

1 3. Within 14 days after the transfer, the authority submits a report to the joint
2 committee on finance that includes the amount of the transfer and a description of
3 the circumstances surrounding the transfer.

4 **SECTION 2841.** 234.83 (1c) (b) of the statutes is amended to read:

5 234.83 (1c) (b) “Small business” means a business, as defined in s. ~~560.60 (2)~~
6 84.185 (1) (a), that employs 50 or fewer employees on a full-time basis.

7 **SECTION 2842.** 234.84 (1) of the statutes is amended to read:

8 234.84 (1) DEFINITION. In this section, “~~department~~” “corporation” means the
9 ~~department of commerce~~ Wisconsin Economic Development Corporation.

10 **SECTION 2843.** 234.84 (3) (c) of the statutes is amended to read:

11 234.84 (3) (c) The interest rate on the loan, including any origination fees or
12 other charges, is approved by the ~~department~~ corporation.

13 **SECTION 2844.** 234.84 (4) (a) of the statutes is amended to read:

14 234.84 (4) (a) Subject to par. (b), the authority shall guarantee collection of a
15 percentage of the principal of, and all interest and any other amounts outstanding
16 on, any loan eligible for a guarantee under sub. (2). The ~~department~~ corporation
17 shall establish the percentage of the principal of an eligible loan that will be
18 guaranteed, using the procedures described in the agreement under s. 234.932 (3)
19 (a). The ~~department~~ corporation may establish a single percentage for all
20 guaranteed loans or establish different percentages for eligible loans on an
21 individual basis.

22 **SECTION 2845.** 234.84 (5) (a) of the statutes is amended to read:

23 234.84 (5) (a) The program under this section shall be administered by the
24 ~~department~~ corporation with the cooperation of the authority. The ~~department~~
25 corporation shall enter into a memorandum of understanding with the authority

1 setting forth the respective responsibilities of the ~~department~~ corporation and the
2 authority with regard to the administration of the program, including the functions
3 and responsibilities specified in s. 234.932. The memorandum of understanding
4 shall provide for reimbursement to the ~~department~~ corporation by the authority for
5 costs incurred by the ~~department~~ corporation in the administration of the program.

6 **SECTION 2846.** 234.84 (5) (b) of the statutes is amended to read:

7 234.84 (5) (b) The ~~department~~ corporation may charge a premium, fee, or other
8 charge to a borrower of a guaranteed loan under this section for the administration
9 of the loan guarantee.

10 **SECTION 2846c.** 234.93 (1) (cm) of the statutes is amended to read:

11 234.93 (1) (cm) Any moneys transferred under 1999 Wisconsin Act 9, section
12 9125 (1), or under s. 234.75 (5) (c), from the housing rehabilitation loan program
13 administration fund.

14 **SECTION 2846g.** 234.93 (4) (a) 2. of the statutes is amended to read:

15 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
16 funds from the Wisconsin development reserve fund, except for the program under
17 s. 234.935, 1997 stats., and the program under s. 234.75, at a ratio of \$1 of reserve
18 funding to \$4.50 of total outstanding principal and outstanding guaranteed principal
19 that the authority may guarantee under all of those programs.

20 **SECTION 2646r.** 234.93 (4) (a) 3. of the statutes is amended to read:

21 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997
22 stats., and the program under s. 234.75 at a ratio of \$1 of reserve funding to \$4 of total
23 principal and outstanding guaranteed principal that the authority may guarantee
24 under that program.

25 **SECTION 2847.** 234.932 (1) of the statutes is repealed.

1 **SECTION 2848.** 234.932 (2) (a) of the statutes is amended to read:

2 234.932 (2) (a) Moneys ~~appropriated to the authority under s. 20.490 (6) (a) and~~
3 ~~(k) or~~ received by the authority for the Wisconsin job training reserve fund from any
4 other source.

5 **SECTION 2849.** 234.932 (3) (a) (intro.) of the statutes is amended to read:

6 234.932 (3) (a) (intro.) The authority ~~or department~~ shall enter into a
7 guarantee agreement with any bank, production credit association, credit union,
8 savings bank, savings and loan association, or other person who wishes to participate
9 in the loan program guaranteed by the Wisconsin job training reserve fund. The
10 authority ~~or department~~ may determine all of the following, consistent with the
11 terms of the loan guarantee program:

12 **SECTION 2850.** 234.932 (3) (a) 2. of the statutes is amended to read:

13 234.932 (3) (a) 2. Any conditions upon which the authority ~~or department~~ may
14 refuse to enter into such an agreement.

15 **SECTION 2851.** 234.932 (3) (c) of the statutes is amended to read:

16 234.932 (3) (c) The ~~department~~ Wisconsin Economic Development Corporation
17 may establish an eligibility criteria review panel, consisting of experts in finance and
18 in the subject area of the job training loan guarantee program, to provide advice
19 about lending requirements and issues related to the job training loan guarantee
20 program.

21 **SECTION 2852.** 234.932 (4) of the statutes is amended to read:

22 234.932 (4) INCREASES OR DECREASES IN LOAN GUARANTEES. The authority ~~or~~
23 ~~department~~ may request the joint committee on finance to take action under s. 13.10
24 to permit the authority to increase or decrease the total outstanding guaranteed
25 principal amount of loans that it may guarantee under the job training loan

1 guarantee program. Included with its request, the authority ~~or department~~ shall
2 provide a projection, for the next June 30, that compares the amounts required on
3 that date to pay outstanding claims and to fund guarantees under the job training
4 loan guarantee program, and the balance remaining in the Wisconsin job training
5 reserve fund on that date after deducting such amounts, if the increase or decrease
6 is approved, with such amounts and the balance remaining, if the increase or
7 decrease is not approved.

8 **SECTION 2853.** 234.932 (5) of the statutes is amended to read:

9 234.932 (5) ANNUAL REPORT. Annually, the authority ~~or department~~ shall report
10 on the number and total dollar amount of guaranteed loans under the job training
11 loan guarantee program, the default rate on the loans and any other information on
12 the program that the authority ~~or department~~ determines is significant.

13 **SECTION 2854.** 235.02 (2) (d) of the statutes is amended to read:

14 235.02 (2) (d) The ~~secretary of commerce, or the secretary's~~ chief executive
15 officer of the Wisconsin Economic Development Corporation, or his or her designee.

16 **SECTION 2855.** 236.12 (2) (a) of the statutes is amended to read:

17 236.12 (2) (a) Two copies for each of the state agencies required to review the
18 plat to the department which shall examine the plat for compliance with ss. 236.15,
19 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk
20 highway or connecting highway, the department shall transmit 2 copies to the
21 department of transportation so that agency may determine whether it has any
22 objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision
23 is not served by a public sewer and provision for that service has not been made, the
24 department shall transmit 2 copies to the department of ~~commerce~~ safety and
25 professional services so that that agency may determine whether it has any objection

1 to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure
2 the agencies may designate local officials to act as their agents in examining the plats
3 for compliance with the statutes or their rules by filing a written delegation of
4 authority with the approving body.

5 **SECTION 2856.** 236.13 (1) (d) of the statutes is amended to read:

6 236.13 (1) (d) The rules of the department of ~~commerce~~ safety and professional
7 services relating to lot size and lot elevation necessary for proper sanitary conditions
8 in a subdivision not served by a public sewer, where provision for public sewer service
9 has not been made;

10 **SECTION 2857.** 236.13 (2m) of the statutes is amended to read:

11 236.13 (2m) As a further condition of approval when lands included in the plat
12 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake
13 or other body of navigable water or if land in the proposed plat involves lake or stream
14 shorelands referred to in s. 236.16, the department of natural resources, to prevent
15 pollution of navigable waters, or the department of ~~commerce~~ safety and professional
16 services, to protect the public health and safety, may require assurance of adequate
17 drainage areas for private sewage disposal systems and building setback
18 restrictions, or provisions by the owner for public sewage disposal facilities for
19 waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s.
20 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal
21 facilities may consist of one or more systems as the department of natural resources
22 or the department of ~~commerce~~ safety and professional services determines on the
23 basis of need for prevention of pollution of the waters of the state or protection of
24 public health and safety.

25 **SECTION 2858.** 236.335 of the statutes is amended to read:

1 238.127 (2) (j) The corporation shall expend at least \$250,000 annually on the
2 state main street program.

3 **SECTION 2861.** 238.135 of the statutes is created to read:

4 **238.135 Grants to regional economic development organizations.** The
5 corporation shall award annual grants to regional economic development
6 organizations to fund marketing activities. The amount of each grant may not exceed
7 \$100,000 or the amount of matching funds the organization obtains from sources
8 other than the corporation or the state, whichever is less.

9 **SECTION 2862.** 238.145 of the statutes is created to read:

10 **238.145 Wisconsin-source assets exclusion; business certification. (1)**
11 The corporation shall implement a program to certify businesses for purposes of s.
12 71.05 (25). A business shall submit an application to the corporation in each calendar
13 year for which the business desires certification.

14 **(2)** The corporation may certify a business if, in the business's taxable year
15 ending immediately before the date of the business's application, all of the following
16 are true:

17 (a) The amount of payroll compensation paid by the business in this state, as
18 determined by the corporation, is equal to at least 50 percent of the amount of all
19 payroll compensation paid by the business, as determined by the corporation.

20 (b) The value of real and tangible personal property owned or rented and used
21 by the business in this state, as determined by the corporation, is equal to at least
22 50 percent of the value of all real and tangible personal property owned or rented and
23 used by the business, as determined by the corporation.

1 (3) The corporation shall notify the department of revenue of every certification
2 issued under this section and of the date on which a certification is revoked or
3 expires.

4 (4) The corporation, in consultation with the department of revenue, may adopt
5 rules for the administration of this section.

6 (5) The corporation shall compile a list of businesses certified under this section
7 and the taxable years for which the businesses are certified and shall make the list
8 available to the public at the corporation's Internet Web site.

9 **SECTION 2863.** 238.146 of the statutes is created to read:

10 **238.146 Long-term Wisconsin capital assets deferral; business**
11 **certification.** (1) The corporation shall implement a program to certify businesses
12 for purposes of s. 71.05 (26). A business shall submit an application to the
13 corporation in each calendar year for which the business desires certification.

14 (2) The corporation may certify a business if, in the business's taxable year
15 ending immediately before the date of the business's application, all of the following
16 are true:

17 (a) The amount of payroll compensation paid by the business in this state, as
18 determined by the corporation, is equal to at least 50 percent of the amount of all
19 payroll compensation paid by the business, as determined by the corporation.

20 (b) The value of real and tangible personal property owned or rented and used
21 by the business in this state, as determined by the corporation, is equal to at least
22 50 percent of the value of all real and tangible personal property owned or rented and
23 used by the business, as determined by the corporation.

1 tourism under s. ~~20.215~~ 20.380 (3) is less than the amount appropriated in the
2 previous fiscal year.

3 **SECTION 2871.** 251.02 (3) of the statutes is amended to read:

4 251.02 (3) A county board may, in conjunction with the county board of ~~another~~
5 county one or more other counties, establish a multiple county health department,
6 which shall meet the requirements of this chapter. A multiple county health
7 department shall serve all areas of the respective counties that are not served by a
8 city health department that was established prior to January 1, 1994, by a town or
9 village health department established under sub. (3m), or by a multiple municipal
10 local health department established under sub. (3r).

11 **SECTION 2872.** 252.12 (2) (a) 9. of the statutes is amended to read:

12 252.12 (2) (a) 9. 'Grant for family resource center.' The department shall award
13 a grant to develop and implement an African-American family resource center in the
14 city of Milwaukee that targets activities toward the prevention and treatment of HIV
15 infection and related infections, including hepatitis C virus infection, of minority
16 group members, as defined in s. ~~560.036~~ 16.287 (1) (f).

17 **SECTION 2873.** 252.12 (2) (c) 2. of the statutes is amended to read:

18 252.12 (2) (c) 2. From the appropriation account under s. 20.435 (1) (am), the
19 department shall award \$75,000 in each fiscal year as grants for services to prevent
20 HIV infection and related infections, including hepatitis C virus infection. Criteria
21 for award of the grants shall include the criteria specified under subd. 1. The
22 department shall award 60% of the funding to applying organizations that receive
23 funding under par. (a) 8. and 40% of the funding to applying community-based
24 organizations that are operated by minority group members, as defined in s. ~~560.036~~
25 16.287 (1) (f).

1 **SECTION 2873q.** 252.15 (3m) (d) 17. of the statutes is created to read:

2 252.15 **(3m)** (d) 17. If the subject of the HIV test is a prisoner, by a person
3 specified in subd. 16. to a correctional officer of the department of corrections who
4 has custody of or is responsible for the supervision of the test subject, to a person
5 designated by a jailer to have custodial authority over the test subject, or to a law
6 enforcement officer or other person who is responsible for transferring the test
7 subject to or from a prison or jail, if the HIV test result is positive and disclosure of
8 that information is necessary for the health and safety of the test subject or of other
9 prisoners, of the person to whom the information is disclosed, or of any employee of
10 the prison or jail.

11 **SECTION 2874.** 252.15 (5g) (c) of the statutes is amended to read:

12 252.15 **(5g)** (c) A physician, physician assistant, or advanced practice nurse
13 prescriber, based on information provided to the physician, physician assistant, or
14 advanced practice nurse prescriber, determines and certifies in writing that the
15 person has had contact that constitutes a significant exposure. The certification
16 shall accompany the request for HIV testing and disclosure. If the person is a
17 physician, physician assistant, or advanced practice nurse prescriber, he or she may
18 not make this determination or certification. The information that is provided to a
19 physician, physician assistant, or advanced practice nurse prescriber to document
20 the occurrence of the contact that constitutes a significant exposure and the
21 physician's, physician assistant's, or advanced practice nurse prescriber's
22 certification that the person has had contact that constitutes a significant exposure,
23 shall be provided on a report form that is developed by the department of ~~commerce~~
24 safety and professional services under s. 101.02 (19) (a) or on a report form that the
25 department of ~~commerce~~ safety and professional services determines, under s.

1 101.02 (19) (b), is substantially equivalent to the report form that is developed under
2 s. 101.02 (19) (a).

3 **SECTION 2875c.** 253.07 (title) of the statutes is repealed and recreated to read:
4 **253.07 (title) Women's health block grant.**

5 **SECTION 2875f.** 253.07 (1) (a) 3. of the statutes is repealed.

6 **SECTION 2875h.** 253.07 (1) (b) 3. of the statutes is repealed.

7 **SECTION 2875j.** 253.07 (1) (c) of the statutes is created to read:

8 253.07 (1) (c) "Women's health funds" means state funds appropriated under
9 s. 20.435 (1) (f) or federal funds received by the state under Title V of the federal
10 Social Security Act, 42 USC 701 to 713, that are allocated for the purposes described
11 in this section.

12 **SECTION 2875L.** 253.07 (2) (b) of the statutes is amended to read:

13 253.07 (2) (b) The department shall allocate ~~state and federal family planning~~
14 women's health funds under its control in a manner which will promote the
15 development and maintenance of an integrated system of community health
16 services. It shall maximize the use of existing community family planning services
17 by encouraging local contractual arrangements.

18 **SECTION 2875n.** 253.07 (2) (c) of the statutes is amended to read:

19 253.07 (2) (c) The department shall coordinate the delivery of family planning
20 services by allocating ~~family planning~~ women's health funds in a manner which
21 maximizes coordination between the agencies.

22 **SECTION 2875p.** 253.07 (4) of the statutes is amended to read:

23 253.07 (4) ~~FAMILY PLANNING~~ WOMEN'S HEALTH BLOCK GRANT SERVICES. From the
24 appropriation ~~account~~ under s. 20.435 (1) (f) and subject to sub. (5), the department
25 shall distribute ~~funds in~~ the following amounts, for all of the following services:

1 (a) ~~For~~ In each fiscal year, \$225,000 to establish and maintain 2 city-based
2 clinics for delivery of family planning services under this section, in the cities of
3 Milwaukee, Racine, or Kenosha.

4 (b) ~~For~~ In each fiscal year, \$67,500 to subsidize the provision ~~by family planning~~
5 ~~agencies under this section~~ of papanicolaou tests to individuals with low income by
6 entities that receive women's health funds. In this paragraph, "low income" means
7 adjusted gross income that is less than 200% of the poverty line established under
8 42 USC 9902 (2).

9 (c) ~~For~~ In each fiscal year, \$54,000 to subsidize the provision ~~by family planning~~
10 ~~agencies under this section~~ of follow-up cancer screening by entities that receive
11 women's health funds.

12 (d) ~~For~~ In each fiscal year, \$31,500 as grants ~~to applying family planning~~
13 ~~agencies under this section~~ for employment in communities of licensed registered
14 nurses, licensed practical nurses, certified nurse-midwives, or licensed physician
15 assistants who are members of a racial minority.

16 (e) ~~For~~ In each fiscal year, \$36,000 to initiate, in areas of high incidence of the
17 disease chlamydia, education, and outreach programs to locate, educate, and treat
18 individuals at high risk of contracting the disease chlamydia and their partners.

19 **SECTION 2875r.** 253.07 (5) of the statutes is created to read:

20 253.07 (5) WOMEN'S HEALTH FUNDS. (a) The department shall distribute
21 women's health funds only to public entities. These funds may be allocated for any
22 activities for which funds were provided under this section before the effective date
23 of this paragraph [LRB inserts date], including pregnancy testing; perinatal care
24 coordination and follow-up; cervical cancer screening; sexually transmitted

1 infection prevention, testing, treatment, and follow-up; and general health
2 screening.

3 (b) Subject to par. (c), a public entity that receives women's health funds under
4 this section may provide some or all of the funds to other public or private entities
5 provided that the recipient of the funds does not do any of the following:

6 1. Provide abortion services.

7 2. Make referrals for abortion services.

8 3. Have an affiliate that provides abortion services or makes referrals for
9 abortion services.

10 (c) Providing abortion services, making referrals for abortion services, or
11 having an affiliate that provides abortion services or makes referrals for abortion
12 services solely under the circumstances described in s. 20.927 (2) does not disqualify
13 an entity from receiving women's health funds from a public entity under par. (b).

14 **SECTION 2877.** 253.13 (2) of the statutes is amended to read:

15 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;
16 FEES. The department shall contract with the state laboratory of hygiene to perform
17 the tests specified under this section and to furnish materials for use in the tests.
18 The department shall provide necessary diagnostic services, special dietary
19 treatment as prescribed by a physician for a patient with a congenital disorder as
20 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and
21 his or her family. ~~The state laboratory of hygiene board, on behalf of the department,~~
22 ~~shall impose a fee, by rule, for tests performed under this section sufficient to pay for~~
23 ~~services provided under the contract. The state laboratory of hygiene board~~
24 ~~department shall include as part of this the fee established by rule amounts the~~
25 ~~department determines are sufficient to fund the provision of diagnostic and~~

1 counseling services, special dietary treatment, and periodic evaluation of infant
2 screening programs, the costs of consulting with experts under sub. (5), the costs of
3 administering the hearing screening program under s. 253.115, and the costs of
4 administering the congenital disorder program under this section and shall credit
5 these amounts to the appropriation accounts under s. 20.435 (1) (ja) and (jb).

6 **SECTION 2879.** 253.15 (1) (c) of the statutes is amended to read:

7 253.15 (1) (c) "Health care provider" means any person who is licensed,
8 registered, permitted, or certified by the department of health services or the
9 department of ~~regulation and licensing~~ safety and professional services to provide
10 health care services in this state.

11 **SECTION 2880.** 254.02 (3) (a) of the statutes is amended to read:

12 254.02 (3) (a) The department of agriculture, trade and consumer protection,
13 the department of corrections, the department of ~~commerce~~ safety and professional
14 services, and the department of natural resources shall enter into memoranda of
15 understanding with the department to establish protocols for the department to
16 review proposed rules of those state agencies relating to air and water quality,
17 occupational health and safety, institutional sanitation, toxic substances, indoor air
18 quality, food protection or waste handling and disposal.

19 **SECTION 2881.** 254.176 (2) (e) of the statutes is amended to read:

20 254.176 (2) (e) A person who engages in the business of installing or servicing
21 heating, ventilating or air conditioning equipment if the person is registered with the
22 department of ~~commerce~~ safety and professional services and if the person engages
23 in activities that constitute lead hazard reduction, only to the extent that the
24 activities are within the scope of his or her registration.

25 **SECTION 2883.** 254.22 (4) of the statutes is amended to read:

1 254.22 (4) Assist the department of ~~commerce~~ safety and professional services
2 with the enforcement of s. 101.123.

3 **SECTION 2884.** 254.51 (2) of the statutes is amended to read:

4 254.51 (2) The department shall enter into memoranda of understanding with
5 the department of agriculture, trade and consumer protection, the department of
6 ~~commerce~~ safety and professional services, and the department of natural resources
7 regarding the investigation and control of animal-borne and vector-borne disease.

8 **SECTION 2886.** 254.73 (1) of the statutes is amended to read:

9 254.73 (1) Every hotel with sleeping accommodations with more than 12
10 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m.
11 provide a system of security personnel patrol, or of mechanical and electrical devices,
12 or both, adequate, according to standards established by the department of
13 ~~commerce~~ safety and professional services, to warn all guests and employees in time
14 to permit their evacuation in case of fire.

15 **SECTION 2887.** 254.74 (1) (am) of the statutes is amended to read:

16 254.74 (1) (am) Promulgate rules, in consultation with the department of
17 ~~commerce~~ safety and professional services, under which the department of health
18 services shall conduct regular inspections of sealed combustion units, as required
19 under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming
20 houses, and bed and breakfast establishments. The rules shall specify conditions
21 under which it may issue orders as specified under s. 101.149 (8) (a). The rules may
22 not require the department of health services to inspect sealed combustion units
23 during the period in which the sealed combustion units are covered by a
24 manufacturer's warranty against defects.

25 **SECTION 2888.** 254.78 of the statutes is amended to read:

1 **254.78 Authority of department of ~~commerce~~ safety and professional**
2 **services**. Nothing in this chapter shall affect the authority of the department of
3 ~~commerce~~ safety and professional services relative to places of employment,
4 elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

5 **SECTION 2889.** 254.79 of the statutes is amended to read:

6 **254.79 Joint employment.** The department and the department of ~~commerce~~
7 safety and professional services may employ experts, inspectors or other assistants
8 jointly.

9 **SECTION 2890e.** 255.054 (1) of the statutes is amended to read:

10 255.054 (1) The Medical College of Wisconsin, Inc., ~~and the University of~~
11 ~~Wisconsin Comprehensive Cancer Center~~ shall use the moneys appropriated under
12 ~~ss. s. 20.250 (2) (h) and 20.285 (1) (gn)~~ the University of Wisconsin Carbone Cancer
13 Center shall use the moneys paid under s. 71.10 (5h) (i) for prostate cancer research
14 projects. These moneys may not be used to supplant funds available for prostate
15 cancer research from other sources.

16 **SECTION 2890m.** 255.055 (1) of the statutes is amended to read:

17 255.055 (1) The Medical College of Wisconsin, Inc., ~~and the University of~~
18 ~~Wisconsin Comprehensive Cancer Center~~ shall use the moneys appropriated under
19 ~~ss. s. 20.250 (2) (g) and 20.285 (1) (gm)~~ the University of Wisconsin Carbone Cancer
20 Center shall use the moneys paid under s. 71.10 (5f) (i) for breast cancer research
21 projects. These moneys may not be used to supplant funds available for breast cancer
22 research from other sources.

23 **SECTION 2890s.** 255.15 (3) (b) 11. of the statutes is created to read:

24 255.15 (3) (b) 11. To the Board of Regents of the University of Wisconsin System
25 for advancing the work of the tobacco research and intervention center at the

1 University of Wisconsin–Madison in developing new educational programs to
2 discourage tobacco use, determining the most effective strategies for preventing
3 tobacco use, and expanding smoking cessation programs throughout the state.

4 **SECTION 2894s.** 256.125 of the statutes is created to read:

5 **256.125 American Red Cross, Badger Chapter.** The department shall
6 distribute the moneys appropriated under s. 20.435 (1) (gd) to the Badger Chapter
7 of the American Red Cross for use through that organization’s Wisconsin Disaster
8 Relief Fund.

9 **SECTION 2895k.** 256.35 (3m) (h) of the statutes is amended to read:

10 **256.35 (3m) (h) *Other charges prohibited.*** No local government or state agency,
11 as defined in s. ~~560.9810~~ 16.310 (1), except the commission, may require a wireless
12 provider to collect or pay a surcharge or fee related to wireless emergency telephone
13 service.

14 **SECTION 2895m.** 281.16 (2) (am) of the statutes is created to read:

15 **281.16 (2) (am) 1.** In this paragraph:

16 a. “Covered municipality” means a municipality that has been issued an
17 individual municipal separate storm sewer permit under s. 283.33 or that is covered
18 by a general municipal separate storm sewer permit under s. 283.35.

19 c. “New development” means development resulting from the conversion of
20 previously undeveloped land or agricultural land.

21 d. “Redevelopment” means development that replaces older development.

22 2. Except as provided in subd. 3., the department may not enforce a provision
23 in a rule that establishes a date by which a covered municipality must implement
24 methods to achieve a specified reduction in the level of total suspended solids carried
25 by runoff, if the provision requires the covered municipality to achieve a reduction

1 of more than 20 percent. This subdivision does not apply to total suspended solids
2 carried by runoff from new development or redevelopment in a covered municipality.

3 3. If a covered municipality has achieved, on the effective date of this
4 subdivision [LRB inserts date], a reduction of more than 20 percent of total
5 suspended solids carried by runoff, the municipality shall, to the maximum extent
6 practicable, maintain all of the best management practices that the municipality has
7 implemented on or before the effective date of this subdivision [LRB inserts date],
8 to achieve that reduction.

9 **SECTION 2896.** 281.33 (2) of the statutes is amended to read:

10 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in
11 consultation with the department of ~~commerce~~ safety and professional services,
12 shall promulgate by rule a state storm water management plan. This state plan is
13 applicable to activities contracted for or conducted by any agency, as defined under
14 s. 227.01 (1) but also including the office of district attorney, unless that agency
15 enters into a memorandum of understanding with the department of natural
16 resources in which that agency agrees to regulate activities related to storm water
17 management. The department shall coordinate the activities of agencies, as defined
18 under s. 227.01 (1), in storm water management and make recommendations to
19 these agencies concerning activities related to storm water management.

20 **SECTION 2897.** 281.33 (3m) (title) of the statutes is repealed.

21 **SECTION 2898c.** 281.33 (3m) (a) of the statutes is renumbered 101.1206 (1) and
22 amended to read:

23 101.1206 (1) The department shall establish statewide standards for erosion
24 control at building sites for the construction of public buildings, as defined in s.

1 101.01 (12), and buildings that are places of employment, as defined in s. ~~101.02~~
2 101.01 (11).

3 **SECTION 2899.** 281.33 (3m) (b) of the statutes is renumbered 101.1206 (2) and
4 amended to read:

5 101.1206 (2) The department shall require the submission of plans for erosion
6 control at construction sites described in ~~par. (a) sub. (1)~~ to the department or to a
7 county, city, village, or town to which the department has delegated authority under
8 ~~par. (d) sub. (4)~~ and shall require approval of those plans by the department or the
9 county, city, village, or town.

10 **SECTION 2900.** 281.33 (3m) (c) of the statutes is renumbered 101.1206 (3) and
11 amended to read:

12 101.1206 (3) The department shall require inspection of erosion control
13 activities and structures at construction sites described in ~~par. (a) sub. (1)~~ by the
14 department or a county, city, village, or town to which the department has delegated
15 authority under ~~par. (d) sub. (4)~~.

16 **SECTION 2901.** 281.33 (3m) (d) of the statutes is renumbered 101.1206 (4).

17 **SECTION 2902.** 281.33 (3m) (e) of the statutes is renumbered 101.1206 (5) and
18 amended to read:

19 101.1206 (5) Except as provided in ~~par. (f) sub. (5m)~~, the authority of a county,
20 city, village, or town with respect to erosion control at sites described in ~~par. (a) sub.~~
21 (1) is limited to that authority delegated under ~~par. (d) sub. (4)~~ and any other
22 authority provided in rules promulgated under this subsection section.

23 **SECTION 2903.** 281.33 (3m) (f) of the statutes is renumbered 101.1206 (5m) and
24 amended to read:

1 101.1206 **(5m)** Notwithstanding ~~pars. (a) subs. (1) and (e) (5)~~, a county, city,
2 village, or town that has in effect on January 1, 1994, an ordinance that establishes
3 standards for erosion control at building sites for the construction of public buildings
4 and buildings that are places of employment may continue to administer and enforce
5 that ordinance if the standards in the ordinance are more stringent than the
6 standards established under ~~par. (a) sub. (1)~~.

7 **SECTION 2904.** 281.33 (3m) (g) of the statutes is renumbered 101.1206 (6) and
8 amended to read:

9 101.1206 **(6)** The department, or a county, city, village, or town to which the
10 department delegates the authority to act under this ~~paragraph subsection~~, may
11 issue a special order directing the immediate cessation of work on a construction site
12 described in ~~par. (a) sub. (1)~~ until any required plan approval is obtained or until the
13 site complies with standards established by rules promulgated under this ~~subsection~~
14 section.

15 **SECTION 2905.** 281.33 (3m) (h) of the statutes is renumbered 101.1206 (7).

16 **SECTION 2906.** 281.344 (8) (a) of the statutes is amended to read:

17 281.344 **(8)** (a) *Goals and objectives.* The department shall specify water
18 conservation and efficiency goals and objectives for the waters of the state. The
19 department shall specify goals and objectives for the waters of the Great Lakes basin
20 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives
21 identified by the regional body under Article 304 (1) of the Great Lakes — St.
22 Lawrence River Basin Sustainable Water Resources Agreement. In specifying these
23 goals and objectives, the department shall consult with the department of ~~commerce~~
24 safety and professional services and the public service commission.

25 **SECTION 2907.** 281.344 (8) (b) (intro.) of the statutes is amended to read:

1 281.344 (8) (b) *Statewide program.* (intro.) In cooperation with the department
2 of ~~commerce~~ safety and professional services and the public service commission, the
3 department shall develop and implement a statewide water conservation and
4 efficiency program that includes all of the following:

5 **SECTION 2908.** 281.344 (8) (b) 3. of the statutes is amended to read:

6 281.344 (8) (b) 3. Water conservation and efficiency measures that the
7 department of ~~commerce~~ safety and professional services requires or authorizes to
8 be implemented under chs. 101 and 145.

9 **SECTION 2909.** 281.346 (8) (a) of the statutes is amended to read:

10 281.346 (8) (a) *Goals and objectives.* The department shall specify water
11 conservation and efficiency goals and objectives for the waters of the state and for the
12 waters of the Great Lakes basin. The department shall specify goals and objectives
13 for the waters of the Great Lakes basin that are consistent with the goals under s.
14 281.343 (4b) (a) and the objectives identified by the Great Lakes council under s.
15 281.343 (4b) (a) and (c). In specifying these goals and objectives, the department
16 shall consult with the department of ~~commerce~~ safety and professional services and
17 the public service commission and consider the water conservation and efficiency
18 goals and objectives developed in any pilot program conducted by the department in
19 cooperation with the regional body.

20 **SECTION 2910.** 281.346 (8) (b) (intro.) of the statutes is amended to read:

21 281.346 (8) (b) *Statewide program.* (intro.) In cooperation with the department
22 of ~~commerce~~ safety and professional services and the public service commission, the
23 department shall develop and implement a statewide water conservation and
24 efficiency program that includes all of the following:

25 **SECTION 2911.** 281.346 (8) (b) 3. of the statutes is amended to read:

1 281.346 (8) (b) 3. Water conservation and efficiency measures that the
2 department of ~~commerce~~ safety and professional services requires or authorizes to
3 be implemented under chs. 101 and 145.

4 **SECTION 2911c.** 281.346 (12) (a) of the statutes is amended to read:

5 281.346 (12) (a) A person who has a water supply system with the capacity to
6 make a withdrawal from the waters of the state averaging 100,000 gallons per day
7 or more in any 30-day period shall pay to the department an annual fee of \$125,
8 except that the department may promulgate a rule specifying a different amount and
9 except that, notwithstanding the department's rule-making authority, no person is
10 required to pay more than \$1,000 per year under this paragraph.

11 **SECTION 2912.** 281.57 (7) (c) 1. of the statutes is amended to read:

12 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are
13 limited in each fiscal year to receiving total grant awards not to exceed 33% of the
14 sum of the amounts in the schedule for that fiscal year for the appropriation under
15 s. ~~20.143 (3)~~ 20.165 (2) (de) and the amount authorized under sub. (10) for that fiscal
16 year plus the unencumbered balance at the end of the preceding fiscal year for the
17 amount authorized under sub. (10). This subdivision is not applicable to grant
18 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

19 **SECTION 2913.** 281.58 (12) (a) 1. of the statutes is amended to read:

20 281.58 (12) (a) 1. Except as modified under par. (f) and except as restricted by
21 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and
22 2. is ~~55%~~ 60 percent of market interest rate for projects for which the subsidy is
23 allocated from the amount under s. 281.59 (3e) (b) for a biennium before the ~~2009-11~~
24 2011-13 biennium and ~~60%~~ 75 percent of market interest rate for projects for which

1 the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the ~~2009-11~~
2 2011-13 biennium or later.

3 **SECTION 2914.** 281.58 (12) (a) 2. of the statutes is amended to read:

4 281.58 (12) (a) 2. Except as modified under par. (f) and except as restricted by
5 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 5. is ~~65%~~
6 65 percent of market interest rate for projects for which the subsidy is allocated from
7 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and
8 75 percent of market interest rate for projects for which the subsidy is allocated from
9 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

10 **SECTION 2915.** 281.58 (12) (a) 3. of the statutes is amended to read:

11 281.58 (12) (a) 3. Except as modified under par. (f) and except as restricted by
12 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is ~~70%~~
13 70 percent of market interest rate for projects for which the subsidy is allocated from
14 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and
15 75 percent of market interest rate for projects for which the subsidy is allocated from
16 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

17 **SECTION 2916.** 281.58 (12) (f) of the statutes is amended to read:

18 281.58 (12) (f) The department and the department of administration jointly
19 may request the joint committee on finance to take action under s. 13.101 (11) to
20 modify the percentage of market interest ~~rates~~ rate established in par. (a) 1. ~~to 3.~~

21 **SECTION 2917.** 281.59 (3e) (b) 1. of the statutes is amended to read:

22 281.59 (3e) (b) 1. Equal to ~~\$134,900,000~~ \$69,200,000 during the ~~2009-11~~
23 2011-13 biennium.

24 **SECTION 2918.** 281.59 (3e) (b) 3. of the statutes is amended to read:

1 281.59 (3e) (b) 3. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13
2 biennium.

3 **SECTION 2919.** 281.59 (3e) (d) of the statutes is amended to read:

4 281.59 (3e) (d) The department may expend, for financial assistance in a
5 biennium other than financial hardship assistance under s. 281.58 (13) (e), an
6 amount up to ~~85%~~ 95 percent of the amount approved by the legislature under par.
7 (b). The department may expend such amount only from the percentage of the
8 amount approved under par. (b) that is not available under par. (e) for financial
9 hardship assistance.

10 **SECTION 2920.** 281.59 (3e) (e) of the statutes is amended to read:

11 281.59 (3e) (e) The department may expend, for financial hardship assistance,
12 other than federal financial hardship assistance grants under s. 281.58 (13) (be), in
13 a biennium under s. 281.58 (13) (e), an amount up to ~~15%~~ 5 percent of the amount
14 approved by the legislature under par. (b) for that biennium. The department may
15 expend such amount only from the percentage of the amount approved by the
16 legislature under par. (b) that is not available under par. (d) for financial assistance.

17 **SECTION 2921.** 281.59 (3s) (b) 1. of the statutes is amended to read:

18 281.59 (3s) (b) 1. Equal to ~~\$17,600,000~~ \$30,700,000 during the ~~2009-11~~
19 2011-13 biennium.

20 **SECTION 2922.** 281.59 (3s) (b) 2. of the statutes is amended to read:

21 281.59 (3s) (b) 2. Equal to \$1,000 for any biennium after the ~~2009-11~~ 2011-13
22 biennium.

23 **SECTION 2923.** 281.59 (4) (f) of the statutes is amended to read:

24 281.59 (4) (f) Revenue obligations may be contracted by the building
25 commission when it reasonably appears to the building commission that all

1 obligations incurred under this subsection, and all payments under an agreement or
2 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
3 obligations issued under this subsection, can be fully paid on a timely basis from
4 moneys received or anticipated to be received. Revenue obligations issued under this
5 subsection for the clean water fund program shall not exceed ~~\$2,363,300,000~~
6 \$2,716,300,000 in principal amount, excluding obligations issued to refund
7 outstanding revenue obligation notes.

8 **SECTION 2924.** 281.60 (6) of the statutes is amended to read:

9 281.60 (6) PRIORITY LIST. The department shall establish a priority list that
10 ranks each land recycling loan program project. The department shall promulgate
11 rules for determining project rankings based on the potential of projects to reduce
12 environmental pollution and threats to human health and, for sites and facilities
13 that are not landfills, the extent to which projects will prevent the development of
14 undeveloped land by making land available for redevelopment after a cleanup is
15 conducted. Before the department establishes the priority list, the department shall
16 consider the recommendations of the department of administration and the
17 ~~department of commerce~~ Wisconsin Economic Development Corporation.

18 **SECTION 2925.** 281.61 (8) (a) 2. of the statutes is amended to read:

19 281.61 (8) (a) 2. In any biennium, no local governmental unit may receive more
20 than 25% of the ~~amount established under s. 281.59 (3s) (b)~~ funds that the
21 department of administration projects will be available for that biennium.

22 **SECTION 2927b.** 281.68 (2) (a) of the statutes is amended to read:

23 281.68 (2) (a) The department may provide a grant of ~~75%~~ 67 percent of the cost
24 of a lake management planning project up to a total of ~~\$10,000~~ \$25,000 per grant.

1 In each fiscal year, the total amount of moneys awarded as grants for lake
2 management planning projects may not exceed \$50,000 for any one lake.

3 **SECTION 2929.** 281.75 (18) of the statutes is amended to read:

4 281.75 (18) SUSPENSION OR REVOCATION OF LICENSES. The department may
5 suspend or revoke a license issued under ch. 280 if the department finds that the
6 licensee falsified information submitted under this section. The department of
7 ~~commerce~~ safety and professional services may suspend or revoke the license of a
8 plumber licensed under ch. 145 if the department of ~~commerce~~ safety and
9 professional services finds that the plumber falsified information submitted under
10 this section.

11 **SECTION 2932.** 283.15 (2) (a) of the statutes is renumbered 283.15 (2) (am) and
12 amended to read:

13 283.15 (2) (am) 1. ~~When~~ Within 60 days after the department issues, reissues
14 or modifies a permit to include a water quality based effluent limitation under s.
15 283.13 (5), the permittee may apply to the department for a variance from the water
16 quality standard used to derive the limitation.

17 2. After an application for a variance is submitted to the department under
18 subd. 1., and until the last day for seeking review of the secretary's final decision on
19 the application or a later date fixed by order of the reviewing court, the water quality
20 based effluent limitation under s. 283.13 (5) and the corresponding compliance
21 schedule are not effective. All other provisions of the permit continue in effect except
22 those for which a petition for review has been submitted under s. 283.63. For those
23 provisions for which an application for variance has been submitted under this
24 section, the corresponding or similar provisions of the prior permit continue in effect

1 until the last day for seeking review of the department's final decision or a later date
2 fixed by order of the reviewing court.

3 **SECTION 2933.** 283.15 (2) (a) of the statutes is created to read:

4 283.15 (2) (a) If a permit contains a variance or if a permittee anticipates that
5 a reissued permit will include a water quality based effluent limitation under s.
6 283.13 (5), when the permittee applies for reissuance of the permit the permittee may
7 apply to the department for renewal of the variance or for a variance from the water
8 quality standard that would be used to derive the water quality based effluent
9 limitation.

10 **SECTION 2934.** 283.15 (2) (b) 1. of the statutes is renumbered 283.15 (2) (b) and
11 amended to read:

12 283.15 (2) (b) The department shall specify by rule the information to be
13 included in the an application. ~~The permittee shall submit an application for a~~
14 ~~variance within 60 days after the department issues, reissues or modifies the permit~~
15 under this subsection.

16 **SECTION 2935.** 283.15 (2) (b) 2. of the statutes is repealed.

17 **SECTION 2936.** 283.15 (2) (b) 3. of the statutes is repealed.

18 **SECTION 2937.** 283.15 (2) (c) of the statutes is amended to read:

19 283.15 (2) (c) The department may request additional information from the
20 permittee within 30 days after receiving either the an application under par. (b) 1.
21 ~~or the information under par. (b) 2. (am) 1.~~ The permittee shall provide the additional
22 information within 30 days after receipt of the department's request. An application
23 is not complete until the additional information is provided to the department.

24 **SECTION 2938.** 283.15 (2) (e) of the statutes is repealed.

1 **SECTION 2939.** 283.15 (3) of the statutes is renumbered 283.15 (3) (b) and
2 amended to read:

3 283.15 (3) (b) The secretary shall issue a tentative decision on ~~the~~ an
4 application for a variance under sub. (2) (am) 1. within 120 days after receipt of a
5 completed application. The department shall circulate the tentative decision to the
6 permittee and to the parties in s. 283.53 (2) (c). If the tentative decision is to grant
7 a variance based upon one or more of the conditions specified in sub. (4) (a) 1. a. to
8 e., the department shall include in the notice under this ~~subsection~~ paragraph a
9 statement on the effect of the variance, if granted, on the designated use of the water
10 body during the term of the underlying permit. The department shall provide a
11 30-day period for written comments on the tentative decision.

12 **SECTION 2940.** 283.15 (3) (a) of the statutes is created to read:

13 283.15 (3) (a) The secretary shall issue a tentative decision on an application
14 for a variance under sub. (2) (a) in the notice under s. 283.39 for the reissuance of the
15 permit.

16 **SECTION 2941.** 283.15 (4) (a) 1. (intro.) of the statutes is amended to read:

17 283.15 (4) (a) 1. (intro.) ~~Within 90 days after expiration of the comment period~~
18 ~~under sub. (3), the~~ The secretary shall approve all or part of a requested variance,
19 or modify and approve a requested variance if the permittee demonstrates, by the
20 greater weight of the credible evidence, that attaining the water quality standard is
21 not feasible because:

22 **SECTION 2942.** 283.15 (4) (a) 2. of the statutes is amended to read:

23 283.15 (4) (a) 2. ~~Within 90 days after the expiration of the comment period~~
24 ~~under sub. (3), the~~ The secretary shall deny a requested variance if the permittee
25 fails to make the demonstration required under subd. 1.

1 **SECTION 2943.** 283.15 (4) (a) 3. of the statutes is repealed.

2 **SECTION 2944.** 283.15 (4) (b) of the statutes is repealed.

3 **SECTION 2945.** 283.15 (4) (c) of the statutes is repealed.

4 **SECTION 2946.** 283.15 (5) (b) of the statutes is amended to read:

5 283.15 (5) (b) A variance applies for the term established by the secretary, but
6 not to exceed ~~3~~ 5 years. The term of the initial variance and any renewals thereof
7 may not exceed the time that the secretary determines is necessary to achieve the
8 water quality based effluent limitation. Initial and interim effluent limitations
9 established under par. (c) 1. apply, as appropriate, for the term of the underlying
10 permit as ~~issued~~, reissued or modified to implement the decision under sub. (4) ~~(b)~~
11 (a) 1. or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s.
12 227.51 (2) shall apply for the purposes of continuing the provisions of a permit
13 pending the issuance or reissuance of a permit. ~~Upon the issuance or reissuance of~~
14 ~~the new permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.~~

15 **SECTION 2947.** 283.15 (5) (c) (intro.) of the statutes is amended to read:

16 283.15 (5) (c) (intro.) The department shall require all of the following in a
17 permit reissued or modified pursuant to sub. (4) (e) to implement a variance shall
18 require:

19 **SECTION 2948.** 283.15 (5) (c) 1. of the statutes is amended to read:

20 283.15 (5) (c) 1. Compliance with an initial effluent limitation ~~which~~ that at the
21 time the variance is approved represents the level currently achievable by the
22 permittee and that is no less stringent than the effluent limitation achieved under
23 the permit before reissuance. At the time a variance is approved a compliance
24 schedule and an interim effluent limitation that is achievable by the permittee
25 during the term of the variance may be specified. The initial and the interim effluent

1 limitations may not be less stringent than a categorical effluent limitation that
2 applies to the permittee under s. 283.13 (2) or (4) or 283.19 or a toxic effluent
3 standard that applies to the permittee under s. 283.21.

4 **SECTION 2949.** 283.15 (5) (c) 2. (intro.) of the statutes is amended to read:

5 283.15 (5) (c) 2. (intro.) Investigation of treatment technologies, process
6 changes, pollution prevention, wastewater reuse or other techniques that may result
7 in compliance by the permittee with the water quality standard adopted under s.
8 281.15, and submission of reports on the investigations at such times as required by
9 the department. The secretary shall modify or waive the requirements specified in
10 this subdivision if the secretary determines, based upon comments received on the
11 tentative decision under sub. (3), that the requirements of this subdivision are:

12 **SECTION 2950.** 283.15 (6) of the statutes is amended to read:

13 283.15 (6) RENEWAL. ~~A variance may be renewed using the procedures in and~~
14 ~~subject to subs. (2) to (5).~~ A variance may not be renewed if the permittee did not
15 submit the reports required under sub. (5) (c) 2. or substantially comply with all other
16 conditions of the variance.

17 **SECTION 2951.** 283.39 (3) (dm) of the statutes is created to read:

18 283.39 (3) (dm) If the applicant applied, under s. 283.15 (2) (a), for a variance,
19 as defined in s. 283.15 (1), a tentative decision to approve or deny the variance,
20 including, if the tentative decision is to grant the variance based upon one or more
21 of the conditions specified in s. 283.15 (4) (a) 1. a. to e., a statement on the effect of
22 the variance, if granted, on the designated use of the water body during the term of
23 the permit;

24 **SECTION 2951k.** 283.60 of the statutes is created to read:

1 **283.60 Waiver for certain nutrient management research projects. (1)**

2 The department may waive the requirement for a permit under this chapter for a
3 research project for the purpose of evaluating advanced agricultural nutrient
4 management tools and precision agricultural technology, if all of the following
5 conditions are met:

6 (a) The department determines that the project is unlikely to have a negative
7 impact on, or to threaten, the environment or public health.

8 (b) The department reviews and approves the project before the project begins.

9 (c) The person who will operate the project agrees to take necessary actions to
10 maintain compliance with surface water and groundwater requirements under ch.
11 281 and this chapter, other than the permitting requirement, and to take necessary
12 actions to regain compliance with those requirements if a violation occurs in the
13 course of the project.

14 (2) A person seeking a waiver under sub. (1) shall apply to the department in
15 writing. The department shall approve or deny an application in writing no more
16 than 45 days after receiving a complete application. The department may approve
17 an application with conditions, including requirements for reporting project
18 activities to the department and limitations on the duration of the project or the
19 waiver for the project.

20 (3) A project for which the department grants a waiver under sub. (1) is an
21 agricultural practice for the purposes of s. 823.08.

22 **SECTION 2952.** 285.39 (4) of the statutes is amended to read:

23 **285.39 (4) REPORT ON NEW REPLENISHMENT MECHANISMS.** After expiration of the
24 replenishment implementation period, if the department reports under sub. (2) (b)
25 1. or determines at any other time that the growth accommodation is less than 3,500

1 tons, the department shall, with the advice of the department of ~~commerce~~ safety and
2 professional services, submit a report to the chief clerk of each house of the
3 legislature for distribution to the appropriate standing committees of the legislature
4 under s. 13.172 (3) on how to most effectively and equitably replenish the growth
5 accommodation. The report shall review existing studies and data to evaluate the
6 accuracy of this state's state implementation plan with respect to the effect of
7 emissions from inside and outside the volatile organic compound accommodation
8 area on the ambient air quality within the area.

9 **SECTION 2955.** 285.79 (3) (intro.) of the statutes is amended to read:

10 285.79 (3) ASSISTANCE PROGRAM. (intro.) The department shall, ~~in cooperation~~
11 ~~with the small business ombudsman clearinghouse under s. 560.03 (9)~~, develop and
12 administer a small business stationary source technical and environmental
13 compliance assistance program. The program shall include all of the following:

14 **SECTION 2956.** 287.01 (5) of the statutes is repealed.

15 **SECTION 2957b.** 287.01 (8) of the statutes is amended to read:

16 287.01 (8) "Region" means the area within the boundaries of a responsible unit
17 ~~or an out-of-state unit.~~

18 **SECTION 2960.** 287.03 (1) (f) of the statutes is repealed.

19 **SECTION 2961.** 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and
20 amended to read:

21 287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January
22 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid
23 waste disposal facility or burn a waste tire without energy recovery in a solid waste
24 treatment facility in this state ~~any of the following:~~

25 **SECTION 2962.** 287.07 (3) (a) to (k) of the statutes are repealed.

1 **SECTION 2963b.** 287.07 (4) (intro.) of the statutes is amended to read:

2 **287.07 (4) GENERAL INCINERATION DISPOSAL RESTRICTIONS.** (intro.) Beginning on
3 January 1, 1995, no person may dispose of in a solid waste disposal facility, convert
4 into fuel, or burn ~~with energy recovery~~ at a solid waste treatment facility in this state
5 any of the following:

6 **SECTION 2963e.** 287.07 (4e) of the statutes is created to read:

7 **287.07 (4e) GENERAL RESTRICTIONS ON PLACING IN CONTAINER.** (a) Beginning on
8 the effective date of this paragraph [LRB inserts date], no person may place in a
9 container the contents of which will be disposed of in a solid waste treatment facility,
10 converted into fuel, or burned at a solid waste treatment facility any of the items
11 identified in sub. (4) (a) to (k).

12 (b) Beginning on the effective date of this paragraph [LRB inserts date], no
13 person may place a waste tire in a container the contents of which will be disposed
14 of in a solid waste disposal facility or burned without energy recovery in a solid waste
15 treatment facility.

16 **SECTION 2965.** 287.07 (7) (b) 2. of the statutes is amended to read:

17 **287.07 (7) (b) 2.** A prohibition in sub. (3) ~~(b), (c), (e), (f), (g), (h) or (j)~~ or (4) (b),
18 (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an
19 operating solid waste treatment facility a type of material identified in one of those
20 paragraphs that was converted into fuel or burned at the operating solid waste
21 treatment facility during April, 1990, and either is generated in the operating solid
22 waste treatment facility's current service area or is generated by the owner of the
23 operating solid waste treatment facility.

24 **SECTION 2966.** 287.07 (7) (c) 1. cg. of the statutes is amended to read:

1 287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials
2 identified under sub. ~~(3)~~ or (4) that contain infectious waste or that are from a
3 treatment area and are mixed with infectious waste.

4 **SECTION 2967.** 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

5 287.07 (7) (c) 2. (intro.) The prohibitions in subs. ~~(3)~~ and (4) and (4e) do not
6 apply with respect to any of the following:

7 **SECTION 2968.** 287.07 (7) (c) 2. b. of the statutes is amended to read:

8 287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, or the
9 placing of, in a container the contents of which will be disposed of in a solid waste
10 facility, a container, package or material identified under sub. ~~(3)~~ or (4) that
11 contained infectious waste or that is from a treatment area and is mixed with
12 infectious waste generated in the treatment area, if the container, package or
13 material has been treated, pursuant to standards established under ch. 289, to
14 render the infectious waste noninfectious.

15 **SECTION 2969b.** 287.07 (7) (d) of the statutes is amended to read:

16 287.07 (7) (d) The department may grant, to a responsible unit ~~or out-of-state~~
17 ~~unit~~, an exception to a prohibition in sub. (3) or (4) for up to one year for a material
18 identified in sub. (3) or (4) in the event of an unexpected emergency condition.

19 **SECTION 2970.** 287.07 (7) (f) of the statutes is amended to read:

20 287.07 (7) (f) The prohibitions in subs. (2) ~~and (3)~~ to (4) do not apply to the
21 beneficial reuse of a material within a solid waste disposal facility if the beneficial
22 reuse of the material is approved in the solid waste disposal facility's plan of
23 operation under s. 289.30.

24 **SECTION 2972.** 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

1 287.07 (7) (h) 1. (intro.) The department may grant a waiver or conditional
2 waiver to a restriction under sub. ~~(3) (e) or (h) or~~ (4) (c) or (i) for plastics other than
3 polyethylene terephthalate or high-density polyethylene if the department
4 determines all of the following:

5 **SECTION 2977b.** 287.11 (1) of the statutes is amended to read:

6 287.11 (1) DEPARTMENT REVIEW. Upon request of a responsible unit ~~or an~~
7 ~~out-of-state unit~~, the department shall review documentation of the responsible
8 unit's solid waste management program created under s. 287.09 (2) (a) ~~or the~~
9 ~~out-of-state unit's solid waste management program~~ and determine whether the
10 program is an effective recycling program. The department shall complete its review
11 and make a determination within 90 days after receiving the documentation.

12 **SECTION 2977d.** 287.11 (2e) of the statutes is repealed.

13 **SECTION 2977f.** 287.11 (2m) (b) (intro.) of the statutes is amended to read:

14 287.11 (2m) (b) (intro.) The department shall, at the request of a responsible
15 unit ~~or out-of-state unit~~ that has been determined to have an effective recycling
16 program under this section, grant a variance to the applicable requirements in sub.
17 (2) (b) and (er) for up to one year for a material identified in s. 287.07 (3) or (4) that
18 is generated in the responsible unit's ~~or out-of-state unit's~~ region if the department
19 determines that the cost of selling processed material exceeds any of the following:

20 **SECTION 2977h.** 287.11 (2m) (c) of the statutes is amended to read:

21 287.11 (2m) (c) The department may on its own initiative grant, to one or more
22 responsible units ~~or out-of-state units~~ that have been determined to have effective
23 recycling programs under this section, a variance to the applicable requirements in
24 sub. (2) (b) and (er) for up to one year for a material identified in s. 287.07 (3) or (4)
25 that is generated in the responsible units' ~~or out-of-state units'~~ regions if the



1 department determines that the cost of selling processed material exceeds the
2 amount under par. (b) 1. or 2.

3 **SECTION 2977j.** 287.11 (2p) (c) of the statutes is amended to read:

4 287.11 (2p) (c) The department may grant a responsible unit ~~or an out-of-state~~
5 ~~unit~~ an exception to an applicable requirement in sub. (2) (b) or (er) for up to one year
6 for a material that is subject to an exception under s. 287.07 (7) (d).

7 **SECTION 2977L.** 287.11 (3) of the statutes is amended to read:

8 287.11 (3) LIST. The department shall prepare and periodically update a list
9 of responsible units ~~and out-of-state units~~ that have an effective recycling program.

10 **SECTION 2977n.** 287.11 (4) of the statutes is repealed.

11 **SECTION 2977p.** 287.17 (1) (np) of the statutes is amended to read:

12 287.17 (1) (np) "School" means a public school, as defined in s. 115.01 (1), a
13 private school participating in the program under s. 118.60, ~~or~~ ^{or} a private school
14 participating in the program under s. 119.23.

15 **SECTION 2980b.** 287.23 (1) (c) of the statutes is repealed.

16 **SECTION 2980c.** 287.23 (1m) of the statutes is repealed.

17 **SECTION 2980d.** 287.23 (3) (a) of the statutes is repealed.

18 **SECTION 2980f.** 287.23 (3) (ac) of the statutes is repealed.

19 **SECTION 2980h.** 287.23 (5) of the statutes is repealed.

20 **SECTION 2980j.** 287.23 (5e) of the statutes is repealed.

21 **SECTION 2980L.** 287.23 (5m) of the statutes is repealed.

22 **SECTION 2980n.** 287.23 (5p) (a) to (c) of the statutes are amended to read:

23 287.23 (5p) (a) If a responsible unit submits its application under sub. (4) after
24 October 1 but no later than October 10, the amount of the responsible unit's grant
25 is 95% of the amount determined under sub. ~~(5) or (5m)~~ (5b).

1 (b) If a responsible unit submits its application under sub. (4) after October 10
2 but no later than October 20, the amount of the responsible unit's grant is 90% of the
3 amount determined under sub. ~~(5) or (5m)~~ (5b).

4 (c) If a responsible unit submits its application under sub. (4) after October 20
5 but no later than October 30, the amount of the responsible unit's grant is 75% of the
6 amount determined under sub. ~~(5) or (5m)~~ (5b).

7 **SECTION 2980p.** 287.23 (6) (a) of the statutes is renumbered 287.23 (6) and
8 amended to read:

9 287.23 (6) DISBURSEMENT. ~~Except as provided in par. (b), the~~ The department
10 shall disburse a grant to the applicant after approval, but no later than June 1 of the
11 year for which the grant is made.

12 **SECTION 2980r.** 287.23 (6) (b) of the statutes is repealed.

13 **SECTION 2981.** 287.235 of the statutes is repealed.

14 **SECTION 2981g.** 287.24 of the statutes is created to read:

15 **287.24 Recycling consolidation grants. (1)** In this section, "population"
16 means the number of persons residing in a region, as determined by the department
17 based upon the most recent decennial or special census or the most recent,
18 subsequent population estimate under s. 16.96.

19 **(2)** The department shall make a grant from the appropriation account under
20 s. 20.370 (6) (bw) for a year to a responsible unit that has been determined under s.
21 287.11 to have an effective recycling program if any of the following applies:

22 (a) The responsible unit is a county.

23 (b) The responsible unit is a federally recognized Indian tribe or band.

24 (c) The responsible unit has a population of 25,000 or more and consists of one
25 or more municipalities.

1 (d) The responsible unit is not eligible under par. (a), (b), or (c) but one of the
2 following applies:

3 1. By October 1 in the year preceding the year for which the grant is made, the
4 responsible unit consists of what had been at least 2 responsible units.

5 2. By October 1 in the year preceding the year for which the grant is made, the
6 responsible unit enters into a cooperative agreement with another responsible unit
7 for the joint provision of at least one of the following elements of an effective recycling
8 program:

9 a. Performing comprehensive program planning.

10 b. Collecting and transporting recyclable materials.

11 c. Sorting recyclable materials at a materials recovery facility.

12 d. Developing and distributing educational materials relating to waste
13 reduction, reuse, and recycling.

14 e. Carrying out a program of technical assistance to businesses and owners and
15 occupants of multifamily dwellings to increase the availability and convenience of
16 recycling.

17 f. Any other program element approved by the department.

18 (3) Subject to sub. (4), the department shall determine the amount of a grant
19 to a responsible unit under this section as follows:

20 (a) Divide the amount available under s. 20.370 (6) (bw) for the year by the total
21 population of the responsible units eligible under sub. (2).

22 (b) Multiply the amount determined under par. (a) by the population of the
23 responsible unit.

24 (4) A grant under this section plus a grant under s. 287.23 may not exceed the
25 allowable expenses under s. 287.23 (3) (b).

1 **SECTION 2982.** 287.25 of the statutes is repealed.

2 **SECTION 2983.** 287.26 of the statutes is repealed.

3 **SECTION 2984.** 287.31 (6) of the statutes is amended to read:

4 287.31 (6) USE OF REVENUES. The newspaper recycling fees collected under sub.
5 (5) shall be deposited in the ~~recycling and renewable energy~~ environmental fund
6 under s. 25.49.

7 **SECTION 2984n.** 289.63 (6) (title) of the statutes is amended to read:

8 289.63 (6) (title) EXEMPTION FROM GROUNDWATER AND WELL COMPENSATION FEES;
9 FOR CERTAIN MATERIALS USED IN OPERATION OF THE FACILITY.

10 **SECTION 2984p.** 289.63 (6) of the statutes is renumbered 289.63 (6) (a).

11 **SECTION 2984r.** 289.63 (6) (b) of the statutes is created to read:

12 289.63 (6) (b) 1. In this paragraph, “natural disaster” means a severe natural
13 or human-caused flood or a severe tornado, heavy rain, or storm.

14 2. Solid waste materials that are generated as the result of a natural disaster
15 are not subject to the groundwater and well compensation fees imposed under sub.
16 (1) if all of the following apply:

17 a. The natural disaster resulted in a federal or state disaster declaration.

18 b. The solid waste materials were generated within a municipality that was
19 included in the federal or state disaster declaration.

20 c. The solid waste materials resulting from the natural disaster were disposed
21 of in the solid waste disposal facility within 60 days after the occurrence of the
22 natural disaster.

23 d. The solid waste materials were removed as part of the disaster recovery
24 effort and were segregated from other solid wastes when delivered to the solid waste
25 disposal facility.

1 **SECTION 2984t.** 289.64 (4) (title) of the statutes is amended to read:

2 289.64 (4) (title) EXEMPTION FROM SOLID WASTE FACILITY SITING BOARD FEE; FOR
3 CERTAIN MATERIALS USED IN OPERATION OF THE FACILITY.

4 **SECTION 2984v.** 289.64 (4) of the statutes is renumbered 289.64 (4) (a).

5 **SECTION 2984x.** 289.64 (4) (b) of the statutes is created to read:

6 289.64 (4) (b) 1. In this paragraph, “natural disaster” means a severe natural
7 or human-caused flood or a severe tornado, heavy rain, or storm.

8 2. Solid waste materials that are generated as the result of a natural disaster
9 are not subject to the solid waste facility siting board fee imposed under sub. (1) if
10 all of the following apply:

11 a. The natural disaster resulted in a federal or state disaster declaration.

12 b. The solid waste materials were generated within a municipality that was
13 included in the federal or state disaster declaration.

14 c. The solid waste materials were disposed of in the solid waste disposal facility
15 within 60 days after the occurrence of the natural disaster.

16 d. The solid waste materials were removed as part of the disaster recovery
17 effort and were segregated from other solid wastes when delivered to the solid waste
18 disposal facility.

19 **SECTION 2984z.** 289.645 (4) (f) of the statutes is created to read:

20 289.645 (4) (f) 1. In this paragraph, “natural disaster” means a severe natural
21 or human-caused flood or a severe tornado, heavy rain, or storm.

22 2. Solid waste materials that are generated as the result of a natural disaster
23 are not subject to the recycling fee imposed under sub. (1) if all of the following apply:

24 a. The natural disaster resulted in a federal or state disaster declaration.

1 b. The solid waste materials were generated within a municipality that was
2 included in the federal or state disaster declaration.

3 c. The solid waste materials were disposed of in the solid waste disposal facility
4 within 60 days after the occurrence of the natural disaster.

5 d. The solid waste materials were removed as part of the disaster recovery
6 effort and were segregated from other solid wastes when delivered to the solid waste
7 disposal facility.

8 **SECTION 2985b.** 289.645 (6) of the statutes is amended to read:

9 289.645 (6) USE OF RECYCLING FEES. The fees collected under sub. (2) shall be
10 deposited in the ~~recycling and renewable energy~~ environmental fund.

11 **SECTION 2985f.** 289.67 (1) (a) of the statutes is amended to read:

12 289.67 (1) (a) *Imposition of fee.* Except as provided under ~~par.~~ pars. (f) and (fm),
13 a generator of solid or hazardous waste shall pay an environmental repair fee for
14 each ton or equivalent volume of solid or hazardous waste which is disposed of at a
15 licensed solid or hazardous waste disposal facility. If a person arranges for collection
16 or disposal services on behalf of one or more generators, that person shall pay the
17 environmental repair fee to the licensed solid or hazardous waste disposal facility or
18 to any intermediate hauler used to transfer wastes from collection points to a
19 licensed facility. An intermediate hauler who receives environmental repair fees
20 under this paragraph shall pay the fees to the licensed solid or hazardous waste
21 disposal facility. Tonnage or equivalent volume shall be calculated in the same
22 manner as the calculation made for tonnage fees under s. 289.62 (1).

23 **SECTION 2985g.** 289.67 (1) (fm) of the statutes is created to read:

1 289.67 (1) (fm) *Exemption from environmental repair fee; certain materials*
2 *resulting from natural disasters.* 1. In this paragraph, “natural disaster” means a
3 severe natural or human-caused flood or a severe tornado, heavy rain, or storm.

4 2. Solid waste materials that are generated as the result of a natural disaster
5 are not subject to the environmental repair fee imposed under par. (a) if all of the
6 following apply:

7 a. The natural disaster resulted in a federal or state disaster declaration.

8 b. The solid waste materials were generated within a municipality that was
9 included in the federal or state disaster declaration.

10 c. The solid waste materials were disposed of in the solid waste disposal facility
11 within 60 days after the occurrence of the natural disaster.

12 d. The solid waste materials were removed as part of the disaster recovery
13 effort and were segregated from other solid wastes when delivered to the solid waste
14 disposal facility.

15 **SECTION 2986.** 292.11 (2) (e) of the statutes is amended to read:

16 292.11 (2) (e) The department shall report notifications that it receives under
17 this subsection related to discharges from petroleum storage tanks, as defined in s.
18 101.144 (1) (bm), to the department of ~~eommeree~~ safety and professional services.

19 **SECTION 2987.** 292.11 (7) (d) 1m. b. of the statutes is amended to read:

20 292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the
21 area consists of 2 or more properties affected by a contiguous region of groundwater
22 contamination or contains 2 or more properties that are brownfields, as defined in
23 s. ~~560.13~~ 238.13 (1) (a).

24 **SECTION 2988.** 292.12 (1) (a) of the statutes is amended to read:

1 292.12 (1) (a) “Agency with administrative authority” means the department
2 of agriculture, trade and consumer protection with respect to a site over which it has
3 jurisdiction under s. 94.73 (2), the department of ~~commerce~~ safety and professional
4 services with respect to a site over which it has jurisdiction under s. 101.144 (2) (a),
5 or the department of natural resources with respect to a site over which it has
6 jurisdiction under s. 292.11 (7).

7 **SECTION 2989.** 292.255 of the statutes is amended to read:

8 **292.255 Report on brownfield efforts.** The department of natural
9 resources, the department of administration, and the ~~department of commerce~~
10 Wisconsin Economic Development Corporation shall submit a report evaluating the
11 effectiveness of this state’s efforts to remedy the contamination of, and to redevelop,
12 brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a).

13 **SECTION 2990.** 292.33 (6) of the statutes is amended to read:

14 292.33 (6) EXCEPTION. A local governmental unit may not recover costs under
15 this section for remedial activities conducted on a property or portion of a property
16 with respect to a discharge after the department of natural resources, the
17 department of ~~commerce~~ safety and professional services, or the department of
18 agriculture, trade and consumer protection has indicated that no further remedial
19 activities are necessary on the property or portion of the property with respect to the
20 discharge.

21 **SECTION 2990r.** 292.75 of the statutes is renumbered 238.133, and 238.133 (2),
22 (3) (intro.), (4), (5) (intro.) and (c), (6) and (7), as renumbered, are amended to read:

23 238.133 (2) DUTIES OF THE ~~DEPARTMENT~~ CORPORATION. (a) The ~~department~~
24 corporation shall administer a program to award brownfield site assessment grants

1 from the appropriation under s. ~~20.370 (6) (et)~~ 20.192 (1) (s) to local governmental
2 units for the purposes of conducting any of the eligible activities under sub. (3).

3 (b) The ~~department~~ corporation may not award a grant to a local governmental
4 unit under this section if that local governmental unit caused the environmental
5 contamination that is the basis for the grant request.

6 (c) The ~~department~~ corporation may only award grants under this section if the
7 person that caused the environmental contamination that is the basis for the grant
8 request is unknown, cannot be located or is financially unable to pay the cost of the
9 eligible activities.

10 (d) The ~~department~~ corporation shall ~~promulgate rules~~ establish criteria as
11 necessary to administer the program. ~~Rules promulgated by the department~~ The
12 corporation ~~under this paragraph~~ may limit the total amount of funds that may be
13 used to cover the costs of each category of eligible activity described in sub. (3).

14 **(3) ELIGIBLE ACTIVITIES.** (intro.) The ~~department~~ corporation may award grants
15 to local governmental units to cover the costs of the following activities:

16 **(4) APPLICATION FOR GRANT.** The applicant shall submit an application on a form
17 prescribed by the ~~department~~ corporation and shall include any information that the
18 ~~department~~ corporation finds necessary to calculate the amount of a grant.

19 **(5) GRANT CRITERIA.** (intro.) The ~~department~~ corporation shall consider the
20 following criteria when determining whether to award a grant:

21 (c) Other criteria that the ~~department~~ corporation finds necessary to calculate
22 the amount of a grant.

23 **(6) LIMITATION OF GRANT.** The total amount of all grants awarded to a local
24 governmental unit in a fiscal year under this section shall be limited to an amount

1 equal to 15% of the available funds appropriated under s. ~~20.370 (6) (et)~~ 20.192 (1)
2 (s) for the fiscal year.

3 (7) MATCHING FUNDS. The ~~department~~ corporation may not distribute a grant
4 ~~unless the applicant contributes matching funds equal to 20% of the grant. Matching~~
5 ~~funds may be in the form of cash or in-kind contribution or both~~ that exceeds 67
6 percent of eligible project costs.

7 SECTION 2991b. 292.79 of the statutes is repealed.

8 SECTION 2992. 293.11 of the statutes is amended to read:

9 **293.11 Mine effect responsibility.** The department shall serve as the central
10 unit of state government to ensure that the air, lands, waters, plants, fish and
11 wildlife affected by prospecting or mining in this state will receive the greatest
12 practicable degree of protection and reclamation. The administration of
13 occupational health and safety laws and rules that apply to mining shall remain
14 exclusively the responsibility of the department of ~~commerce~~ safety and professional
15 services. The powers and duties of the geological and natural history survey under
16 s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural
17 history survey. Nothing in this section prevents the department of ~~commerce~~ safety
18 and professional services and the geological and natural history survey from
19 cooperating with the department in the exercise of their respective powers and
20 duties.

21 SECTION 2993. 299.13 (1m) (intro.) of the statutes is amended to read:

22 299.13 (1m) PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the
23 duties under this section and ~~ss. s.~~ s. 36.25 (30) ~~and 560.19~~, the department, ~~the~~
24 ~~department of commerce~~ and the center shall promote all of the following techniques
25 for pollution prevention:

1 **SECTION 2994.** 299.83 (8) (f) of the statutes is amended to read:

2 299.83 (8) (f) The department and the department of ~~commerce~~ safety and
3 professional services shall jointly provide information about participation contracts
4 and environmental management systems to potential participants in the program
5 and to other interested persons. The department shall consult with the department
6 of ~~commerce~~ safety and professional services about the administration of the
7 program.

8 **SECTION 2995h.** 301.03 (5d) of the statutes is created to read:

9 301.03 (5d) Ensure that the superintendent or other person in charge of each
10 state correctional institution designates a person to meet with correctional officers
11 employed at the institution to discuss potential or ongoing safety concerns at the
12 institution and to develop solutions to the concerns.

13 **SECTION 2995k.** 301.03 (5h) of the statutes is created to read:

14 301.03 (5h) Develop, with the assistance of the office of state employment
15 relations, a policy for staff assignments that shall consider an employee's seniority
16 when assigning shifts.

17

18 **SECTION 2999.** 301.26 (3) (c) of the statutes is amended to read:

19 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd),
20 ~~(ko), and (e) and (ko)~~, the department shall allocate funds to each county for services
21 under this section.

22 **SECTION 3000.** 301.26 (4) (b) of the statutes is amended to read:

23 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
24 the basis of the per person per day cost estimate specified in par. (d) 2. and, 3., and
25 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county

1 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
2 jurisdiction under chs. 48 and 938 for each person receiving services from the
3 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
4 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
5 (cm), in multicounty court jurisdictions, the county of residency within the
6 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
7 par. (a) shall also be made according to the general placement type or level of care
8 provided, as defined by the department, and prorated according to the ratio of the
9 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
10 services, and supplies provided by the department of corrections under ss. 48.366,
11 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
12 (3).

13 **SECTION 3001.** 301.26 (4) (cm) 3. of the statutes is amended to read:

14 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
15 correctional services under this paragraph shall be equal to the per person daily cost
16 assessment to counties under par. (d) 2. ~~and~~, 3., and 4. for juvenile correctional
17 services.

18 **SECTION 3002.** 301.26 (4) (ct) of the statutes is created to read:

19 301.26 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,
20 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.
21 20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the
22 appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the
23 amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the
24 appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the
25 appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be

1 transferred to the appropriation account under s. 20.410 (3) (hm), up to the amount
2 that when added to other amounts credited to that appropriation account in that
3 fiscal year equals the amount shown in the schedule under s. 20.005 (3) for that
4 appropriation account for that fiscal year.

5 2. The total amount transferred at the end of a fiscal year under subd. 1. may
6 not exceed the amount of the deficit in the appropriation account under s. 20.410 (3)
7 (hm) for that fiscal year, and if that deficit is less than the total amount of the
8 unencumbered balances available for transfer under subd. 1., the amount
9 transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) shall
10 be in proportion to the respective unencumbered balance available for transfer from
11 each of those appropriation accounts.

12 **SECTION 3002m.** 301.26 (4) (cx) of the statutes is created to read:

13 301.26 (4) (cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903,
14 there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close
15 of a fiscal biennium, the governor shall, to address that deficit, increase each of the
16 rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile
17 correctional institution and for care for juveniles transferred from a correctional
18 institution by \$17, in addition to any increase due to actual costs, in the executive
19 budget bill for each fiscal biennium, until the deficit under s. 20.410 (3) (hm) is
20 eliminated.

21 **SECTION 3003.** 301.26 (4) (d) 2. of the statutes is amended to read:

22 301.26 (4) (d) 2. Beginning on January July 1, 2010 2011, and ending on June
23 30, 2010 2012, the per person daily cost assessment to counties shall be \$270 \$284
24 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$270
25 \$284 for care for juveniles transferred from a juvenile correctional institution under

1 s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~
2 ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~
3 ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101 \$99 for~~
4 departmental corrective sanctions services, and \$40 for departmental aftercare
5 services.

6 **SECTION 3004.** 301.26 (4) (d) 3. of the statutes is amended to read:

7 301.26 (4) (d) 3. Beginning on July 1, ~~2010~~ 2012, and ending on June 30, ~~2011~~
8 2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in
9 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care
10 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
11 ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~
12 ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~
13 ~~foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$100 for
14 departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare
15 services.

16 **SECTION 3005.** 301.26 (4) (d) 4. of the statutes is created to read:

17 301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a
18 foster home, group home, or residential care center for children and youth shall be
19 an amount equal to the amount the provider charges the department for that care
20 as authorized by the department of children and families.

21 **SECTION 3006.** 301.26 (6) (a) of the statutes is amended to read:

22 301.26 (6) (a) The intent of this subsection is to develop criteria to assist the
23 legislature in allocating funding, excluding funding for base allocations, from the
24 appropriations under s. 20.410 (3) (cd), ~~(ko)~~, and ~~(o)~~ and (ko) for purposes described
25 in this section.