



2013 SENATE BILL 189

1 **AN ACT** *to repeal* 15.347 (2) (a); *to renumber* 30.208 (5) (c) (intro.) and 281.36
2 (3p) (d) (intro.); *to amend* 15.347 (2) (b), 23.38 (1), 23.38 (2), 23.50 (1), 23.65 (1),
3 23.65 (3), 29.569 (3) (bm) 2., 30.208 (5) (bm), 281.36 (3p) (c) and 299.95; and *to*
4 **create** 23.38 (1m), 30.208 (5) (c) 2m., 281.36 (3p) (d) 2m., 281.36 (14) (e) and
5 281.36 (14) (f) of the statutes; **relating to:** a citation procedure applicable to
6 wetland discharge violations, sturgeon spearing license issuance period,
7 electronic methods for reporting natural resource and environmental law
8 violations, publication of class 1 notices, and membership on the Dry Cleaner
9 Environmental Response Council.

Analysis by the Legislative Reference Bureau

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

10 **SECTION 1.** 15.347 (2) (a) of the statutes is repealed.

SENATE BILL 189**SECTION 2**

1 **SECTION 2.** 15.347 (2) (b) of the statutes is amended to read:

2 15.347 (2) (b) ~~Two~~ Three members representing dry cleaning operations with
3 ~~annual gross receipts of at least \$200,000.~~

4 **SECTION 3.** 23.38 (1) of the statutes is amended to read:

5 23.38 (1) The department shall maintain a toll-free telephone number at
6 ~~department headquarters~~ to receive reports of violations of any statute or
7 administrative rule that the department enforces or administers. The department
8 shall relay these reports to the appropriate warden or officer for investigation and
9 enforcement action. The department shall publicize the toll-free telephone number
10 as widely as possible in the state.

11 **SECTION 4.** 23.38 (1m) of the statutes is created to read:

12 23.38 (1m) In addition to the toll-free telephone number under sub. (1), the
13 department may establish additional electronic methods to receive reports of
14 violations of any statute or administrative rule that the department enforces or
15 administers.

16 **SECTION 5.** 23.38 (2) of the statutes is amended to read:

17 23.38 (2) The department shall maintain records ~~which~~ that permit the release
18 of information provided by informants while protecting the identity of the informant.
19 ~~Any records maintained by the department which~~ received under this section that
20 relate to the identity of informants shall be only for the confidential use of the
21 department in the administration of this section, unless the informant expressly
22 agrees to release the records. Appearance in court as a witness shall not be
23 considered consent by an informant to release confidential records ~~maintained by the~~
24 ~~department~~ received under this section.

25 **SECTION 6.** 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), 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 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
6 administrative rules promulgated thereunder, violations specified under s. 280.98
7 (2) or 285.86, violations of s. 281.36 if the department chooses to proceed under s.
8 281.36 (14) (f), violations of ch. 951 if the animal involved is a captive wild animal,
9 violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),
10 violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances
11 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

12 **SECTION 7.** 23.65 (1) of the statutes is amended to read:

13 23.65 (1) When it appears to the district attorney that a violation of s. 90.21,
14 134.60, 281.36, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07,
15 287.08, 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31, 169, or 350, or
16 any administrative rule promulgated pursuant thereto, a violation specified under
17 s. 285.86, or a violation of ch. 951, if the animal involved is a captive wild animal, has
18 been committed the district attorney may proceed by complaint and summons.

19 **SECTION 8.** 23.65 (3) of the statutes is amended to read:

20 23.65 (3) If a district attorney refuses or is unavailable to issue a complaint,
21 a circuit judge, after conducting a hearing, may permit the filing of a complaint if he
22 or she finds there is probable cause to believe that the person charged has committed
23 a violation of s. 281.36, 287.07, 287.08 or 287.81, this chapter or ch. 26, 27, 28, 29,
24 30, 31 or 350 or a violation specified under s. 285.86. The district attorney shall be
25 informed of the hearing and may attend.

SENATE BILL 189**SECTION 9**

1 **SECTION 9.** 29.569 (3) (bm) 2. of the statutes is amended to read:

2 29.569 (3) (bm) 2. A person who is a resident and who has attained the age of
3 14 12 during that period.

4 **SECTION 10.** 30.208 (5) (bm) of the statutes is amended to read:

5 30.208 (5) (bm) For the purpose of determining the date on which notice is
6 provided under this subsection, the date of the notice shall be the date on which the
7 department first publishes the notice on its Internet Web site, ~~unless the department~~
8 ~~delegates to the applicant under par. (c) the requirement to provide notice. If the~~
9 ~~department delegates to the applicant the requirement to provide notice, the date of~~
10 ~~the notice shall be the date on which the department first publishes the notice on its~~
11 ~~Internet Web site or 10 days after the date on which the department receives~~
12 ~~satisfactory proof of publication of a class 1 notice from the applicant, whichever is~~
13 ~~later.~~

14 **SECTION 11.** 30.208 (5) (c) (intro.) of the statutes is renumbered 30.208 (5) (c)
15 1m. (intro.).

16 **SECTION 12.** 30.208 (5) (c) 2m. of the statutes is created to read:

17 30.208 (5) (c) 2m. If, under subd. 1m., the department delegates to an applicant
18 the requirement to provide notice under sub. (3) by publishing a class 1 notice under
19 ch. 985, the applicant may in lieu of publishing the class 1 notice request that the
20 department publish the class 1 notice. The department shall charge the applicant
21 a fee for publishing the class 1 notice in an amount that equals the average cost to
22 the department for publishing under this chapter class 1 notices under ch. 985.

23 **SECTION 13.** 281.36 (3p) (c) of the statutes is amended to read:

24 281.36 (3p) (c) For the purpose of determining the date on which notice is
25 provided under this subsection, the date of the notice shall be the date on which the

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1 department first publishes the notice on its Internet Web site, ~~unless the department~~
2 ~~delegates to the applicant under par. (d) the requirement to provide notice. If the~~
3 ~~department delegates to the applicant the requirement to provide notice, the date of~~
4 ~~the notice shall be the date on which the department first publishes the notice on its~~
5 ~~Internet Web site or 10 days after the date on which the department receives~~
6 ~~satisfactory proof of publication of a class 1 notice from the applicant, whichever is~~
7 later.

8 **SECTION 14.** 281.36 (3p) (d) (intro.) of the statutes is renumbered 281.36 (3p)
9 (d) 1m. (intro.).

10 **SECTION 15.** 281.36 (3p) (d) 2m. of the statutes is created to read:

11 281.36 **(3p)** (d) 2m. If, under subd. 1m., the department delegates to an
12 applicant the requirement to provide notice under sub. (3m) by publishing a class 1
13 notice under ch. 985, the applicant may in lieu of publishing the class 1 notice request
14 that the department publish the class 1 notice. The department shall charge the
15 applicant a fee for publishing the class 1 notice in an amount that equals the average
16 cost to the department for publishing under this chapter class 1 notices under ch.
17 985.

18 **SECTION 16.** 281.36 (14) (e) of the statutes is created to read:

19 281.36 **(14)** (e) Each day of a continuing violation is a separate offense.

20 **SECTION 17.** 281.36 (14) (f) of the statutes is created to read:

21 281.36 **(14)** (f) The department may follow the procedures for the issuance of
22 a citation under ss. 23.50 to 23.99 to collect a forfeiture for a violation of this section.

23 **SECTION 25.** 299.95 of the statutes, as affected by 2013 Wisconsin Act 1, is
24 amended to read:

