
19 herself as an environmental warden. The cost of the identification folder shall be
20 charged to the department.

21 **(5)** All environmental wardens shall make full and complete reports of their
22 transactions as such, according to the demand of the department, and shall at all
23 times be subject to its direction and control in the performance of their duties. They
24 shall also gather and transmit all statistical information relative to those matters
25 within their charge as the department directs. In its report under s. 15.04 (1) (d) the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (L) Any other pertinent information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 (1) Incident to a lawful arrest.
- 9 (2) With consent.
- 10 (3) Pursuant to a valid search warrant.
- 11 (4) With the authority and within the scope of a right of lawful inspection.
- 12 (5) Incident to the issuance of a lawfully issued citation in accordance with s.
13 278.60.
- 14 (6) During an authorized temporary questioning under s. 278.59.
- 15 (7) As otherwise authorized by law.

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

- 20 (a) Issue a citation to the defendant in the form specified in s. 278.54, a copy
21 of which shall be filed with the clerk of courts in the county where the violation was
22 committed.
- 23 (b) Proceed, in proper cases, under s. 278.56 or 278.57.
- 24 (c) Bring the information to the district attorney so that he or she may proceed
25 under s. 278.65.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 **278.81 Effect of plea of no contest.** Forfeiture of deposit under s. 278.75 (3)
2 (b), an accepted plea of no contest under s. 278.70, or a stipulation of no contest under
3 s. 278.75 (3) (c) to a charge of violation is not admissible in evidence as an admission
4 against interest in any action or proceeding arising out of the same occurrence.

5 **278.82 Fees.** Fees in forfeiture actions under this subchapter are prescribed
6 in s. 814.63.

7 **278.83 Appeal.** In a case under this subchapter, all of the following apply:

8 **(1) JURISDICTION ON APPEAL.** Appeal may be taken by either party.

9 **(2) STAY OF EXECUTION.** The amount of undertaking required to stay execution
10 on appeal may not exceed the amount of the maximum forfeiture, plus costs, fees, and
11 surcharges imposed under ch. 814.

12 **(3) PROCEDURE ON APPEAL.** An appeal to the court of appeals shall be in
13 accordance with chs. 808 and 809.

14 **278.84 Forfeitures, costs, fees, and surcharges collected; to whom paid.**

15 All moneys collected in favor of the state under this subchapter for forfeiture, plus
16 costs, fees, and surcharges imposed under ch. 814, shall be paid by the officer who
17 collects the moneys to the appropriate county treasurer within 20 days after their
18 receipt by the officer, except that all jail surcharges imposed under ch. 814 shall be
19 paid to the county treasurer. In case of any failure in the payment, the county
20 treasurer may collect the payment from the officer by an action in the treasurer's
21 name of office and upon the official bond of the officer, with interest at the rate of 12
22 percent per year from the time when it should have been paid.

23 **278.85 Statement to county board; payment to state.** Every county
24 treasurer shall, on the first day of the annual meeting of the county board of
25 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and

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1 surcharges imposed under ch. 814 and received under this subchapter during the
2 previous year. The county clerk shall deduct all expenses incurred by the county in
3 recovering those forfeitures, costs, fees, and surcharges from the aggregate amount
4 so received, and shall immediately certify the amount of clear proceeds of those
5 forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the
6 proceeds to the state as provided in s. 59.25 (3). Jail surcharges imposed under ch.
7 814 shall be treated separately as provided in s. 302.46.

8 **278.90 Place of trial.** In cases under this subchapter, all of the following
9 apply:

10 (1) Civil actions shall be tried in the county where the offense was committed,
11 except as otherwise provided in this section.

12 (2) If 2 or more acts are requisite to the commission of any offense, the trial may
13 be in any county in which any of the acts occurred.

14 (3) Where an offense is committed on or within one-fourth of a mile of the
15 boundary of 2 or more counties, the defendant may be tried in any of those counties.

16 (4) If an offense is commenced outside the state and is consummated within
17 the state, the defendant may be tried in the county where the offense was
18 consummated.

19 (5) If an offense is committed on boundary waters at a place where 2 or more
20 counties have common jurisdiction under s. 2.03 or 2.04 or under any other law, the
21 prosecution may be in either county. The county whose process against the offender
22 is first served shall be conclusively presumed to be the county in which the offense
23 was committed.

24 **SECTION 999.** 279.06 (2) of the statutes is amended to read:

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1 279.06 (2) The authority shall notify the department of ~~natural resources~~
2 environmental quality of its action on an application under s. 279.05 (1) at the same
3 time that it notifies the applicant or applicants.

4 **SECTION 1000.** 280.01 (1) of the statutes is amended to read:

5 280.01 (1) “Department” means the department of ~~natural resources~~
6 environmental quality.

7 **SECTION 1001.** 280.98 (1) of the statutes is amended to read:

8 280.98 (1) Except as provided in sub. (5), the department may follow the
9 procedures for the issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to
10 collect a forfeiture as specified in sub. (3) from a person who commits a violation
11 specified under sub. (2).

12 **SECTION 1002.** 281.01 (3) of the statutes is amended to read:

13 281.01 (3) “Department” means the department of ~~natural resources~~
14 environmental quality.

15 **SECTION 1003.** 281.01 (12) of the statutes is amended to read:

16 281.01 (12) “Secretary” means the secretary of ~~natural resources~~
17 environmental quality.

18 **SECTION 1004.** 281.01 (21) of the statutes is amended to read:

19 281.01 (21) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).

20 **SECTION 1005.** 281.15 (1) of the statutes is amended to read:

21 281.15 (1) The department, in consultation with the department of natural
22 resources, shall promulgate rules setting standards of water quality to be applicable
23 to the waters of the state, recognizing that different standards may be required for
24 different waters or portions thereof. Water quality standards shall consist of the
25 designated uses of the waters or portions thereof and the water quality criteria for

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1 those waters based upon the designated use. Water quality standards shall protect
2 the public interest, which include the protection of the public health and welfare and
3 the present and prospective future use of such waters for public and private water
4 systems, propagation of fish and aquatic life and wildlife, domestic and recreational
5 purposes and agricultural, commercial, industrial and other legitimate uses. In all
6 cases where the potential uses of water are in conflict, water quality standards shall
7 be interpreted to protect the general public interest.

8 **SECTION 1006.** 281.16 (3) (a) (intro.) of the statutes is amended to read:

9 281.16 (3) (a) (intro.) The department of ~~natural resources~~ environmental
10 quality, in consultation with the department of agriculture, trade and consumer
11 protection, shall promulgate rules prescribing performance standards and
12 prohibitions for agricultural facilities and agricultural practices that are nonpoint
13 sources. The performance standards and prohibitions shall be designed to achieve
14 water quality standards by limiting nonpoint source water pollution. At a minimum,
15 the prohibitions shall include all of the following:

16 **SECTION 1007.** 281.16 (3) (b) of the statutes is amended to read:

17 281.16 (3) (b) The department of agriculture, trade and consumer protection,
18 in consultation with the department of ~~natural resources~~ environmental quality,
19 shall promulgate rules prescribing conservation practices to implement the
20 performance standards and prohibitions under par. (a) and specifying a process for
21 the development and dissemination of technical standards to implement the
22 performance standards and prohibitions under par. (a).

23 **SECTION 1008.** 281.16 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
24 28, is amended to read:

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1 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
2 is in existence before October 14, 1997, may not be required by this state or a
3 municipality to comply with the performance standards, prohibitions, conservation
4 practices or technical standards under this subsection unless cost-sharing is
5 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
6 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.15 (4), and 823.08
7 (3) (c) 2., the department of ~~natural resources~~ environmental quality shall
8 promulgate rules that specify criteria for determining whether cost-sharing is
9 available under s. 281.65 and the department of agriculture, trade and consumer
10 protection shall promulgate rules that specify criteria for determining whether
11 cost-sharing is available under s. 92.14 or from any other source. The rules may not
12 allow a determination that cost-sharing is available to meet local regulations under
13 s. 92.07 (2) or 92.15 that are consistent with or that exceed the performance
14 standards, prohibitions, conservation practices or technical standards under this
15 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from
16 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the
17 rules.

18 **SECTION 1009.** 281.17 (3) of the statutes is amended to read:

19 281.17 (3) The department shall promulgate rules establishing an examining
20 program for the certification of operators of water systems, wastewater treatment
21 plants and septage servicing vehicles operated under a license issued under s. 281.48
22 (3), setting such standards as the department finds necessary to accomplish the
23 purposes of this chapter and chs. 285 and 289 to 299, including requirements for
24 continuing education. The department may charge applicants a fee for certification.
25 All moneys collected under this subsection for the certification of operators of water

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1 systems, wastewater treatment plants and septage servicing vehicles shall be
2 credited to the appropriation under s. ~~20.370~~ 20.375 (4) (bL). No person may operate
3 a water systems ~~system~~, wastewater treatment plant or septage servicing vehicle
4 without a valid certificate issued under this subsection. The department may
5 suspend or revoke a certificate issued under this subsection for a violation of any
6 statute or rule relating to the operation of a water system or wastewater treatment
7 plant or to septage servicing, for failure to fulfill the continuing education
8 requirements or as provided under s. 145.20 (5). The owner of any wastewater
9 treatment plant shall be, or shall employ, an operator certified under this subsection
10 who shall be responsible for plant operations, unless the department by rule provides
11 otherwise. In this subsection, “wastewater treatment plant” means a system or plant
12 used to treat industrial wastewater, domestic wastewater or any combination of
13 industrial wastewater and domestic wastewater.

14 **SECTION 1010.** 281.19 (6) of the statutes is amended to read:

15 281.19 (6) Orders issued by the department shall be signed by the person
16 designated by the ~~board~~ secretary.

17 **SECTION 1011.** 281.33 (2) of the statutes is amended to read:

18 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in
19 consultation with the department of commerce, shall promulgate by rule a state
20 storm water management plan. This state plan is applicable to activities contracted
21 for or conducted by any agency, as defined under s. 227.01 (1), but also including the
22 office of district attorney, unless that agency enters into a memorandum of
23 understanding with the department of ~~natural resources~~ in which that agency
24 agrees to regulate activities related to storm water management. The department
25 shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm

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1 water management and make recommendations to these agencies concerning
2 activities related to storm water management.

3 **SECTION 1012.** 281.34 (4) (b) of the statutes is amended to read:

4 281.34 (4) (b) If, under sub. (5) (b), (c), or (d), the department requests an
5 environmental impact report under s. ~~23.11 (5)~~ 278.40 (1m) for a proposed high
6 capacity well, the department may ~~only~~ request information in that report that
7 relates only to the decisions that the department makes under this section related
8 to the proposed high capacity well.

9 **SECTION 1013.** 281.34 (5) (b) 1. of the statutes is amended to read:

10 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
11 under the environmental review process in sub. (4), that an environmental impact
12 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
13 well located in a groundwater protection area, the department may not approve the
14 high capacity well unless it is able to include and includes in the approval conditions,
15 which may include conditions as to location, depth, pumping capacity, rate of flow,
16 and ultimate use, that ensure that the high capacity well does not cause significant
17 environmental impact.

18 **SECTION 1014.** 281.34 (5) (c) of the statutes is amended to read:

19 281.34 (5) (c) *High water loss.* If the department determines, under the
20 environmental review process in sub. (4), that an environmental impact report under
21 s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity well with a
22 water loss of more than 95 percent of the amount of water withdrawn, the
23 department may not approve the high capacity well unless it is able to include and
24 includes in the approval conditions, which may include conditions as to location,

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1 depth, pumping capacity, rate of flow, and ultimate use, that ensure that the high
2 capacity well does not cause significant environmental impact.

3 **SECTION 1015.** 281.34 (5) (d) 1. of the statutes is amended to read:

4 281.34 (5) (d) 1. Except as provided in subd. 2., if the department determines,
5 under the environmental review process in sub. (4), that an environmental impact
6 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
7 well that may have a significant environmental impact on a spring, the department
8 may not approve the high capacity well unless it is able to include and includes in
9 the approval conditions, which may include conditions as to location, depth, pumping
10 capacity, rate of flow, and ultimate use, that ensure that the high capacity well does
11 not cause significant environmental impact.

12 **SECTION 1016.** 281.36 (9) (ar) 2. b. of the statutes is amended to read:

13 281.36 (9) (ar) 2. b. If the proprietor refuses to grant consent for the entry on,
14 or the inspection of, the property or if the proprietor's explanation or terms of consent
15 are not acceptable to the department of natural resources, the department of natural
16 resources may apply for, obtain, or execute a special inspection warrant under s.
17 66.0119 or refer the matter to the department of justice for enforcement under s.
18 299.95.

19 **SECTION 1017.** 281.36 (9) (ar) 2. c. of the statutes is amended to read:

20 281.36 (9) (ar) 2. c. If the proprietor fails to respond to all requests made under
21 subd. 1., an agent of the department of natural resources may apply for, obtain, and
22 execute a special inspection warrant under s. 66.0119.

23 **SECTION 1018.** 281.37 (1) (a) 3. of the statutes is amended to read:

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1 281.37 (1) (a) 3. A wild and scenic river designated under 16 USC 1271 to 1287,
2 a wild river designated under s. ~~30.26~~ 23.43, the Lower Wisconsin State Riverway
3 or a scenic urban waterway designated under s. ~~30.275~~ 23.434.

4 **SECTION 1019.** 281.43 (1) of the statutes is amended to read:

5 281.43 (1) The department of natural resources may require the sewerage
6 system, or sewage or refuse disposal plant of any governmental unit including any
7 town, village or city, to be so planned and constructed that it may be connected with
8 that of any other town, village or city, and may, after hearing, upon due notice to the
9 governmental units order the proper connections to be made or a group of
10 governmental units including cities, villages, town sanitary districts or town utility
11 districts may construct and operate a joint sewerage system under this statute
12 without being so required by order of the department of natural resources but
13 following hearing and approval of the department.

14 **SECTION 1020.** 281.48 (5s) of the statutes is amended to read:

15 281.48 (5s) CITATIONS. (a) The department may follow the procedures for the
16 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
17 for a violation of subs. (2) to (5).

18 (b) Notwithstanding s. ~~23.66~~ 278.66 (4), the department shall promulgate rules
19 establishing the basic amount of the deposit that may be made under s. ~~23.66~~ 278.66
20 (1) by a person to whom a citation is issued under par. (a). The rules shall specify a
21 different amount for each offense under subs. (2) to (5).

22 **SECTION 1021.** 281.55 (2) of the statutes is amended to read:

23 281.55 (2) In order that the construction of pollution prevention and abatement
24 facilities necessary to the protection of state waters be encouraged, a state program
25 of assistance to municipalities and school districts for the financing of such facilities

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1 is established and a program of state advances in anticipation of federal aid
2 reimbursement is established to meet the state's water quality standards. These
3 state programs shall be administered by the department of ~~natural resources~~ and the
4 department shall make such rules as are necessary for the proper execution of the
5 state program.

6 **SECTION 1022.** 281.55 (6) (b) 1. of the statutes is amended to read:

7 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
8 in conjunction with the state program of advancement in anticipation of federal
9 reimbursement under sub. (2). To provide for the financing of pollution prevention
10 and abatement facilities, the ~~natural resources board~~ department, with the approval
11 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt
12 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
13 shall be contracted for in the manner and form as the legislature hereafter
14 prescribes.

15 **SECTION 1023.** 281.58 (9) (ae) of the statutes is amended to read:

16 281.58 (9) (ae) A municipality that submits an application under par. (a)
17 without design plans and specifications may obtain an initial determination of
18 financial eligibility from the department of administration. The department of
19 ~~natural resources~~ environmental quality may not approve a municipality's
20 application until the municipality submits design plans and specifications.

21 **SECTION 1024.** 281.58 (9) (e) of the statutes is amended to read:

22 281.58 (9) (e) If the department of ~~natural resources~~ environmental quality and
23 the department of administration determine that the governor's recommendation,
24 as set forth in the executive budget bill, for the amount under s. 281.59 (3e) (b), the
25 amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4)

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1 (f) for a biennium is insufficient to provide funding for all projects for which
2 applications will be approved during that biennium, the department of of
3 environmental quality shall inform municipalities that, if the governor's
4 recommendations are approved, clean water fund program assistance during a fiscal
5 year of that biennium will be available only to municipalities that submit financial
6 assistance applications by the June 30 preceding that fiscal year.

7 **SECTION 1025.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

8 281.58 **(9m)** (f) (intro.) If the department of ~~natural resources~~ environmental
9 quality and the department of administration determine that the amount approved
10 under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount
11 available under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for
12 all projects for which applications will be approved during that biennium, all of the
13 following apply:

14 **SECTION 1026.** 281.58 (11) (b) of the statutes is amended to read:

15 281.58 **(11)** (b) For municipalities meeting the financial hardship assistance
16 requirements under sub. (13), the department of ~~natural resources~~ environmental
17 quality may approve financial hardship assistance.

18 **SECTION 1027.** 281.59 (11) (a) of the statutes is amended to read:

19 281.59 **(11)** (a) The department of ~~natural resources~~ environmental quality and
20 the department of administration may enter into a financial assistance agreement
21 with an applicant for which the department of administration has allocated subsidy
22 under s. 281.58 (9m), 281.60 (8) or 281.61 (8) if the applicant meets the conditions
23 under sub. (9) and the other requirements under this section and s. 281.58, 281.60
24 or 281.61.

25 **SECTION 1028.** 281.59 (11) (c) of the statutes is amended to read:

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1 281.59 (11) (c) The department of administration may retain the last payment
2 under a financial assistance agreement until the department of ~~natural resources~~
3 environmental quality and the department of administration determine that the
4 project is completed and meets the applicable requirements of this section and s.
5 281.58, 281.60 or 281.61 and that the conditions of the financial assistance
6 agreement are met.

7 **SECTION 1029.** 281.59 (12) of the statutes is amended to read:

8 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
9 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or
10 purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
11 department of administration and the department of ~~natural resources~~
12 environmental quality approve the financial assistance under this section and s.
13 281.58.

14 **SECTION 1030.** 281.625 (4) of the statutes is amended to read:

15 281.625 (4) With the approval of the department of administration, the
16 department of ~~natural resources~~ environmental quality may transfer funds from the
17 appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin drinking water
18 reserve fund under s. 234.933 to guarantee loans under s. 234.86.

19 **SECTION 1031.** 281.65 (3) (at) of the statutes is amended to read:

20 281.65 (3) (at) Review rules drafted under this section and make
21 recommendations regarding the rules before final approval of the rules by the
22 ~~natural resources board~~ department.

23 **SECTION 1032.** 281.65 (4g) of the statutes is amended to read:

24 281.65 (4g) The department may contract with any person from the
25 appropriation account under s. ~~20.370~~ 20.375 (4) (at) for services to administer or

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1 implement this section, including information and education and training services.
2 The department shall allocate \$500,000 in each fiscal year from the appropriation
3 account under s. ~~20.370~~ 20.375 (4) (at) for contracts for educational and technical
4 assistance related to the program under this section provided by the University of
5 Wisconsin–Extension.

6 **SECTION 1033.** 281.65 (4m) (c) of the statutes is amended to read:

7 281.65 (4m) (c) The department shall submit a copy of any plan it completes
8 under this subsection to any county located in or containing any watershed which is
9 a subject of the plan and to the department of agriculture, trade and consumer
10 protection. The department of agriculture, trade and consumer protection shall
11 review the plan and notify the department of ~~natural resources~~ environmental
12 quality of its comments on the plan. A county receiving a plan under this subsection
13 shall review the plan, approve or disapprove the plan and notify the department of
14 ~~natural resources~~ environmental quality of its action on the plan.

15 **SECTION 1034.** 281.65 (7) (b) of the statutes is amended to read:

16 281.65 (7) (b) The owner or operator of a site designated as a critical site in a
17 priority watershed or priority lake plan under sub. (5m) or in a modification to such
18 a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review
19 of the decision of a county land conservation committee under par. (a) 2. by filing a
20 written request with the land and water conservation board within 60 days after
21 receiving the decision of the county land conservation committee.

22 **SECTION 1035.** 281.68 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
23 28, is amended to read:

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1 281.68 (2) (b) The total amount of lake monitoring contracts for each fiscal year
2 may not exceed 10 percent of the total amount appropriated under s. ~~20.370~~ 20.375
3 (6) (ar) and (as).

4 **SECTION 1036.** 281.69 (1b) (d) of the statutes is amended to read:

5 281.69 (1b) (d) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).

6 **SECTION 1037.** 281.69 (3m) (a) of the statutes is amended to read:

7 281.69 (3m) (a) The department shall provide grants of \$10,000 each from the
8 appropriation under s. ~~20.370~~ 20.375 (6) (ar) for lake management projects to eligible
9 recipients, other than nonprofit conservation organizations, that have completed a
10 comprehensive land use plan that includes a wetland enhancement or restoration
11 project. The grant shall be used for the implementation of the wetland enhancement
12 or restoration project. The 75% limitation under sub. (2) (a) does not apply to these
13 grants.

14 **SECTION 1038.** 281.695 (5) of the statutes is amended to read:

15 281.695 (5) Any municipality may participate in the state financial assistance
16 program for soil and water resources protection established under s. 281.55, 281.57
17 or 281.65 and may enter into agreements with the department of ~~natural resources~~
18 environmental quality for that purpose. Any municipality may participate in the
19 clean water fund program under ss. 281.58 and 281.59 and may enter into
20 agreements with the department of administration and the department of ~~natural~~
21 ~~resources~~ environmental quality for that purpose. Any county may participate in the
22 state financial assistance program for soil and water resources protection
23 established under s. 92.14 and may enter into agreements with the department of
24 agriculture, trade and consumer protection for that purpose.

25 **SECTION 1039.** 281.695 (6) of the statutes is amended to read:

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1 281.695 (6) Any municipality is authorized to enter into contracts with a
2 nonprofit-sharing corporation for the municipality to design and construct the
3 projects it will sublease from the department of ~~natural resources~~ environmental
4 quality pursuant to s. 281.55 (6) (b).

5 **SECTION 1040.** 281.73 of the statutes is amended to read:

6 **281.73 Wastewater and drinking water grant.** The department of ~~natural~~
7 ~~resources~~ shall provide a grant from the appropriation under s. ~~20.370~~ 20.375 (6) (bk)
8 to the Town of Swiss, Burnett County, and the St. Croix Band of Chippewa for design,
9 engineering, and construction of wastewater and drinking water treatment
10 facilities.

11 **SECTION 1041.** 281.75 (1) (i) of the statutes is amended to read:

12 281.75 (1) (i) “Well subject to abandonment” means a well that is required to
13 be abandoned under s. ~~NR 812.26 (2) (a)~~, ~~Wis. Adm. Code~~ rules promulgated by the
14 department, or that the department may require to be abandoned under s. ~~NR 812.26~~
15 ~~(2) (b)~~, ~~Wis. Adm. Code~~ rules promulgated by the department.

16 **SECTION 1042.** 281.75 (5) (f) of the statutes is amended to read:

17 281.75 (5) (f) The department shall allocate money for the payment of claims
18 according to the order in which completed claims are received. The department may
19 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~
20 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money
21 for the payment of a claim which is conditionally approved as soon as funds become
22 available.

23 **SECTION 1043.** 281.85 (intro.) of the statutes is amended to read:

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1 **281.85 Great Lakes protection fund share.** (intro.) The department may
2 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the
3 following purposes:

4 **SECTION 1044.** 281.96 of the statutes is amended to read:

5 **281.96 Visitorial powers of department.** Every owner of an industrial
6 establishment shall furnish to the department all information required by it in the
7 discharge of its duties under subch. II, except s. 281.17 (6) and (7). ~~Any member of~~
8 ~~the natural resources board or any~~ employee of the department may enter any
9 industrial establishment for the purpose of collecting such information, and no
10 owner of an industrial establishment shall refuse to admit such ~~member or~~
11 employee. The department shall make such inspections at frequent intervals. The
12 secretary ~~and all members of the board shall have~~ has the power for all purposes
13 falling within the department's jurisdiction to administer oaths, issue subpoenas,
14 compel the attendance of witnesses and the production of necessary or essential data.

15 **SECTION 1045.** 283.001 (2) of the statutes is amended to read:

16 283.001 (2) The purpose of this chapter is to grant to the department of ~~natural~~
17 ~~resources~~ all authority necessary to establish, administer and maintain a state
18 pollutant discharge elimination system to effectuate the policy set forth under sub.
19 (1) and consistent with all the requirements of the federal water pollution control act
20 amendments of 1972, P.L. 92-500; 86 Stat. 816.

21 **SECTION 1046.** 283.01 (3) of the statutes is amended to read:

22 283.01 (3) "Department" means the department of ~~natural resources~~
23 environmental quality.

24 **SECTION 1047.** 283.01 (16) of the statutes is amended to read:

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1 283.01 (16) “Secretary” means the secretary of ~~natural resources~~
2 environmental quality or his or her designee.

3 **SECTION 1048.** 283.33 (9) (c) of the statutes is amended to read:

4 283.33 (9) (c) All moneys collected under par. (a) shall be credited to the
5 appropriation under s. ~~20.370~~ 20.375 (4) (bj).

6 **SECTION 1049.** 283.87 (1) of the statutes is amended to read:

7 283.87 (1) DEPARTMENT MAY RECOVER COSTS. In an action against any person who
8 violates this chapter or any provision of s. ~~29.601 or chs. 30, subchs. I to III of ch. 30~~
9 or chs. 31, 281, 285 or 289 to 299 relating to water quality the department may
10 recover the cost of removing, terminating or remedying the adverse effects upon the
11 water environment resulting from the unlawful discharge or deposit of pollutants
12 into the waters of the state, including the cost of replacing fish or other wildlife
13 destroyed by the discharge or deposit. All moneys recovered under this section shall
14 be deposited into the environmental fund.

15 **SECTION 1050.** 283.87 (4) of the statutes is amended to read:

16 283.87 (4) AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION. The
17 department may make grants to any county, city, village or town for the acquisition
18 or development of recreational lands and facilities from moneys appropriated under
19 s. ~~20.370~~ 20.375 (2) (dv). Use and administration of the grant shall be consistent with
20 any court order issued under sub. (3). A county, city, village or town which receives
21 a grant under this section is not required to share in the cost of a project under this
22 section.

23 **SECTION 1051.** 283.89 (2m) of the statutes is amended to read:

24 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
25 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a

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1 citation and, if the department does issue a citation, the procedures in ss. ~~23.50 to~~
2 ~~23.99~~ 278.50 to 278.90 apply.

3 **SECTION 1052.** 285.01 (13) of the statutes is amended to read:

4 285.01 (13) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1053.** 285.01 (38) of the statutes is amended to read:

7 285.01 (38) "Secretary" means the secretary of ~~natural resources~~
8 environmental quality.

9 **SECTION 1054.** 285.11 (6) (intro.) of the statutes is amended to read:

10 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for
11 the prevention, abatement and control of air pollution in this state. The department
12 thereafter shall be responsible for the revision and implementation of the plans. The
13 rules or control strategies submitted to the federal environmental protection agency
14 under the federal clean air act for control of atmospheric ozone shall conform with
15 the federal clean air act unless, based on the recommendation of the ~~natural~~
16 ~~resources board~~ secretary of environmental quality or the head of the department,
17 as defined in s. 15.01 (8), of any other department, as defined in s. 15.01 (5), that
18 promulgates a rule or establishes a control strategy, the governor determines that
19 measures beyond those required by the federal clean air act meet any of the following
20 criteria:

21 **SECTION 1055.** 285.48 (2) of the statutes is amended to read:

22 285.48 (2) APPLICABILITY. This section applies if the department of ~~natural~~
23 ~~resources~~, pursuant to a call, issues a state implementation plan that requires
24 electric generating facilities in the midcontinent area of this state to comply with
25 nitrogen oxide emission reduction requirements. If the department of ~~natural~~

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1 resources issues such a plan, the department of natural resources shall notify the
2 department of administration and the public service commission. The notice shall
3 specify the date on which electric generating facilities in the midcontinent area of
4 this state are required to comply with the initial nitrogen oxide emission reduction
5 requirements.

6 **SECTION 1056.** 285.48 (3) (d) (intro.) of the statutes is amended to read:

7 285.48 (3) (d) (intro.) If the department of natural resources implements a state
8 implementation plan specified in sub. (2) in a manner that requires reductions in
9 nitrogen oxide emissions that are lower than the reductions set forth in the call
10 published on October 27, 1998, the department of natural resources shall do each of
11 the following:

12 **SECTION 1057.** 285.57 (4) of the statutes is amended to read:

13 285.57 (4) CITATIONS. The department may follow the procedures for the
14 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
15 for a violation of sub. (2).

16 **SECTION 1058.** 285.59 (7) of the statutes is amended to read:

17 285.59 (7) CITATIONS. The department may follow the procedures for the
18 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
19 for a violation of sub. (2), (3) (c) or (4).

20 **SECTION 1059.** 285.69 (2) (c) (intro.) of the statutes, as affected by 2009
21 Wisconsin Act 28, is amended to read:

22 285.69 (2) (c) (intro.) The fees collected under pars. (a) and (e) shall be credited
23 to the appropriations under s. ~~20.370~~ 20.375 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
24 (jh), (sg), and (th) for the following:

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1 **SECTION 1060.** 285.69 (2m) (bm) (intro.) of the statutes, as affected by 2009
2 Wisconsin Act 28, is amended to read:

3 285.69 **(2m)** (bm) (intro.) The fees collected under this subsection shall be
4 credited to the appropriation account under s. ~~20.370~~ 20.375 (2) (bh) for the following
5 purposes as they relate to stationary sources for which an operation permit is
6 required under s. 285.60 but not under the federal clean air act:

7 **SECTION 1061.** 285.69 (3) (a) of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 285.69 **(3)** (a) The department may promulgate rules for the payment and
10 collection of fees for inspecting nonresidential asbestos demolition and renovation
11 projects regulated by the department. The fees under this subsection for an
12 inspection plus the fee under sub. (1) (c) may not exceed \$700 if the combined square
13 and linear footage of friable asbestos-containing material involved in the project is
14 less than 5,000. The fees under this subsection for an inspection plus the fee under
15 sub. (1) (c) may not exceed \$1,325 if the combined square and linear footage of friable
16 asbestos-containing material involved in the project is 5,000 or more. The fees
17 collected under this subsection shall be credited to the appropriation under s. ~~20.370~~
18 20.375 (2) (bi) for the direct and indirect costs of conducting inspections of
19 nonresidential asbestos demolition and renovation projects regulated by the
20 department and for inspecting property proposed to be used for a community fire
21 safety training project.

22 **SECTION 1062.** 285.69 (7) of the statutes is amended to read:

23 285.69 **(7)** EMISSION REDUCTION CREDIT FEES. The department may promulgate
24 rules for the payment of fees by persons who hold emission reduction credits that
25 may be used to satisfy the offset requirements in s. 285.63 (2) (a) and that have been

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1 certified by the department. The rules may waive the payment of fees under this
2 subsection for categories of emission reduction credits. The fees collected under this
3 subsection shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bg).

4 **SECTION 1063.** 285.85 (1) of the statutes is amended to read:

5 285.85 (1) If the secretary finds that a generalized condition of air pollution
6 exists and that it creates an emergency requiring immediate action to protect human
7 health or safety, he or she shall order persons causing or contributing to the air
8 pollution to reduce or discontinue immediately the emission of air contaminants, and
9 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing
10 to be held before the department. Not more than 24 hours after the commencement
11 of such hearing, and without adjournment thereof, the ~~natural resources board~~
12 secretary shall affirm, modify or set aside the order of ~~the secretary~~.

13 **SECTION 1064.** 285.86 (1) of the statutes is amended to read:

14 285.86 (1) The department may follow the procedures for the issuance of a
15 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture from a person
16 who commits a violation specified under sub. (2).

17 **SECTION 1065.** 287.01 (1) of the statutes is amended to read:

18 287.01 (1) “Department” means the department of ~~natural resources~~
19 environmental quality.

20 **SECTION 1066.** 287.25 (5) (a) of the statutes is amended to read:

21 287.25 (5) (a) The department may enter into agreements with eligible
22 applicants to make demonstration grants from the appropriation under s. ~~20.370~~
23 20.375 (6) (br).

24 **SECTION 1067.** 287.91 (4) of the statutes is amended to read:

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1 287.91 (4) The department of ~~natural resources~~ environmental quality shall
2 reimburse the department of justice for the expenses incurred in enforcing this
3 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

4 **SECTION 1068.** 287.95 (4) of the statutes is amended to read:

5 287.95 (4) The department may follow the procedures for the issuance of a
6 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the
7 violations under subs. (1), (2) (b) and (3) (b).

8 **SECTION 1069.** 289.01 (7) of the statutes is amended to read:

9 289.01 (7) “Department” means the department of ~~natural resources~~
10 environmental quality.

11 **SECTION 1070.** 289.01 (31) of the statutes is amended to read:

12 289.01 (31) “Secretary” means the secretary of ~~natural resources~~
13 environmental quality.

14 **SECTION 1071.** 289.09 (2) (d) of the statutes is amended to read:

15 289.09 (2) (d) *Use of confidential records.* Except as provided under par. (c) and
16 this paragraph, the department or the department of justice may use records and
17 other information granted confidential status under this subsection only in the
18 administration and enforcement of this chapter, ch. 287 or s. 299.15. The department
19 or the department of justice may release for general distribution records and other
20 information granted confidential status under this subsection if the owner or
21 operator expressly agrees to the release. The department of ~~natural resources~~ or the
22 department of justice may release on a limited basis records and other information
23 granted confidential status under this subsection if the department of ~~natural~~
24 ~~resources~~ or the department of justice is directed to take this action by a judge or
25 hearing examiner under an order which protects the confidentiality of the records or

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1 other information. The department of natural resources or the department of justice
2 may release to the U.S. environmental protection agency, or its authorized
3 representative, records and other information granted confidential status under this
4 subsection if the department of natural resources or the department of justice
5 includes in each release of records or other information a request to the U.S.
6 environmental protection agency, or its authorized representative, to protect the
7 confidentiality of the records or other information.

8 **SECTION 1072.** 289.25 (1) of the statutes is amended to read:

9 289.25 (1) PRELIMINARY DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS
10 REQUIRED. Immediately after the department determines that the feasibility report
11 is complete, the department shall issue a preliminary determination on whether an
12 environmental impact statement is required under s. 1.11 prior to the determination
13 of feasibility. If the department determines after review of the feasibility report that
14 a determination of feasibility cannot be made without an environmental impact
15 statement or if the department intends to require an environmental impact report
16 under s. ~~23.11 (5)~~ 278.40 (1m), the department shall notify the applicant in writing
17 within the 60-day period of these decisions and shall commence the process required
18 under s. 1.11 or ~~23.11 (5)~~.

19 **SECTION 1073.** 289.29 (1) (c) of the statutes is amended to read:

20 289.29 (1) (c) The department may receive into evidence at a hearing conducted
21 under s. 289.26 or 289.27 any environmental impact assessment or environmental
22 impact statement for the facility prepared under s. 1.11 and any environmental
23 impact report prepared under s. ~~23.11 (5)~~ 278.40 (1m). The adequacy of the
24 environmental impact assessment, environmental impact statement or
25 environmental impact report is not subject to challenge at that hearing.

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1 **SECTION 1074.** 289.31 (7) (f) of the statutes is amended to read:

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

11 **SECTION 1075.** 289.43 (7) (c) of the statutes is amended to read:

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

20 **SECTION 1076.** 289.43 (7) (e) 3. of the statutes is amended to read:

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

23 **SECTION 1077.** 289.64 (6) of the statutes is amended to read:

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

4 **SECTION 1078.** 289.68 (1) of the statutes is amended to read:

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

13 **SECTION 1079.** 289.68 (3) of the statutes is amended to read:

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

20 **SECTION 1080.** 289.68 (4) of the statutes is amended to read:

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

25 **SECTION 1081.** 289.68 (5) of the statutes is amended to read:

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

4 **SECTION 1082.** 289.68 (6) of the statutes is amended to read:

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

8 **SECTION 1083.** 289.68 (7) of the statutes is amended to read:

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

14 **SECTION 1084.** 291.01 (2) of the statutes is amended to read:

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

17 **SECTION 1085.** 292.01 (2) of the statutes is amended to read:

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

20 **SECTION 1086.** 292.01 (17) of the statutes is amended to read:

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

23 **SECTION 1087.** 292.11 (6) (a) of the statutes is amended to read:

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

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

5 **SECTION 1088.** 292.11 (6) (b) of the statutes is amended to read:

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

10 **SECTION 1089.** 292.11 (6) (c) 2. of the statutes is amended to read:

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

14 **SECTION 1090.** 292.12 (1) (a) of the statutes is amended to read:

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

21 **SECTION 1091.** 292.255 of the statutes is amended to read:

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

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

3 **SECTION 1092.** 292.31 (4) of the statutes is amended to read:

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

11 **SECTION 1093.** 292.31 (7) (am) 2. of the statutes is amended to read:

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

20 **SECTION 1094.** 292.31 (7) (b) of the statutes is amended to read:

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

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

5 **SECTION 1095.** 292.33 (6) of the statutes is amended to read:

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

12 **SECTION 1096.** 292.41 (6) (a) of the statutes is amended to read:

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

18 **SECTION 1097.** 292.41 (6) (b) of the statutes is amended to read:

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

22 **SECTION 1098.** 292.53 of the statutes is amended to read:

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

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

5 **SECTION 1099.** 292.55 (2) of the statutes is amended to read:

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

11 **SECTION 1100.** 292.57 (2) (b) of the statutes is amended to read:

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

14 **SECTION 1101.** 292.65 (3) (c) of the statutes is amended to read:

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

18 **SECTION 1102.** 292.65 (11) of the statutes is amended to read:

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

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

4 **SECTION 1103.** 292.70 (7) of the statutes is amended to read:

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

8 **SECTION 1104.** 292.75 (2) (a) of the statutes is amended to read:

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

13 **SECTION 1105.** 292.75 (6) of the statutes is amended to read:

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

18 **SECTION 1106.** 292.94 of the statutes is amended to read:

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

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

3 **SECTION 1107.** 293.01 (3) of the statutes is amended to read:

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

6 **SECTION 1108.** 293.01 (28) (a) of the statutes is amended to read:

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

11 **SECTION 1109.** 293.01 (28) (b) (intro.) of the statutes is amended to read:

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

16 **SECTION 1110.** 293.25 (6) of the statutes is amended to read:

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

24 **SECTION 1111.** 295.11 (1) of the statutes is amended to read:

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

3 **SECTION 1112.** 295.31 (1) of the statutes is amended to read:

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

6 **SECTION 1113.** 299.01 (3) of the statutes is amended to read:

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

9 **SECTION 1114.** 299.23 of the statutes is amended to read:

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

15 **SECTION 1115.** 299.64 (3) of the statutes is amended to read:

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

19 **SECTION 1116.** 299.83 (1) (c) of the statutes is amended to read:

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

24 **SECTION 1117.** 299.83 (1) (d) of the statutes is amended to read:

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

5 **SECTION 1118.** 299.83 (3) (b) 3. of the statutes is amended to read:

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

11 **SECTION 1119.** 299.83 (3) (d) 2. a. of the statutes is amended to read:

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

16 **SECTION 1120.** 299.83 (3) (d) 2. b. of the statutes is amended to read:

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

21 **SECTION 1121.** 299.83 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
22 30, is amended to read:

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

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

5 **SECTION 1122.** 299.83 (4m) (f) of the statutes is amended to read:

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

14 **SECTION 1123.** 299.83 (5) (b) 3. of the statutes is amended to read:

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

20 **SECTION 1124.** 299.83 (5) (e) of the statutes, as affected by 2009 Wisconsin Act
21 30, is amended to read:

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

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

5 **SECTION 1125.** 299.85 (1) (c) 1. of the statutes is amended to read:

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

9 **SECTION 1126.** 299.85 (6) (b) (intro.) of the statutes, as affected by 2009
10 Wisconsin Act 30, is amended to read:

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

17 **SECTION 1127.** 299.85 (7) (a) 2. of the statutes, as affected by 2009 Wisconsin
18 Act 30, is amended to read:

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

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

7 **SECTION 1128.** 299.85 (7) (a) 4. of the statutes is amended to read:

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

19 **SECTION 1129.** 299.85 (7) (am) of the statutes is amended to read:

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

23 **SECTION 1130.** 299.95 of the statutes is amended to read:

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

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

16 **SECTION 1131.** 303.04 of the statutes is amended to read:

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

22 **SECTION 1132.** 323.60 (4) (intro.) of the statutes, as affected by 2009 Wisconsin
23 Act 42, is amended to read:

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

ASSEMBLY BILL 926**SECTION 1133**

1 **SECTION 1133.** 323.60 (4) (b) of the statutes, as affected by 2009 Wisconsin Act
2 42, is amended to read:

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

11 **SECTION 1134.** 323.60 (5) (b) of the statutes, as affected by 2009 Wisconsin Act
12 42, is amended to read:

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

19 **SECTION 1135.** 323.60 (5) (d) (intro.) of the statutes, as affected by 2009
20 Wisconsin Act 42, is amended to read:

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

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1 **SECTION 1136.** 323.71 (2) of the statutes, as affected by 2009 Wisconsin Act 42,
2 is amended to read:

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

12 **SECTION 1137.** 340.01 (3) (b) of the statutes is amended to read:

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

16 **SECTION 1138.** 341.65 (2) (b) of the statutes is amended to read:

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

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

7 **SECTION 1139.** 342.40 (3) (a) of the statutes is amended to read:

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

22 **SECTION 1140.** 345.11 (1j) of the statutes, as created by 2009 Wisconsin Act 55,
23 is amended to read:

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

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

4 **SECTION 1141.** 345.20 (2) (g) of the statutes is amended to read:

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

10 **SECTION 1142.** 347.06 (1) of the statutes is amended to read:

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

15 **SECTION 1143.** 347.06 (5) of the statutes is created to read:

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

20 **SECTION 1144.** 350.01 (9g) of the statutes is amended to read:

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

24 **SECTION 1145.** 350.12 (3h) (g) of the statutes is amended to read:

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

4 **SECTION 1146.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

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

8 **SECTION 1147.** 350.12 (4) (a) 3m. of the statutes is amended to read:

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

11 **SECTION 1148.** 350.12 (4) (am) of the statutes is amended to read:

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

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

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

23 **SECTION 1150.** 350.12 (4) (bg) 1. of the statutes is amended to read:

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

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

6 **SECTION 1151.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

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

11 **SECTION 1152.** 350.12 (4) (bm) 1. of the statutes is amended to read:

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

16 **SECTION 1153.** 350.12 (4) (bm) 2. of the statutes is amended to read:

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

22 **SECTION 1154.** 350.12 (4) (br) of the statutes is amended to read:

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

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

5 **SECTION 1155.** 350.12 (4) (c) of the statutes is amended to read:

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

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

15 **SECTION 1156.** 350.14 (1) of the statutes is amended to read:

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

21 **SECTION 1157.** 350.145 (3) (a) 1. of the statutes is amended to read:

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

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1 **SECTION 1158.** 350.15 (3) (a) of the statutes is amended to read:

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

8 **SECTION 1159.** 350.17 (1) of the statutes is amended to read:

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

12 **SECTION 1160.** 560.11 (1) (a) of the statutes is amended to read:

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

19 **SECTION 1161.** 560.11 (2) of the statutes is amended to read:

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

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1 **SECTION 1162.** 560.13 (2) (a) 1m. of the statutes is amended to read:

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

8 **SECTION 1163.** 560.13 (5) of the statutes is amended to read:

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

12 **SECTION 1164.** 560.19 (3) of the statutes is amended to read:

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

18 **SECTION 1165.** 778.104 (title) of the statutes is amended to read:

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

21 **SECTION 1166.** 778.104 of the statutes is renumbered 778.104 (1) and amended
22 to read:

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

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1 **SECTION 1167.** 778.104 (2) of the statutes is created to read:

2 778.104 (2) If there is a conflict with this chapter, the procedure in ss. 278.50
3 to 278.90 shall be followed in actions to recover forfeitures for the violation of those
4 laws enumerated in s. 278.51 (1).

5 **SECTION 1168.** 778.30 (1) (intro.) of the statutes is amended to read:

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

11 **SECTION 1169.** 800.02 (2) (a) (intro.) of the statutes is amended to read:

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

22 **SECTION 1170.** 814.77 (5) of the statutes is repealed.

23 **SECTION 1171.** 814.785 of the statutes is created to read:

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

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

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

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

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

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

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

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

12 **SECTION 1172.** 823.075 (1) (a) of the statutes is amended to read:

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

15 **SECTION 1173.** 823.08 (3) (c) 1. of the statutes is amended to read:

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

23 **SECTION 1174.** 823.085 (2) (intro.) of the statutes is amended to read:

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

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

5 **SECTION 1175.** 823.085 (2) (b) of the statutes is amended to read:

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

9 **SECTION 1176.** 891.04 of the statutes is amended to read:

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

18 **SECTION 1177.** 893.73 (2) (a) of the statutes is amended to read:

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

22 **SECTION 1178.** 895.52 (2) (a) 2. of the statutes is amended to read:

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

25 **SECTION 1179.** 895.52 (3) (b) of the statutes is amended to read:

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

7 **SECTION 1180.** 895.53 (1) (am) of the statutes is created to read:

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

11 **SECTION 1181.** 895.53 (2) of the statutes is amended to read:

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

18 **SECTION 1182.** 895.55 (2) (b) of the statutes is amended to read:

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

23 **SECTION 1183.** 895.56 (2) (c) of the statutes is amended to read:

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

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

4 **SECTION 1184.** 895.56 (3) (c) of the statutes is amended to read:

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

11 **SECTION 1185.** 895.58 (1) (a) of the statutes is amended to read:

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

14 **SECTION 1186.** 938.237 (1) of the statutes is amended to read:

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

18 **SECTION 1187.** 938.237 (2) of the statutes is amended to read:

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

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

3 **SECTION 1188.** 951.01 (4) of the statutes is amended to read:

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

7 **SECTION 1189.** 990.01 (39) of the statutes is created to read:

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

10 **SECTION 1190. Nonstatutory provisions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (h) *Rules and orders.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) *Employee transfers.*

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1 1. All incumbent employees holding positions in the department of natural
2 resources relating primarily to the functions of the division of forestry and to the
3 functions of the division of land that concern southern state forests, as determined
4 by the secretary of administration, are transferred on the effective date of this
5 subdivision to the department of agriculture, trade and consumer protection. If
6 either department is dissatisfied with the secretary's determination, that
7 department may bring the matter to the cochairpersons of the joint committee on
8 finance for consideration by the committee, and the committee shall affirm or modify
9 the decision.

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

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

23 (d) *Tangible personal property.* On the effective date of this paragraph, all
24 tangible personal property, including records, of the department of natural resources
25 that is primarily related to the functions of the division of forestry and to the

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1 functions of the division of land that concern southern state forests, as determined
2 by the secretary of administration, shall be transferred to the department of
3 agriculture, trade and consumer protection. If either department is dissatisfied with
4 the secretary's determination, that department may bring the matter to the
5 cochairpersons of the joint committee on finance for consideration by the committee,
6 and the committee shall affirm or modify the decision.

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

19 (f) *Rules and orders.* All rules promulgated by the department of natural
20 resources that are primarily related to the functions of the division of forestry and
21 to the functions of the division of land that concern southern state forests, as
22 determined by the secretary of administration, and that are in effect on the effective
23 date of this paragraph remain in effect until their specified expiration dates or until
24 amended or repealed by the department of agriculture, trade and consumer
25 protection. All orders issued by the department of natural resources that are

1 primarily related to the functions of the division of forestry and to the functions of
2 the division of land that concern southern state forests, as determined by the
3 secretary of administration, and that are in effect on the effective date of this
4 paragraph remain in effect until their specified expiration dates or until modified or
5 rescinded by the department of agriculture, trade and consumer protection. If either
6 department is dissatisfied with the secretary's determination, that department may
7 bring the matter to the cochairpersons of the joint committee on finance for
8 consideration by the committee, and the committee shall affirm or modify the
9 decision.

10 (g) *Pending matters.* Any matter pending with the department of natural
11 resources on the effective date of this paragraph that is primarily related to the
12 functions of the division of forestry and to the functions of the division of land that
13 concern southern state forests, as determined by the secretary of administration, is
14 transferred to the department of agriculture, trade and consumer protection and all
15 materials submitted to or actions taken by the department of natural resources with
16 respect to the pending matter are considered as having been submitted to or taken
17 by the department of agriculture, trade and consumer protection. If either
18 department is dissatisfied with the secretary's determination, that department may
19 bring the matter to the cochairpersons of the joint committee on finance for
20 consideration by the committee, and the committee shall affirm or modify the
21 decision.

22 (h) *Position changes.* The authorized full-time equivalent positions for the
23 department of natural resources funded by an appropriation immediately before the
24 effective date of this paragraph are reduced by the number of full-time equivalent
25 positions funded by that appropriation that are transferred to the department of

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1 agriculture, trade and consumer protection under paragraph (b), and the authorized
2 full-time equivalent positions for the department of agriculture, trade and consumer
3 protection funded by the equivalent appropriation to that department are increased
4 by the same number.

5 **SECTION 1191. Effective date.**

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

7 (END)