

1 establishments for which this subchapter permits the department of health services  
2 to delegate regulatory authority.

3 (b) A local health department granted agent status under this subsection shall  
4 meet standards promulgated, by rule, by the department of health services. The  
5 department shall annually evaluate the licensing, investigation and inspection  
6 program of each local health department granted agent status. If, at any time, a local  
7 health department granted agent status fails to meet the standards, the department  
8 of health services agriculture, trade and consumer protection may revoke its agent  
9 status.

10 (c) The department shall provide education and training to agents designated  
11 under this subsection to ensure uniformity in the enforcement of this subchapter, s.  
12 254.47 97.67 and rules promulgated under this subchapter and s. 254.47 97.67.

13 (d) Except as provided in par. (dm), a local health department granted agent  
14 status under this subsection shall establish and collect the permit license fee for each  
15 type of establishment specified in par. (am). The local health department may  
16 establish separate fees for preinspections pre-licensing inspections of new  
17 establishments, for preinspections pre-licensing inspections of existing  
18 establishments for which a person intends to be the new operator or for the issuance  
19 of duplicate permits licenses. No fee may exceed the local health department's  
20 reasonable costs of issuing permits licenses to, making investigations and  
21 inspections of, and providing education, training and technical assistance to the  
22 establishments, plus the state fee established under par. (e). A local health  
23 department granted agent status under this subsection or under s. 97.41 may issue  
24 a single permit license and establish and collect a single fee which authorizes the

## SECTION 4086

1 operation on the same premises of more than one type of establishment for which it  
2 is granted agent status under this subsection or under s. 97.41.

3 (dm) A local health department granted agent status under this subsection  
4 may contract with the department of health services for the department of health  
5 services to collect fees and issue ~~permits~~ licenses. The department shall collect from  
6 the local health department the actual and reasonable cost of providing the services.

7 (e) The department shall establish state fees for its costs related to setting  
8 standards under this subchapter and s. ~~254.47~~ 97.67 and monitoring and evaluating  
9 the activities of, and providing education and training to, agent local health  
10 departments. ~~Agent local health departments shall include the state fees in the~~  
11 ~~permit~~ license fees established under par. (d), collect the state fees and reimburse the  
12 department for the state fees collected. For each type of establishment specified in  
13 par. (am), the state fee may not exceed 20% of the ~~permit~~ license fees charged under  
14 ss. ~~254.47~~ 97.67 and ~~254.68~~ 97.613.

15 (f) If, under this subsection, a local health department becomes an agent or its  
16 agent status is discontinued during a ~~permittee's~~ permit licensee's license year, the  
17 department of health services and the local health department shall divide any  
18 permit license fee paid by the ~~permittee~~ licensee for that permit license year  
19 according to the proportions of the permit license year occurring before and after the  
20 local health department's agent status is granted or discontinued. No additional fee  
21 may be required during the permit license year due to the change in agent status.

22 (g) A village, city or county may adopt ordinances and a local board of health  
23 may adopt regulations regarding the ~~permittees~~ licensees and premises for which  
24 the local health department is the designated agent under this subsection, which are  
25 stricter than this subchapter, s. ~~254.47~~ 97.67, or rules promulgated by the

1 department of health services under this subchapter or s. ~~254.47~~ 97.67. No such  
2 provision may conflict with this subchapter or with department rules.

3 (h) This subsection does not limit the authority of the department to inspect  
4 hotels, tourist rooming houses, bed and breakfast establishments, or vending  
5 machine commissaries in jurisdictional areas of local health departments where  
6 agent status is granted if it inspects in response to an emergency, for the purpose of  
7 monitoring and evaluating the local health department's licensing, inspection and  
8 enforcement program or at the request of the local health department.

9 (j) 1. A ~~permit~~ license fee established by a local health department granted  
10 agent status exceeds the reasonable costs described under par. (d).

11 2. The person issuing, refusing to issue, suspending or revoking a ~~permit~~  
12 license or making an investigation or inspection of the appellant has a financial  
13 interest in a regulated establishment specified in par. (am) which may interfere with  
14 his or her ability to properly take that action.

15 \*-0602/P4.122\*SECTION 4087. 254.70 of the statutes is renumbered 97.617  
16 and amended to read:

17 **97.617 Application; lodging and vending.** (1) An applicant for a ~~permit~~  
18 license under this subchapter shall complete the application prepared by the  
19 department or the local health department granted agent status under s. ~~254.69~~  
20 97.615 (2) and provide, in writing, any additional information the department of  
21 ~~health services~~ agriculture, trade and consumer protection or local health  
22 department issuing the ~~permit~~ license requires.

23 (2) Upon receipt of an application for a vending machine operator ~~permit~~  
24 license, the department may cause an investigation to be made of the applicant's  
25 commissary, servicing and transport facilities, if any, and representative machines.

1 and machine locations. The operator shall maintain at his or her place of business  
2 within this state a list of all vending machines operated by him or her and their  
3 location. This information shall be kept current and shall be made available to the  
4 department upon request. The operator shall notify the department of any change  
5 in operations involving new types of vending machines or conversion of existing  
6 machines to dispense products other than those for which such machine was  
7 originally designed and constructed.

8 \*~~0602/P4.123~~SECTION 4088. 254.71 of the statutes is renumbered 97.33, and  
9 97.33 (2), (3), (5) and (6) (c), as renumbered, are amended to read:

10 97.33 (2) Except as provided in s. ~~250.041~~ 93.135, the department may issue  
11 a certificate of food protection practices to an individual who satisfactorily completes  
12 an approved examination or who has achieved comparable compliance.

13 (3) Each certificate is valid for 5 years from the date of issuance and, except as  
14 provided in s. ~~250.041~~ 93.135, may be renewed by the certificate holder if he or she  
15 satisfactorily completes an approved examination.

16 (5) The department shall conduct evaluations of the effect that the food  
17 protection practices certification program has on compliance by restaurants with  
18 requirements established under s. ~~254.74 (1)~~ 97.30 (5).

19 (6) (c) Establishing procedures for issuance, except as provided in s. ~~250.041~~  
20 93.135, of certificates of food protection practices, including application submittal  
21 and review.

22 \*~~0602/P4.124~~SECTION 4089. 254.715 of the statutes is renumbered 97.305.

23 \*~~0602/P4.125~~SECTION 4090. 254.72 of the statutes is renumbered 97.62 and  
24 amended to read:

1           **97.62 Health and safety; standard.** Every hotel, tourist rooming house, bed  
2 and breakfast establishment, ~~restaurant, temporary restaurant,~~ vending machine  
3 commissary and vending machine shall be operated and maintained with a strict  
4 regard to the public health and safety and in conformity with this subchapter and  
5 the rules and orders of the department.

6           \*~~0602/P4.126~~\*SECTION 4091. 254.73 of the statutes is renumbered 97.623.

7           \*~~0602/P4.127~~\*SECTION 4092. 254.74 of the statutes is renumbered 97.625,  
8 and 97.625 (1) (a), (am), (b), (d) and (e), (1p) (a) (intro.) and 2. and (b) and (2), as  
9 renumbered, are amended to read:

10           ~~97.625 (1) (a) Administer and enforce this subchapter, the rules promulgated~~  
11 under this subchapter and any other rules or laws relating to the public health and  
12 safety in hotels, tourist rooming houses, bed and breakfast establishments,  
13 ~~restaurants,~~ vending machine commissaries, vending machines and vending  
14 machine locations.

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

1 (b) Require hotels, tourist rooming houses, ~~restaurants,~~ vending machine  
2 operators and vending machine commissaries to file reports and information the  
3 department deems necessary.

4 (d) Prescribe rules and fix standards, including rules covering the general  
5 sanitation and cleanliness of premises regulated under this subchapter, the proper  
6 handling and storing of food on such premises, the construction and sanitary  
7 condition of the premises and equipment to be used and the location and servicing  
8 of equipment. The rules relating to the public health and safety in bed and breakfast  
9 establishments may not be stricter than is reasonable for the operation of a bed and  
10 breakfast establishment, shall be less stringent than rules relating to ~~other~~  
11 ~~establishments~~ hotels, tourist rooming houses, and vending machine commissaries  
12 regulated by this subchapter and may not require 2nd exits for a bed and breakfast  
13 establishment on a floor above the first level.

14 (e) Hold a hearing under ch. 227 if, in lieu of proceeding under ch. 68, any  
15 interested person in the jurisdictional area of a local health department not granted  
16 agent status under s. ~~254.69~~ 97.615 appeals to the department of ~~health services~~  
17 alleging that a ~~permit~~ license fee for a hotel, ~~restaurant, temporary restaurant,~~  
18 tourist rooming house, campground, camping resort, recreational or educational  
19 camp or public swimming pool exceeds the ~~permit~~ license issuer's reasonable costs  
20 of issuing ~~permits~~ licenses to, making investigations and inspections of, and  
21 providing education, training and technical assistance to the establishment.

22 **(1p)** (a) The department may grant the holder of a ~~permit~~ license for a bed and  
23 breakfast establishment a waiver from the requirement specified under s. ~~254.61 (1)~~  
24 ~~(b)~~ 97.01 (1g) (b) to allow the holder of a ~~permit~~ license for a bed and breakfast

1 establishment to serve breakfast to other tourists or transients if all of the following  
2 conditions are met:

3 2. The other tourists or transients are provided sleeping accommodations in a  
4 tourist rooming house for which the permit license holder for the bed and breakfast  
5 establishment is the permit license holder.

6 (b) A waiver granted under par. (a) is valid for the period of validity of a permit  
7 license that is issued for the bed and breakfast establishment under s. ~~254.64~~ 97.605  
8 (1) (b).

9 (2) A local health department designated as an agent under s. ~~254.69~~ (2) 97.615  
10 (2) may exercise the powers specified in sub. (1) (a) to (d), consistent with s. ~~254.69~~  
11 97.615 (2) (g).

12 \*-0602/P4.128\*SECTION 4093. 254.76 of the statutes is renumbered 97.627.

13 \*-0602/P4.129\*SECTION 4094. 254.78 of the statutes is renumbered 254.04  
14 and amended to read:

15 **254.04 Authority of department of safety and professional services.**  
16 Nothing in this chapter ~~shall affect~~ affects the authority of the department of safety  
17 and professional services relative to places of employment, elevators, boilers, fire  
18 escapes, fire protection, or the construction of public buildings.

19 \*-0602/P4.130\*SECTION 4095. 254.79 of the statutes is renumbered 254.05.

20 \*-0602/P4.131\*SECTION 4096. 254.80 of the statutes is renumbered 97.633.

21 \*-0602/P4.132\*SECTION 4097. 254.81 of the statutes is renumbered 97.634.

22 \*-0602/P4.133\*SECTION 4098. 254.82 of the statutes is renumbered 97.635.

23 \*-0602/P4.134\*SECTION 4099. 254.83 of the statutes is renumbered 97.638.

24 \*-0602/P4.135\*SECTION 4100. 254.84 (title), (1), (2), (3) and (4) of the statutes  
25 are renumbered 97.639 (title), (1), (2), (3) and (4).

1           \***-0602/P4.136**\*SECTION 4101. 254.84 (5) of the statutes is renumbered 97.639  
2 (5) and amended to read:

3           97.639 (5) CONSTRUCTION. Nothing in this section may be construed to require  
4 establishments motels, motor courts, tourist cabins, or like accommodations to have  
5 outdoor or outside signs. This section shall be liberally construed so as to prevent  
6 untrue, misleading, false, or fraudulent representations relating to rates placed on  
7 outdoor or outside signs of the establishments.

8           \***-0602/P4.137**\*SECTION 4102. 254.84 (6) of the statutes is repealed.

9           \***-0602/P4.138**\*SECTION 4103. 254.85 of the statutes is renumbered 97.65, and  
10 97.65 (1), (2), (3) and (4), as renumbered, are amended to read:

11           **97.65 Enforcement.** (1) The department may enter, at reasonable hours, any  
12 premises for which a permit license is required under this subchapter or s. ~~254.47~~  
13 97.67 to inspect the premises, secure samples or specimens, examine and copy  
14 relevant documents and records or obtain photographic or other evidence needed to  
15 enforce this subchapter or s. ~~254.47~~ 97.67. If samples of food are taken, the  
16 department shall pay or offer to pay the market value of the samples taken. The  
17 department shall examine the samples and specimens secured and shall conduct  
18 other inspections and examinations needed to determine whether there is a violation  
19 of this subchapter, s. ~~254.47~~ 97.67 or rules promulgated by the department under this  
20 subchapter or s. ~~254.47~~ 97.67.

21           (2) (a) Whenever, as a result of an examination, the department has reasonable  
22 cause to believe that any examined food constitutes, or that any construction,  
23 sanitary condition, operation or method of operation of the premises or equipment  
24 used on the premises creates, an immediate danger to health, the administrator of  
25 the division of the department responsible for public health may issue a temporary



1 order and cause it to be delivered to the permittee licensee, or to the owner or  
2 custodian of the food, or to both. The order may prohibit the sale or movement of the  
3 food for any purpose, prohibit the continued operation or method of operation of  
4 specific equipment, require the premises to cease other operations or methods of  
5 operation which create the immediate danger to health, or set forth any combination  
6 of these requirements. The administrator may order the cessation of all operations  
7 authorized by the permit license only if a more limited order does not remove the  
8 immediate danger to health. Except as provided in par. (c), no temporary order is  
9 effective for longer than 14 days from the time of its delivery, but a temporary order  
10 may be reissued for one additional 14-day period, if necessary to complete the  
11 analysis or examination of samples, specimens or other evidence.

12 (b) No food described in a temporary order issued and delivered under par. (a)  
13 may be sold or moved and no operation or method of operation prohibited by the  
14 temporary order may be resumed without the approval of the department, until the  
15 order has terminated or the time period specified in par. (a) has run out, whichever  
16 occurs first. If the department, upon completed analysis and examination,  
17 determines that the food, construction, sanitary condition, operation or method of  
18 operation of the premises or equipment does not constitute an immediate danger to  
19 health, the permittee licensee, owner, or custodian of the food or premises shall be  
20 promptly notified in writing and the temporary order shall terminate upon his or her  
21 receipt of the written notice.

22 (c) If the analysis or examination shows that the food, construction, sanitary  
23 condition, operation or method of operation of the premises or equipment constitutes  
24 an immediate danger to health, the permittee licensee, owner, or custodian shall be  
25 notified within the effective period of the temporary order issued under par. (a).

## SECTION 4103

1 Upon receipt of the notice, the temporary order remains in effect until a final decision  
2 is issued under sub. (3), and no food described in the temporary order may be sold  
3 or moved and no operation or method of operation prohibited by the order may be  
4 resumed without the approval of the department.

5 (3) A notice issued under sub. (2) (c) shall be accompanied by a statement which  
6 informs the ~~permittee~~ licensee, owner, or custodian that he or she has a right to  
7 request a hearing in writing within 15 days after issuance of the notice. The  
8 department shall hold a hearing no later than 15 days after the department receives  
9 the written request for a hearing, unless both parties agree to a later date. A final  
10 decision shall be issued under s. 227.47 within 10 days of the conclusion of the  
11 hearing. The decision may order the destruction of food, the diversion of food to uses  
12 which do not pose a danger to health, the modification of food so that it does not create  
13 a danger to health, changes to or replacement of equipment or construction, other  
14 changes in or cessations of any operation or method of operation of the equipment  
15 or premises, or any combination of these actions necessary to remove the danger to  
16 health. The decision may order the cessation of all operations authorized by the  
17 ~~permit~~ license only if a more limited order will not remove the immediate danger to  
18 health.

19 (4) A proceeding under this section, or the issuance of a ~~permit~~ license for the  
20 premises after notification of procedures under this section, does not constitute a  
21 waiver by the department of its authority to rely on a violation of this subchapter,  
22 s. ~~254.47~~ 97.67, or any rule promulgated under this subchapter or s. ~~254.47~~ 97.67 as  
23 the basis for any subsequent suspension or revocation of the ~~permit~~ license or any  
24 other enforcement action arising out of the violation.

1           \*~~0602/P4.139~~\*SECTION 4104. 254.86 of the statutes is renumbered 97.71 and  
2 amended to read:

3           **97.71 Suspension or revocation of permit license.** The department or a  
4 local health department designated as an agent under s. ~~254.69~~ 97.615 (2) or 97.41  
5 (2) may refuse or withhold issuance of a permit license under this chapter or may  
6 suspend or revoke a permit license for violation of this ~~subchapter~~ chapter or any rule  
7 or order of the department of ~~health services~~, ordinance of the village, city or county  
8 or regulation of the local board of health.

9           \*~~0602/P4.140~~\*SECTION 4105. 254.87 of the statutes is repealed.

10          \*~~0602/P4.141~~\*SECTION 4106. 254.88 of the statutes is repealed.

11          \*~~0971/P5.657~~\*SECTION 4107. 255.054 (2) of the statutes is amended to read:

12           255.054 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
13 the Board of Regents of the University of Wisconsin System Authority shall each  
14 report to the appropriate standing committees of the legislature under s. 13.172 (3)  
15 and to the governor on the prostate cancer research projects each has conducted  
16 under sub. (1) in the previous fiscal year.

17          \*~~0971/P5.658~~\*SECTION 4108. 255.055 (2) of the statutes is amended to read:

18           255.055 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and  
19 the Board of Regents of the University of Wisconsin System Authority shall each  
20 report to the appropriate standing committees of the legislature under s. 13.172 (3)  
21 and to the governor on the cancer research projects each has conducted under sub.  
22 (1) in the previous fiscal year.

23          \*~~0807/P6.392~~\*SECTION 4109. 255.08 of the statutes is renumbered 463.25,  
24 and 463.25 (2) (a) and (b), as renumbered, are amended to read:

## SECTION 4109

1           463.25 (2) (a) No person may operate a tanning facility without a permit that  
2 the department may, except as provided in ~~ss. 250.041 and 254.115~~ s. 463.14, issue  
3 under this subsection. The holder of a permit issued under this subsection shall  
4 display the permit in a conspicuous place at the tanning facility for which the permit  
5 is issued.

6           (b) Permits issued under this subsection shall expire annually on June 30.  
7 Except as provided in ~~ss. 250.041 and 254.115~~ s. 463.14, a permit applicant shall  
8 submit an application for a permit to the department on a form provided by the  
9 department with ~~a~~ the permit fee established by the department ~~by rule~~ under s.  
10 440.03 (9). The application shall include the name and complete mailing address and  
11 street address of the tanning facility and any other information reasonably required  
12 by the department for the administration of this section.

13           \*~~0971/P5.659~~\*SECTION 4110. 255.15 (3) (b) 11. of the statutes is repealed.

14           \*~~1053/P2.25~~\*SECTION 4111. 257.01 (5) (a) of the statutes is amended to read:

15           257.01 (5) (a) An individual who is licensed as a physician, a physician  
16 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed  
17 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447,  
18 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a  
19 veterinary technician under ch. 453 ~~89~~, or certified as a respiratory care practitioner  
20 under ch. 448.

21           \*~~1053/P2.26~~\*SECTION 4112. 257.01 (5) (b) of the statutes is amended to read:

22           257.01 (5) (b) An individual who was at any time within the previous 10 years,  
23 but is not currently, licensed as a physician, a physician assistant, or a podiatrist  
24 under ch. 448, licensed as a registered nurse, licensed practical nurse, or  
25 nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a

1 pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary  
2 technician under ch. 453 ~~89~~, or certified as a respiratory care practitioner under ch.  
3 448, if the individual's license or certification was never revoked, limited, suspended,  
4 or denied renewal.

5 \*~~1191/P2.60~~\*SECTION 4113. 281.19 (6) of the statutes is amended to read:

6 281.19 (6) Orders issued by the department shall be signed by the person  
7 designated by the board secretary.

8 \*~~0971/P5.660~~\*SECTION 4114. 281.31 (3) (b) 2. of the statutes is amended to  
9 read:

10 281.31 (3) (b) 2. Locate and maintain information relating to the state's water  
11 resources. The department shall collect pertinent data available from state, regional  
12 and federal agencies, the University of Wisconsin System Authority, local units of  
13 government and other sources.

14 \*~~0807/P6.393~~\*SECTION 4115. 281.33 (2) of the statutes is amended to read:

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

## SECTION 4116

1           \***-0971/P5.661**\*SECTION 4116. 281.33 (2) of the statutes, as affected by 2015  
2 Wisconsin Act .... (this act), is amended to read:

3           281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department shall  
4 promulgate by rule a state storm water management plan. This state plan is  
5 applicable to activities contracted for or conducted by any agency, as defined under  
6 s. 227.01 (1) but also including the office of district attorney and the University of  
7 Wisconsin System Authority, unless that agency enters into a memorandum of  
8 understanding with the department of natural resources in which that agency  
9 agrees to regulate activities related to storm water management. The department  
10 shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm  
11 water management and make recommendations to these agencies concerning  
12 activities related to storm water management.

      \*\*\*NOTE: This is reconciled s. 281.33 (2). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0807/P6 and LRB-0971/P4.

13           \***-1191/P2.61**\*SECTION 4117. 281.55 (6) (b) 1. of the statutes is amended to  
14 read:

15           281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project  
16 in conjunction with the state program of advancement in anticipation of federal  
17 reimbursement under sub. (2). To provide for the financing of pollution prevention  
18 and abatement facilities, the ~~natural resources board~~ secretary, with the approval  
19 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt  
20 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts  
21 shall be contracted for in the manner and form as the legislature hereafter  
22 prescribes.

1           \*~~0794/P1.15~~\*SECTION 4118. 281.57 (7) (c) 1. of the statutes is amended to  
2 read:

3           281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are  
4 limited in each fiscal year to receiving total grant awards not to exceed ~~33% of the~~  
5 ~~sum of the amounts in the schedule for that fiscal year for the appropriation under~~  
6 ~~s. 20.165 (2) (de) \$771,738~~ and the amount authorized under sub. (10) for that fiscal  
7 year plus the unencumbered balance at the end of the preceding fiscal year for the  
8 amount authorized under sub. (10). This subdivision is not applicable to grant  
9 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

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\*\*\*\*NOTE: The \$771,738 amount represents 33 percent of the amount in the  
schedule for the 2014-15 fiscal year for the appropriation under s. 20.165 (2) (de), stats.,  
which is repealed in the draft. Let me know if you want to take a different approach. MPG

10           \*~~1186/P6.4~~\*SECTION 4119. 281.58 (8) (a) 2. of the statutes is amended to read:  
11           281.58 (8) (a) 2. Connection laterals and sewer lines that transport wastewater  
12 from structures to municipally owned or individually owned wastewater systems,  
13 unless water other than wastewater is entering the connection laterals or sewer lines  
14 from the ground or from above-ground sources and is being transported from a  
15 nonindustrial structure in a way that may interfere with compliance with a permit  
16 issued to a publicly owned treatment work under ch. 283.

17           \*~~1186/P6.5~~\*SECTION 4120. 281.58 (8) (c) of the statutes is amended to read:  
18           281.58 (8) (c) Except as provided in par. (k), financial assistance may be  
19 provided for the design, planning and construction of a collection system, interceptor  
20 or individual system project in an unsewered municipality or an unsewered area of  
21 a municipality, only if the department finds that at least two-thirds of the initial flow  
22 will be for wastewater originating from residences in existence ~~on October 17, 1972~~  
23 for at least 20 years prior to the submission of the application under sub. (9) (a).

## SECTION 4121

1           \*~~1186/P6.6~~\*SECTION 4121. 281.58 (8) (i) of the statutes is amended to read:

2           281.58 (8) (i) After June 30, 1991, no municipality may receive for projects in  
3 a biennium an amount that exceeds 35.2% of the amount ~~approved by the legislature~~  
4 ~~under s. 281.59 (3e) (b) that the department of administration projects will be~~  
5 available to provide financial assistance for projects under this section for that  
6 biennium.

7           \*~~1186/P6.7~~\*SECTION 4122. 281.58 (8) (j) of the statutes is amended to read:

8           281.58 (8) (j) The amount of a payment under sub. (6) (b) 8. may not exceed the  
9 amount of ~~subsidy~~ necessary to reduce the interest rate on the loan from market rate  
10 to the interest rate that would have been charged on a loan to the municipality under  
11 sub. (6) (b) 4.

12           \*~~1186/P6.8~~\*SECTION 4123. 281.58 (9) (e) of the statutes is amended to read:

13           281.58 (9) (e) If the department of natural resources and the department of  
14 administration determine that ~~the governor's recommendation, as set forth in the~~  
15 ~~executive budget bill, for the amount under s. 281.59 (3e) (b), the amount available~~  
16 ~~under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) the total~~  
17 amount that the department of administration projects will be available to provide  
18 financial assistance for projects under this section for a biennium, as set forth in the  
19 biennial finance plan under s. 281.59 (3) (a) 2. and as updated under s. 281.59 (3) (bm)  
20 2., is insufficient to provide funding for all projects for which applications will be  
21 approved during that biennium, the department shall inform municipalities that, if  
22 the governor's recommendations are approved, clean water fund program assistance  
23 during a fiscal year of that biennium will be available only to municipalities that  
24 submit financial assistance applications by the ~~June 30~~ preceding September 30 of  
25 that fiscal year.



1           \***-1186/P6.9\*SECTION 4124.** 281.58 (9m) (a) (intro.) of the statutes is amended  
2 to read:

3           281.58 (9m) (a) (intro.) Subject to ~~pars. (c) and par.~~ (d), the department shall  
4 approve an application after all of the following occur:

5           \***-1186/P6.10\*SECTION 4125.** 281.58 (9m) (c) of the statutes is repealed.

6           \***-1186/P6.11\*SECTION 4126.** 281.58 (9m) (e) 1. of the statutes is amended to  
7 read:

8           281.58 (9m) (e) 1. Except as provided under par. (f) and sub. (13), if a sufficient  
9 amount of ~~subsidy~~ financial assistance under this section is available ~~under s. 281.59~~  
10 ~~(3e) (b) for the municipality's project, based on the calculation under s. 281.59 (3e)~~  
11 ~~(f)~~, when the department approves the application under par. (a), the department of  
12 administration shall allocate that amount to the project.

13           \***-1186/P6.12\*SECTION 4127.** 281.58 (9m) (e) 2. of the statutes is amended to  
14 read:

15           281.58 (9m) (e) 2. If a sufficient amount of ~~subsidy~~ financial assistance under  
16 this section is not available ~~under s. 281.59 (3e) (b) for the municipality's project~~  
17 when the department approves the application under ~~subd. 1. par. (a)~~, the  
18 department shall place the project on a list for allocation when additional ~~subsidy~~  
19 ~~becomes~~ financial assistance becomes available.

20           \***-1186/P6.13\*SECTION 4128.** 281.58 (9m) (f) (intro.) of the statutes is amended  
21 to read:

22           281.58 (9m) (f) (intro.) If the department of natural resources and the  
23 department of administration determine that the amount approved ~~under s. 281.59~~  
24 ~~(3e) (b)~~, the amount available ~~under s. 20.866 (2) (tc)~~, or the amount available ~~under~~  
25 ~~s. 281.59 (4) (f)~~ available to provide financial assistance for projects under this

1 section for a biennium is insufficient to provide funding for all projects for which  
2 applications will be approved during that biennium, all of the following apply:

3 ~~\*-1186/P6.14\*~~SECTION 4129. 281.58 (9m) (f) 1. of the statutes is amended to  
4 read:

5 281.58 (9m) (f) 1. The department shall establish a funding list for each fiscal  
6 year of the biennium that ranks projects of municipalities that submit financial  
7 assistance applications under sub. (9) (a) no later than the ~~June 30~~ preceding  
8 September 30 of the fiscal year in the same order that they appear on the priority list  
9 under sub. (8e).

10 ~~\*-1186/P6.15\*~~SECTION 4130. 281.58 (9m) (fm) of the statutes is amended to  
11 read:

12 281.58 (9m) (fm) The department, in consultation with the department of  
13 administration, shall promulgate, by rule, methods to establish deadlines for actions  
14 that must be taken by a municipality to which ~~subsidy~~ financial assistance has been  
15 allocated. The methods may provide for extending deadlines under specified  
16 circumstances. If a municipality fails to meet a deadline, including any extension,  
17 the department of administration shall ~~release~~ rescind the ~~amount~~ allocation of  
18 ~~subsidy allocated to~~ financial assistance for the municipality's project.

19 ~~\*-1186/P6.16\*~~SECTION 4131. 281.58 (9m) (g) of the statutes is repealed.

20 ~~\*-1186/P6.17\*~~SECTION 4132. 281.58 (12) (a) 1. of the statutes is amended to  
21 read:

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

1 and 75 percent of market interest rate for projects for which the subsidy is allocated  
2 from the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

3 \*~~1186/P6.18~~SECTION 4133. 281.58 (12) (a) 2. of the statutes is amended to  
4 read:

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

11 \*~~1186/P6.19~~SECTION 4134. 281.58 (12) (a) 3. of the statutes is amended to  
12 read:

13 281.58 (12) (a) 3. Except as modified under par. (f) and except as restricted by  
14 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is 70  
15 percent of market interest rate for projects for which the subsidy is allocated from  
16 the amount under s. 281.59 (3e) (b) for a biennium before the 2011-13 biennium and  
17 75 percent of market interest rate for projects for which the subsidy is allocated from  
18 the amount under s. 281.59 (3e) (b) for the 2011-13 biennium or later.

19 \*~~1186/P6.20~~SECTION 4135. 281.58 (13m) (b) of the statutes is amended to  
20 read:

21 281.58 (13m) (b) Grants provided under this subsection are not included for  
22 the purposes of determining under sub. (8) (i) the amount that a municipality may  
23 receive for projects under the clean water fund program. Grants awarded under this  
24 subsection are not considered for the purposes of sub. (9m) (e) or s. 281.59 (3e) (b).

25 \*~~1186/P6.21~~SECTION 4136. 281.58 (15) (a) of the statutes is amended to read:

## SECTION 4136

1           281.58 (15) (a) The department and the department of administration may, at  
2           the request of a municipality, issue a notice of financial assistance commitment to the  
3           municipality after the department approves the municipality's application under  
4           sub. (9m) (a) and the department of administration has allocated subsidy financial  
5           assistance for the municipality's project.

6           \*~~1186/P6.22~~\*SECTION 4137. 281.59 (1) (b) of the statutes is amended to read:

7           281.59 (1) (b) "Market interest rate" means the effective interest rate on a  
8           fixed-rate revenue obligation issued by the state to fund a loan made under this  
9           section or, ~~for a variable rate~~ if the department of administration determines that  
10          there has been a significant change in interest rates after the fixed-rate revenue  
11          obligation has been issued or if a fixed-rate revenue obligation has not been issued  
12          by the state to fund a loan made under this section, the effective interest rate that  
13          the department of administration determines would have been paid if ~~the variable~~  
14          ~~rate~~ a fixed-rate revenue obligation had been sold at a fixed rate issued on the date  
15          financial assistance is allotted.

16          \*~~1186/P6.23~~\*SECTION 4138. 281.59 (1) (d) of the statutes is repealed.

17          \*~~0794/P1.16~~\*SECTION 4139. 281.59 (1m) (c) of the statutes is repealed.

18          \*~~1186/P6.24~~\*SECTION 4140. 281.59 (3) (a) 2. of the statutes is amended to  
19          read:

20          281.59 (3) (a) 2. The total amount of ~~that the department of administration~~  
21          projects will be available to provide financial assistance ~~planned to be provided or~~  
22          ~~committed~~ for projects under subd. 1. during the next biennium.

23          \*~~1186/P6.25~~\*SECTION 4141. 281.59 (3) (a) 6. of the statutes is repealed.

24          \*~~1186/P6.26~~\*SECTION 4142. 281.59 (3) (a) 6e. of the statutes is repealed.

25          \*~~1186/P6.27~~\*SECTION 4143. 281.59 (3) (a) 6m. of the statutes is repealed.

1           \*~~1186/P6.28~~\*SECTION 4144. 281.59 (3) (a) 7. of the statutes is repealed.

2           \*~~1186/P6.29~~\*SECTION 4145. 281.59 (3) (j) of the statutes is amended to read:

3           281.59 (3) (j) No later than November 1 of each odd-numbered year, the  
4 department of administration and the department jointly shall submit a report, to  
5 the building commission and committees as required under par. (bm), ~~on the~~  
6 ~~implementation of the amount established under sub. (3e) (b) as required under s.~~  
7 ~~281.58 (9m) (e), and~~ on the operations and activities of the clean water fund program,  
8 the safe drinking water loan program and the land recycling loan program for the  
9 previous biennium.

10          \*~~1186/P6.30~~\*SECTION 4146. 281.59 (3e) (a) of the statutes is repealed.

11          \*~~1186/P6.31~~\*SECTION 4147. 281.59 (3e) (b) of the statutes is repealed.

12          \*~~1186/P6.32~~\*SECTION 4148. 281.59 (3e) (c) of the statutes is repealed.

13          \*~~1186/P6.33~~\*SECTION 4149. 281.59 (3e) (d) of the statutes is amended to read:

14          281.59 (3e) (d) The department may expend, for financial assistance in a  
15 biennium other than financial hardship assistance under s. 281.58 (13) (e), an  
16 amount up to 95 percent of the amount ~~approved by the legislature under par. (b)~~  
17 available to provide financial assistance for projects under this section for that  
18 biennium. The department may expend such amount only from the percentage of the  
19 amount ~~approved under par. (b)~~ that is not available under par. (e) for financial  
20 hardship assistance.

21          \*~~1186/P6.34~~\*SECTION 4150. 281.59 (3e) (e) of the statutes is amended to read:

22          281.59 (3e) (e) The department may expend, for financial hardship assistance  
23 in a biennium under s. 281.58 (13) (e), an amount up to 5 percent of the amount  
24 ~~approved by the legislature under par. (b)~~ available to provide financial assistance  
25 for projects under this section for that biennium. The department may expend such

1 amount only from the percentage of the amount approved by the legislature under  
2 par. (b) that is not available under par. (d) for financial assistance.

3 \***-1186/P6.35\*SECTION 4151.** 281.59 (3e) (f) of the statutes is repealed.

4 \***-1186/P6.36\*SECTION 4152.** 281.59 (3m) of the statutes is repealed.

5 \***-1186/P6.37\*SECTION 4153.** 281.59 (3s) of the statutes is repealed.

6 \***-1186/P6.38\*SECTION 4154.** 281.59 (9) (am) of the statutes is amended to  
7 read:

8 281.59 (9) (am) The department of administration, in consultation with the  
9 department, may establish those terms and conditions of a financial assistance  
10 agreement that relate to its financial management, including what type of municipal  
11 obligation, as set forth under sub. (13f), if applicable, is required for the repayment  
12 of the financial assistance. Any terms and conditions established under this  
13 paragraph by the department of administration shall comply with the requirements  
14 of this section and s. 281.58, 281.60 or 281.61. In setting the terms and conditions,  
15 the department of administration may consider factors that the department of  
16 administration finds are relevant, including the type of obligation evidencing the  
17 loan, the pledge of security for the obligation and the applicant's creditworthiness.

18 \***-1186/P6.39\*SECTION 4155.** 281.59 (11) (a) of the statutes is amended to read:

19 281.59 (11) (a) The department of natural resources and the department of  
20 administration may enter into a financial assistance agreement with an applicant  
21 for which the department of administration has allocated subsidy financial  
22 assistance under s. 281.58 (9m), 281.60 (8) or 281.61 (8) if the applicant meets the  
23 conditions under sub. (9) and the other requirements under this section and s.  
24 281.58, 281.60 or 281.61.

25 \***-1186/P6.40\*SECTION 4156.** 281.60 (7) (d) of the statutes is repealed.

1           \***-1186/P6.41\*SECTION 4157.** 281.60 (8) (a) of the statutes is renumbered  
2 281.60 (8).

3           \***-1186/P6.42\*SECTION 4158.** 281.60 (8) (b) of the statutes is repealed.

4           \***-1186/P6.43\*SECTION 4159.** 281.60 (8s) of the statutes is amended to read:  
5 281.60 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment  
6 under sub. (2r) (d) may not exceed the amount of ~~subsidy~~ necessary to reduce the  
7 interest rate on the loan from market rate to the interest rate that would have been  
8 charged on a loan to the political subdivision under sub. (2r) (a).

9           \***-1186/P6.44\*SECTION 4160.** 281.60 (12) (b) 3. of the statutes is amended to  
10 read:

11           281.60 (12) (b) 3. If the sale proceeds are greater than the cost of the land plus  
12 the cost of the cleanup, pay to the department of administration an amount equal to  
13 the remaining loan balance plus the lesser of 75% of the amount by which the sale  
14 proceeds exceed the cost of the land plus the cost of the cleanup or the ~~amount of~~  
15 ~~subsidy incurred for the project~~ difference between the amount of interest paid on  
16 the loan and the amount of interest that would have been paid if the loan had been  
17 made at the market rate, and retain the remainder of the sale proceeds.

18           \***-1186/P6.45\*SECTION 4161.** 281.61 (1) (a) of the statutes is renumbered  
19 281.61 (1) (am).

20           \***-1186/P6.46\*SECTION 4162.** 281.61 (1) (ag) of the statutes is created to read:  
21 281.61 (1) (ag) “Community water system” means a public water system that  
22 serves at least 15 service connections used by year-round residents or that regularly  
23 serves at least 25 year-round residents.

24           \***-1186/P6.47\*SECTION 4163.** 281.61 (1) (bm) of the statutes is created to read:

**SECTION 4163**

1           281.61 (1) (bm) “Noncommunity water system” means a public water system  
2 that is not a community water system.

3           \***-1186/P6.48**\*SECTION 4164. 281.61 (2) of the statutes is amended to read:

4           281.61 (2) GENERAL. The department and the department of administration  
5 shall administer a program to provide financial assistance to local governmental  
6 units and to the private owners of community water systems and nonprofit  
7 noncommunity water systems for projects for the planning, designing, construction  
8 or modification of public water systems, if the projects will facilitate compliance with  
9 national primary drinking water regulations under 42 USC 300g-1 or otherwise  
10 significantly further the health protection objectives of the Safe Drinking Water Act,  
11 42 USC 300f to 300j-26.

12           \***-1186/P6.49**\*SECTION 4165. 281.61 (2g) of the statutes is amended to read:

13           281.61 (2g) INELIGIBLE PROJECTS. A local governmental unit or the private  
14 owner of a community water system or nonprofit noncommunity water system is not  
15 eligible for financial assistance under this section if the local governmental unit or  
16 the private owner of the community water system or nonprofit noncommunity water  
17 system does not have the technical, managerial or financial capacity to ensure  
18 compliance with the Safe Drinking Water Act, 42 USC 300f to 300j-26, or the public  
19 water system operated by the local governmental unit or private owner of the  
20 community water system or nonprofit noncommunity water system is in significant  
21 noncompliance with any requirement of a primary drinking water regulation or  
22 variance under 42 USC 300g-1 unless the financial assistance will ensure  
23 compliance with the Safe Drinking Water Act.

24           \***-1186/P6.50**\*SECTION 4166. 281.61 (2r) (b) of the statutes is amended to read:



1           281.61 (2r) (b) Purchasing or refinancing the obligation of a local governmental  
2           unit or private owner of a community water system or nonprofit noncommunity  
3           water system if the obligation was incurred to finance the cost of a project described  
4           in sub. (2) and the obligation was initially incurred after July 1, 1993.

5           \***-1186/P6.51\*SECTION 4167.** 281.61 (3) of the statutes is amended to read:

6           281.61 (3) NOTICE OF INTENT TO APPLY. (a) A local governmental unit or private  
7           owner of a community water system or nonprofit noncommunity water system shall  
8           submit notice of its intent to apply for financial assistance under the safe drinking  
9           water loan program at least 6 months before the beginning of the fiscal year in which  
10          it intends to receive the financial assistance. The notice shall be in a form prescribed  
11          by the department and the department of administration.

12          (c) The department may waive par. (a) upon the written request of a local  
13          governmental unit or private owner of a community water system or nonprofit  
14          noncommunity water system.

15          \***-1186/P6.52\*SECTION 4168.** 281.61 (4) of the statutes is amended to read:

16          281.61 (4) ENGINEERING REPORT. A local governmental unit or private owner of  
17          a community water system or nonprofit noncommunity water system seeking  
18          financial assistance for a project under this section shall submit an engineering  
19          report, as required by the department by rule.

20          \***-1186/P6.53\*SECTION 4169.** 281.61 (5) of the statutes is renumbered 281.61  
21          (5) (a) and amended to read:

22          281.61 (5) (a) After the department approves ~~a local governmental unit's~~ an  
23          engineering report submitted under sub. (4), the local governmental unit or private  
24          owner of a community water system or nonprofit noncommunity water system shall  
25          submit an application for safe drinking water financial assistance to the department.

## SECTION 4169

1 The applicant shall submit the application on or before the June 30 preceding the  
2 beginning of the fiscal year in which the applicant wishes to receive the financial  
3 assistance, except that if funds are available in a fiscal year after funding has been  
4 allocated under sub. (8) for all approved applications submitted before the June 30  
5 preceding that fiscal year, the department of administration may allocate funding for  
6 approved applications submitted after June 30. The application shall be in the form  
7 and include the information required by the department and the department of  
8 administration and shall include plans and specifications that are approvable by the  
9 department under this section. An applicant may not submit more than one  
10 application per project per year.

11 \*~~1186/P6.54~~\*SECTION 4170. 281.61 (5) (b) of the statutes is created to read:

12 281.61 (5) (b) The department of administration and the department jointly  
13 may charge and collect service fees, established by rule, which shall cover the  
14 estimated costs of reviewing and acting upon the application and servicing the  
15 financial assistance agreement. No service fee established by rule under this  
16 paragraph may be charged to or collected from an applicant for financial assistance  
17 under s. 281.59 (13). The fees collected under this paragraph shall be credited to the  
18 environmental improvement fund.

19 \*~~1186/P6.55~~\*SECTION 4171. 281.61 (6) of the statutes is amended to read:

20 281.61 (6) PRIORITY LIST. The department shall establish a priority list that  
21 ranks each safe drinking water loan program project. The department shall  
22 promulgate rules for determining project rankings that, to the extent possible, give  
23 priority to projects that address the most serious risks to human health, that are  
24 necessary to ensure compliance with the Safe Drinking Water Act, 42 USC 300f to  
25 300j-26, and that assist ~~local governmental units~~ applicants that are most in need

1 on a per household basis, according to affordability criteria specified in the rules. For  
2 the purpose of ranking projects under this subsection, the department shall treat a  
3 project to upgrade a public water system to provide continuous disinfection of the  
4 water that it distributes as if the public water system were a surface water system  
5 that federal law requires to provide continuous disinfection.

6 \*–1186/P6.56\*SECTION 4172. 281.61 (7) (c) of the statutes is amended to read:

7 281.61 (7) (c) The department of administration determines that the local  
8 governmental unit applicant will meet the requirements of s. 281.59 (9) (b).

9 \*–1186/P6.57\*SECTION 4173. 281.61 (7) (d) of the statutes is repealed.

10 \*–1186/P6.58\*SECTION 4174. 281.61 (8) (a) (intro.) of the statutes is

11 renumbered 281.61 (8) (intro.) and amended to read:

12 281.61 (8) (intro.) The department shall establish a funding list for each fiscal  
13 year that ranks projects of local governmental units applicants that submit  
14 approvable applications under sub. (5) in the same order that they appear on the  
15 priority list under sub. (6). If sufficient funds are not available to fund all approved  
16 applications for financial assistance, the department of administration shall allocate  
17 funding to projects that are approved under sub. (7) in the order that they appear on  
18 the funding list, except as follows:

19 \*–1186/P6.59\*SECTION 4175. 281.61 (8) (a) 1. of the statutes is renumbered

20 281.61 (8) (a).

21 \*–1186/P6.60\*SECTION 4176. 281.61 (8) (a) 2. of the statutes is renumbered

22 281.61 (8) (bL) and amended to read:

23 281.61 (8) (bL) In any biennium, no local governmental unit applicant may  
24 receive more than 25% of the funds that the department of administration projects

## SECTION 4176

1 ~~will be available~~ amount of financial assistance planned to be provided or committed  
2 for projects under this section for that biennium.

3 \*~~1186/P6.61~~\*SECTION 4177. 281.61 (8) (b) of the statutes is repealed.

4 \*~~1186/P6.62~~\*SECTION 4178. 281.61 (8m) (intro.) of the statutes is amended  
5 to read:

6 281.61 (8m) CONDITIONS OF FINANCIAL ASSISTANCE FOR LOCAL GOVERNMENTAL  
7 UNITS. As a condition of receiving financial assistance under the safe drinking water  
8 loan program, a local governmental unit shall do all of the following:

9 \*~~1186/P6.63~~\*SECTION 4179. 281.61 (8p) of the statutes is created to read:

10 ~~281.61 (8p) CONDITIONS OF FINANCIAL ASSISTANCE FOR PRIVATE OWNERS. As a~~  
11 condition of receiving financial assistance under the safe drinking water loan  
12 program, a private owner of a community water system or nonprofit noncommunity  
13 water system shall do all of the following:

14 (a) Demonstrate that there is adequate security for the repayment of the  
15 financial assistance.

16 (b) Comply with those provisions of 42 USC 300f to 300j-26 and this chapter  
17 and the regulations and rules promulgated under those provisions that the  
18 department specifies.

19 \*~~1186/P6.64~~\*SECTION 4180. 281.61 (8s) of the statutes is amended to read:

20 281.61 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment  
21 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the  
22 interest rate on the loan from market rate to the interest rate that would have been  
23 charged on a loan to the local governmental unit under sub. (2r) (a).

24 \*~~1186/P6.65~~\*SECTION 4181. 281.61 (11) (a) 1. of the statutes is amended to  
25 read:

1           281.61 (11) (a) 1. For a local governmental unit an applicant that does not meet  
2 financial eligibility criteria established by the department by rule, 55% of market  
3 interest rate.

4           \*~~1186/P6.66~~SECTION 4182. 281.61 (11) (a) 2. of the statutes is amended to  
5 read:

6           281.61 (11) (a) 2. For a local governmental unit an applicant that meets  
7 financial eligibility criteria established by the department by rule, 33% of market  
8 interest rate.

9           \*~~1186/P6.67~~SECTION 4183. 281.61 (12) (g) of the statutes is amended to read:

10           281.61 (12) (g) Have the lead state role with local governmental units and  
11 private owners of community water systems or nonprofit noncommunity water  
12 systems in providing safe drinking water loan program information, and cooperate  
13 with the department of administration in providing that information to local  
14 governmental units.

15           \*~~1186/P6.68~~SECTION 4184. 281.625 (1) (b) of the statutes is amended to read:

16           281.625 (1) (b) "Local governmental unit" has the meaning given in s. 281.61  
17 (1) ~~(a)~~ (am), except that the term does not include a joint local water authority created  
18 under s. 66.0823.

19           \*~~1215/P3.528~~SECTION 4185. 281.625 (2) of the statutes is amended to read:

20           281.625 (2) The department, in consultation with the department of  
21 administration, shall promulgate rules for determining whether a loan is an eligible  
22 loan under s. ~~234.86~~ 235.86 (3) for a loan guarantee under s. ~~234.86~~ 235.86. The rules  
23 shall be consistent with 42 USC 300j-12.

24           \*~~1215/P3.529~~SECTION 4186. 281.625 (3) of the statutes is amended to read:

1           281.625 (3) The department shall determine whether a loan to the owner of a  
2 community water system or the nonprofit owner of a noncommunity water system  
3 is an eligible loan under s. ~~234.86~~ 235.86 (3) for the purposes of the loan guarantee  
4 program under s. ~~234.86~~ 235.86.

5           \*~~1215/P3.530~~\*SECTION 4187. 281.625 (4) of the statutes is amended to read:

6           281.625 (4) With the approval of the department of administration, the  
7 department of natural resources may transfer funds from the appropriation  
8 accounts under s. 20.320 (2) (s) and (x) to the Wisconsin drinking water reserve fund  
9 under s. ~~234.933~~ 235.933 to guarantee loans under s. ~~234.86~~ 235.86.

10           \*~~1215/P3.531~~\*SECTION 4188. 281.625 (5) of the statutes is amended to read:

11           281.625 (5) The department may contract with the Forward Wisconsin  
12 ~~Housing and Economic~~ Development Authority for the administration of the  
13 program under this section and s. ~~234.86~~ 235.86.

14           \*~~1191/P2.62~~\*SECTION 4189. 281.65 (3) (at) of the statutes is amended to read:

15           281.65 (3) (at) Review rules drafted under this section and make  
16 recommendations regarding the rules before final approval of the rules by the  
17 ~~natural resources board~~ secretary.

18           \*~~0971/P5.662~~\*SECTION 4190. 281.66 (6) of the statutes is amended to read:

19           281.66 (6) GRANTS FOR CAMPUSES. Notwithstanding subs. (3) and (4), the  
20 department may distribute a grant to the board of regents of the University of  
21 Wisconsin System Authority for practices, techniques or measures to control storm  
22 water discharges on a University of Wisconsin System campus that is located in a  
23 municipality that is required to obtain a permit under s. 283.33 and that is located  
24 in a priority watershed, as defined in s. 281.65 (2) (c), a priority lake area, as defined  
25 in s. 281.65 (2) (bs), or an area that is identified as an area of concern by the

1 International Joint Commission, as defined in s. 281.35 (1) (h), under the Great  
2 Lakes Water Quality Agreement.

3 \*-0801/P2.30\*SECTION 4191. 281.68 (3) (a) 1. of the statutes is amended to  
4 read:

5 281.68 (3) (a) 1. Eligible recipients to consist of nonprofit conservation  
6 organizations, as defined in s. ~~23.0955 (1)~~ 23.09 (20m) (a) 3., counties, cities, towns,  
7 villages, qualified lake associations, town sanitary districts, qualified school  
8 districts, public inland lake protection and rehabilitation districts, and other local  
9 governmental units, as defined in s. 66.0131 (1) (a), that are established for the  
10 purpose of lake management.

11 \*-0801/P2.31\*SECTION 4192. 281.69 (title) of the statutes is amended to read:

12 **281.69 (title) Lake management and classification grants and**  
13 **contracts.**

14 \*-0801/P2.32\*SECTION 4193. 281.69 (1b) (bn) of the statutes is amended to  
15 read:

16 281.69 (1b) (bn) "Nonprofit conservation organization" has the meaning given  
17 in s. ~~23.0955 (1)~~ 23.09 (20m) (a) 3.

18 \*-0801/P2.33\*SECTION 4194. 281.69 (1r) of the statutes is repealed.

19 \*-0801/P2.34\*SECTION 4195. 281.69 (2) (title) of the statutes is amended to  
20 read:

21 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

22 \*-0801/P2.35\*SECTION 4196. 281.69 (2) (c) of the statutes is repealed.

23 \*-0801/P2.36\*SECTION 4197. 281.69 (6) of the statutes is repealed.

24 \*-0801/P2.37\*SECTION 4198. 281.70 (4) (a) 3. of the statutes is amended to  
25 read:

1 281.70 (4) (a) 3. Nonprofit conservation organizations, as defined in s. ~~23.0955~~  
2 (1) 23.09 (20m) (a) 3.

3 ~~\*-0801/P2.38~~\*SECTION 4199. 281.72 of the statutes is repealed.

4 ~~\*-1215/P3.532~~\*SECTION 4200. 281.75 (4) (b) 3. of the statutes is amended to  
5 read:

6 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 36, 231,  
7 233, ~~234~~, 235, or 237, ~~or 238~~.

\*\*\*\*NOTE: This is reconciled s. 281.75 (4) (b) 3. This SECTION has been affected by  
drafts with the following LRB numbers:-0971/P4 and -1215/P2.

8 ~~\*-0456/1.2~~\*SECTION 4201. Subchapter VII (title) of chapter 281 [precedes  
9 281.81] of the statutes is amended to read:

## 10 CHAPTER 281

### 11 SUBCHAPTER VII

#### 12 ~~GREAT LAKES REMEDIAL ACTION~~

13 ~~\*-0456/1.3~~\*SECTION 4202. 281.87 of the statutes is amended to read:

14 **281.87 Great Lakes contaminated Contaminated sediment removal.**

15 The department may expend funds from the appropriation under s. 20.866 (2) (ti) to  
16 pay a portion of the costs of a project to remove contaminated sediment from Lake  
17 Michigan ~~or Lake Superior or a tributary of Lake Michigan or Lake Superior~~ any  
18 waters of the state, if the project is in an impaired water body that the department  
19 has identified under 33 USC 1313 (d) (1) (A) and the source of the impairment is  
20 contaminated sediment.

21 ~~\*-1191/P2.63~~\*SECTION 4203. 281.96 of the statutes is amended to read:

22 **281.96 Visitorial powers of department.** Every owner of an industrial  
23 establishment shall furnish to the department all information required by it in the



1 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any member of  
2 the natural resources board or any employee of the department may enter any  
3 industrial establishment for the purpose of collecting such information, and no  
4 owner of an industrial establishment shall refuse to admit such member or an  
5 employee of the department. The department shall make such inspections at  
6 frequent intervals. The secretary and all members of the board shall have has power  
7 for all purposes falling within the department's jurisdiction to administer oaths,  
8 issue subpoenas, and compel the attendance of witnesses and the production of  
9 necessary or essential data.

10 \*~~0549/1.1~~\*SECTION 4204. 283.35 (1m) (c) of the statutes is repealed.

11 \*~~1191/P2.64~~\*SECTION 4205. 285.11 (6) (intro.) of the statutes is amended to  
12 read:

13 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for  
14 the prevention, abatement, and control of air pollution in this state. The department  
15 thereafter shall be responsible for the revision and implementation of the plans. The  
16 rules or control strategies submitted to the federal environmental protection agency  
17 under the federal clean air act for control of atmospheric ozone shall conform with  
18 the federal clean air act unless, based on the recommendation of the natural  
19 resources board secretary or the head of the department, as defined in s. 15.01 (8),  
20 of any other department, as defined in s. 15.01 (5), that promulgates a rule or  
21 establishes a control strategy, the governor determines that measures beyond those  
22 required by the federal clean air act meet any of the following criteria:

23 \*~~0971/P5.663~~\*SECTION 4206. 285.59 (1) (b) of the statutes is amended to read:

24 285.59 (1) (b) "State agency" means any office, department, agency, institution  
25 of higher education, association, society, or other body in state government created

## SECTION 4206

1 or authorized to be created by the constitution or any law which is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, ~~the Wisconsin~~  
3 ~~Housing and Economic Development Authority~~, the Bradley Center Sports and  
4 Entertainment Corporation, the University of Wisconsin System Authority, the  
5 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational  
6 System Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Economic~~  
7 ~~Development Corporation~~ Forward Wisconsin Development Authority, and the  
8 Wisconsin Health and Educational Facilities Authority.

9 \***-1191/P2.65\*SECTION 4207.** 285.85 (1) of the statutes is amended to read:

10 ~~285.85 (1) If the secretary finds that a generalized condition of air pollution~~  
11 exists and that it creates an emergency requiring immediate action to protect human  
12 health or safety, he or she shall order persons causing or contributing to the air  
13 pollution to reduce or discontinue immediately the emission of air contaminants, and  
14 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing  
15 to be held before the department. Not more than 24 hours after the commencement  
16 of such hearing, and without adjournment thereof, ~~the natural resources board~~  
17 department shall affirm, modify, or set aside the order of the secretary.

18 \***-0971/P5.664\*SECTION 4208.** 287.03 (1) (c) of the statutes is amended to read:

19 287.03 (1) (c) Coordinate research, technical assistance and education  
20 programs under this chapter with related activities of the University of Wisconsin  
21 System Authority.

22 \***-0971/P5.665\*SECTION 4209.** 287.22 (2) (d) of the statutes is amended to  
23 read:

1           287.22 (2) (d) Advise the department and the University of Wisconsin System  
2     Authority concerning educational efforts and research related to solid waste  
3     reduction, recovery and recycling.

4           \*~~1191/P2.66~~\*SECTION 4210. 289.68 (7) of the statutes is amended to read:

5           289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget  
6     request to the department of administration under s. 16.42, the ~~natural resources~~  
7     ~~board~~ department shall include a report on the fiscal status of the waste  
8     management fund and an estimate of the receipts by and expenditures from the fund  
9     in the current fiscal year and in the future.

10          \*~~1215/P3.533~~\*SECTION 4211. 292.11 (7) (d) 1m. b. of the statutes is amended

11     to read:

12           292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the  
13     area consists of 2 or more properties affected by a contiguous region of groundwater  
14     contamination or contains 2 or more properties that are brownfields, as defined in  
15     s. ~~238.13~~ 235.13 (1) (a).

16          \*~~1215/P3.534~~\*SECTION 4212. 292.255 of the statutes is amended to read:

17           **292.255 Report on brownfield efforts.** The department of natural  
18     resources, the department of administration, and the ~~Wisconsin Economic~~  
19     ~~Development Corporation~~ Forward Wisconsin Development Authority shall submit  
20     a report evaluating the effectiveness of this state's efforts to remedy the  
21     contamination of, and to redevelop, brownfields, as defined in s. ~~238.13~~ 235.13 (1) (a).

22          \*~~1459/P2.1~~\*SECTION 4213. 292.63 (3) (a) (intro.) of the statutes is amended

23     to read:

24           292.63 (3) (a) *Who may submit a claim.* (intro.) Subject to pars. (ac), (ae), (ah),  
25     (am) and (ap), an owner or operator or a person owning a home oil tank system may

## SECTION 4213

1 submit a claim to the department for an award under sub. (4) to reimburse the owner  
2 or operator or the person for the eligible costs under sub. (4) (b) that the owner or  
3 operator or the person incurs because of a petroleum products discharge from a  
4 petroleum product storage system or home oil tank system if all of the following  
5 apply:

6 **\*-1459/P2.2\*SECTION 4214.** 292.63 (3) (ac) of the statutes is created to read:

7 292.63 (3) (ac) *Sunset.* 1. An owner or operator or person owning a home oil  
8 tank system is not eligible for an award under this section for costs incurred because  
9 of a petroleum product discharge if the owner or operator or person does not provide  
10 notification under par. (a) 3. concerning the discharge before February 3, 2015.

11 2. An owner or operator or person owning a home oil tank system is not eligible  
12 for an award under this section if the owner or operator or person does not submit  
13 a claim for the costs before July 1, 2017.

14 **\*-1215/P3.535\*SECTION 4215.** 292.63 (4) (cc) 2. b. of the statutes is amended  
15 to read:

16 292.63 (4) (cc) 2. b. An applicant that is engaged in the expansion or  
17 redevelopment of brownfields, as defined in s. ~~238.13~~ 235.13 (1) (a), if federal or state  
18 financial assistance other than under this section, has been provided for that  
19 expansion or redevelopment.

20 **\*-0445/P2.23\*SECTION 4216.** 293.49 (1) (a) of the statutes is amended to read:

21 293.49 (1) (a) Except as provided in sub. (2) and s. 293.50 and except with  
22 respect to property specified in s. ~~41.41~~ 23.0927 (11), within 90 days of the completion  
23 of the public hearing record, the department shall issue the mining permit if it finds:

24 **\*-0445/P2.24\*SECTION 4217.** 295.58 (1) (a) of the statutes is amended to read:

1           295.58 (1) (a) Except as provided in sub. (2) and except with respect to property  
2 specified in s. ~~41.41~~ 23.0927 (11), the department shall issue a mining permit if it  
3 finds all of the following:

4           \*~~0971/P5.666~~\*SECTION 4218. 299.13 (1) (be) of the statutes is repealed.

5           \*~~0971/P5.667~~\*SECTION 4219. 299.13 (1m) (intro.) of the statutes is amended  
6 to read:

7           299.13 (1m) PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the  
8 duties under this section and ~~s. 36.25 (30)~~, the department and ~~the center~~ shall  
9 promote all of the following techniques for pollution prevention:

10          \*~~0971/P5.668~~\*SECTION 4220. 299.13 (2) (a) 2. of the statutes is repealed.

11          \*~~0971/P5.669~~\*SECTION 4221. 299.13 (2) (c) of the statutes is repealed.

12          \*~~0407/P3.76~~\*SECTION 4222. 301.01 (1n) of the statutes is created to read:

13          301.01 (1n) "Juvenile correctional services" means services provided for a  
14 juvenile who is being held in a juvenile detention facility or who is under the  
15 supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n) (a), or  
16 938.357 (4).

17          \*~~0209/3.8~~\*SECTION 4223. 301.01 (1n) of the statutes, as created by 2015  
18 Wisconsin Act .... (this act), is amended to read:

19          301.01 (1n) "Juvenile correctional services" means services provided for a  
20 juvenile who is being held in a juvenile detention facility or who is under the  
21 supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n) (a), or  
22 938.357 (4).

\*\*\*\*NOTE: This is reconciled s. 301.01 (1n). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0209/2 and LRB-0407/P2.

23          \*~~0407/P3.77~~\*SECTION 4224. 301.025 of the statutes is amended to read:

1           **301.025 Division of juvenile corrections.** The division of juvenile  
2 corrections shall exercise the powers and perform the duties of the department that  
3 relate to juvenile correctional services and institutions, juvenile offender review,  
4 aftercare, corrective sanctions, and the serious juvenile offender program under s.  
5 938.538, and youth aids.

6           \*~~0209/3.9~~**SECTION 4225.** 301.025 of the statutes, as affected by 2015  
7 Wisconsin Act .... (this act), is amended to read:

8           **301.025 Division of juvenile corrections.** The division of juvenile  
9 corrections shall exercise the powers and perform the duties of the department that  
10 relate to juvenile correctional services and institutions, juvenile offender review,  
11 ~~aftercare, corrective sanctions,~~ community supervision under s. 938.538, and the  
12 serious juvenile offender program under s. 938.538.

      \*\*\*\*NOTE: This is reconciled s. 301.025. This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0209/2 and LRB-0407/P2.

13           \*~~1059/9.232~~**SECTION 4226.** 301.03 (5h) of the statutes is amended to read:

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

18           \*~~0407/P3.78~~**SECTION 4227.** 301.03 (9) of the statutes is amended to read:

19           301.03 (9) Supervise all persons placed under s. 938.183 in a state prison, all  
20 persons placed under s. 938.34 (4h) in the serious juvenile offender program, all  
21 persons placed in a juvenile correctional facility or a secured residential treatment  
22 center for children and youth under s. 938.34 (4m) or 938.357 (4), and all persons  
23 placed on departmental aftercare under s. 938.34 (4n) (a) or 938.357 (4).

1           \*~~0209/3.10~~\*SECTION 4228. 301.03 (9) of the statutes, as affected by 2015  
2 Wisconsin Act .... (this act), is amended to read:

3           301.03 (9) Supervise all persons placed under s. 938.183 in a state prison, all  
4 persons placed under s. 938.34 (4h) in the serious juvenile offender program, all  
5 persons placed in a juvenile correctional facility or a secured residential treatment  
6 center for children and youth under s. 938.34 (4m) or 938.357 (4), and all persons  
7 placed on departmental aftercare under s. 938.34 (4n) (a) or 938.357 (4).

      \*\*\*\*NOTE: This is reconciled s. 301.03 (9). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0209/2 and LRB-0407/P2.

8           \*~~0407/P3.79~~\*SECTION 4229. 301.03 (9r) of the statutes is repealed.

9           \*~~0407/P3.80~~\*SECTION 4230. 301.03 (10) (a) of the statutes is amended to read:

10          301.03 (10) (a) Execute the laws relating to the detention, reformation, and  
11 correction of delinquents delinquent juveniles placed under its jurisdiction.

12          \*~~0209/3.11~~\*SECTION 4231. 301.03 (10) (b) of the statutes is amended to read:

13          301.03 (10) (b) ~~Direct the aftercare of and supervise all delinquents~~ Supervise  
14 all juveniles under its jurisdiction who have been adjudicated delinquent and  
15 exercise such functions as ~~it deems~~ the department considers appropriate for the  
16 prevention of delinquency.

17          \*~~0407/P3.81~~\*SECTION 4232. 301.03 (10) (c) of the statutes is amended to read:

18          301.03 (10) (c) Promote the enforcement of laws for the protection of delinquent  
19 children juveniles under its jurisdiction. To this end, the department shall cooperate  
20 with courts assigned to exercise jurisdiction under chs. 48 and 938, the department  
21 of children and families, county departments under ss. 46.215, 46.22, and 46.23 and,  
22 licensed child welfare agencies, and institutions in providing community-based  
23 programming, including in-home programming and intensive supervision, for

1 delinquent ~~children~~ juveniles under its jurisdiction. The department shall also  
2 establish and enforce standards for the development and delivery of services  
3 provided by the department under ch. 938 in regard to juveniles who have been  
4 adjudicated delinquent and placed under the jurisdiction of the department.

5 **\*-0209/3.12\*SECTION 4233.** 301.03 (10) (d) of the statutes is amended to read:

6 301.03 (10) (d) Administer the office of juvenile offender review in the division  
7 of juvenile corrections in the department. The office shall be responsible for decisions  
8 regarding case planning and the release of juvenile offenders from juvenile  
9 correctional facilities or secured residential care centers for children and youth to  
10 aftercare or community supervision placements.

11 **\*-0407/P3.82\*SECTION 4234.** 301.03 (18) (a) of the statutes is amended to read:

12 301.03 (18) (a) Except as provided in s. 301.12 (14) (b) and (c), establish a  
13 uniform system of fees for juvenile delinquency-related services provided or  
14 purchased correctional services purchased or provided by the department or a county  
15 department under s. 46.215, 46.22, or 46.23, except for services provided to courts;  
16 outreach, information and referral services; or when, as determined by the  
17 department, a fee is administratively unfeasible or would significantly prevent  
18 accomplishing the purpose of the service. A county department under s. 46.215,  
19 46.22, or 46.23 shall apply the fees that it collects under this program to cover the  
20 cost of those services.

21 **\*-0407/P3.83\*SECTION 4235.** 301.03 (18) (am) of the statutes is renumbered  
22 49.32 (1) (ap).

23 **\*-0407/P3.84\*SECTION 4236.** 301.03 (18) (b) of the statutes is amended to read:

24 301.03 (18) (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for  
25 the services purchased or provided ~~or purchased~~ under par. (a) in the amount of the



1 fee established under par. (a) any person receiving those services or the spouse of the  
2 person and, in the case of a minor, the parents of the person, and, in the case of a  
3 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
4 or her primary support before an order granting his or her adoption, the resident of  
5 this state appointed guardian of the child by a foreign court who brought the child  
6 into this state for the purpose of adoption.

7 \*~~0407/P3.85~~\*SECTION 4237. 301.031 (1) (a) of the statutes is amended to read:

8 301.031 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall  
9 submit to the department by December 31 annually its final budget for juvenile  
10 correctional services purchased or directly provided or purchased.

11 \*~~0407/P3.86~~\*SECTION 4238. 301.031 (2) of the statutes is amended to read:

12 301.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a  
13 proposed budget for juvenile correctional services to the county executive or county  
14 administrator or the county board, the county departments listed in sub. (1) shall  
15 assess needs and inventory resources and services, using an open public  
16 participation process.

17 \*~~0407/P3.87~~\*SECTION 4239. 301.031 (2g) (a) of the statutes is amended to  
18 read:

19 301.031 (2g) (a) The department shall annually submit to the county board of  
20 supervisors in a county with a single-county department or the county boards of  
21 supervisors in counties with a multicounty department a proposed written contract  
22 containing the allocation of funds for juvenile correctional services and such  
23 administrative requirements as necessary. The contract as approved may contain  
24 conditions of participation consistent with federal and state law. The contract may  
25 also include provisions necessary to ensure uniform cost accounting of services. Any

## SECTION 4239

1 changes to the proposed contract shall be mutually agreed upon. The county board  
2 of supervisors in a county with a single-county department or the county boards of  
3 supervisors in counties with a multicounty department shall approve the contract  
4 before January 1 of the year in which it takes effect unless the department grants  
5 an extension. The county board of supervisors in a county with a single-county  
6 department or the county boards of supervisors in counties with a multicounty  
7 department may designate an agent to approve addenda to any contract after the  
8 contract has been approved.

9 \*~~0407/P3.88~~SECTION 4240. 301.031 (2g) (b) of the statutes is amended to  
10 read:

11 301.031 (2g) (b) The department may not approve contracts for amounts in  
12 excess of available revenues. The county board of supervisors in a county with a  
13 single-county department or the county boards of supervisors in counties with a  
14 multicounty department may appropriate funds for juvenile delinquency-related  
15 correctional services. Actual expenditure of county funds shall be reported in  
16 compliance with procedures developed by the department, and shall comply with  
17 standards guaranteeing quality of care comparable to similar facilities.

18 \*~~0407/P3.89~~SECTION 4241. 301.031 (2g) (c) of the statutes is amended to  
19 read:

20 301.031 (2g) (c) The joint committee on finance may require the department  
21 to submit contracts between county departments under ss. 46.215, 46.22, and 46.23  
22 and providers of service juvenile correctional services to the committee for review  
23 and approval.

24 \*~~0407/P3.90~~SECTION 4242. 301.031 (2r) (a) 1. of the statutes is amended to  
25 read:

1           301.031 (2r) (a) 1. Is for juvenile correctional services ~~which that~~ duplicate or  
2           are inconsistent with services being purchased or provided ~~or purchased~~ by the  
3           department or other county departments receiving grants-in-aid or reimbursement  
4           from the department.

5           \*~~0407/P3.91~~\*SECTION 4243. 301.031 (2r) (a) 2. of the statutes is amended to  
6           read:

7           301.031 (2r) (a) 2. Is inconsistent with state or federal statutes, rules, or  
8           regulations, in which case the department may also arrange for provision of juvenile  
9           correctional services by an alternate agency. The department may not arrange for  
10          the provision of those services by an alternate agency unless the joint committee on  
11          finance or a review body designated by the committee reviews and approves the  
12          department's determination.

13          \*~~0407/P3.92~~\*SECTION 4244. 301.032 (title) of the statutes is amended to read:

14          **301.032 (title) Juvenile delinquency-related correctional services;**  
15          **supervisory functions of state department.**

16          \*~~0407/P3.93~~\*SECTION 4245. 301.032 (1) (a) of the statutes is amended to read:

17          301.032 (1) (a) The department shall supervise the administration of juvenile  
18          ~~delinquency-related~~ correctional services. The department shall submit to the  
19          federal authorities state plans for the administration of juvenile  
20          ~~delinquency-related~~ correctional services in such form and containing such  
21          information as the federal authorities require, and shall comply with all  
22          requirements prescribed to ensure their correctness.

23          \*~~0407/P3.94~~\*SECTION 4246. 301.032 (1) (b) of the statutes is amended to read:

24          301.032 (1) (b) All records of the department and all county records relating to  
25          juvenile ~~delinquency-related~~ correctional services shall be open to inspection at all

## SECTION 4246

1 reasonable hours by authorized representatives of the federal government.  
2 Notwithstanding ss. 48.396 (2) and 938.396 (2), all county records relating to the  
3 administration of those services shall be open to inspection at all reasonable hours  
4 by authorized representatives of the department.

5 **\*-0407/P3.95\*SECTION 4247.** 301.032 (1) (c) of the statutes is amended to read:

6 301.032 (1) (c) The department may at any time audit all county records  
7 relating to the administration of juvenile delinquency-related correctional services  
8 and may at any time conduct administrative reviews of county departments under  
9 ss. 46.215, 46.22, and 46.23. If the department conducts such an audit or  
10 administrative review in a county, the department shall furnish a copy of the audit  
11 or administrative review report to the chairperson of the county board of supervisors  
12 and the county clerk in a county with a single-county department or to the county  
13 boards of supervisors and the county clerks in counties with a multicounty  
14 department, and to the director of the county department under s. 46.21, 46.22, or  
15 46.23.

16 **\*-0407/P3.96\*SECTION 4248.** 301.032 (2) of the statutes is amended to read:

17 301.032 (2) The county administration of all laws relating to juvenile  
18 delinquency-related correctional services shall be vested in the officers and agencies  
19 designated in the statutes.

20 **\*-0704/P1.1\*SECTION 4249.** 301.067 of the statutes is repealed.

21 **\*-0407/P3.97\*SECTION 4250.** 301.07 of the statutes is amended to read:

22 **301.07 Cooperation and contracts with federal government.** The  
23 department may cooperate with the federal government in carrying out federal acts  
24 concerning adult corrections and youth corrections juvenile correctional services and  
25 may enter into contracts with the federal government under 18 USC 5003.

1           \***-0407/P3.98**\*SECTION 4251. 301.08 (2) (a) of the statutes is amended to read:

2           301.08 (2) (a) All care and services purchased by the department and all care  
3           ~~and services relating to juvenile delinquency~~ juvenile correctional services  
4           purchased by a county department under s. 46.215, 46.22, or 46.23 shall be  
5           authorized and contracted for under the standards established under this  
6           subsection. For purchases of \$10,000 or less the requirement for a written contract  
7           may be waived by the department. No contract is required for care provided by foster  
8           homes required to be licensed under s. 48.62. If the department directly contracts  
9           for services, it shall follow the procedures in this subsection in addition to meeting  
10          purchasing requirements established in s. 16.75.

11          \***-0407/P3.99**\*SECTION 4252. 301.085 (2) of the statutes is amended to read:

12          301.085 (2) The department may make payments for juvenile  
13          ~~delinquency-related payments~~ correctional services directly to recipients, vendors,  
14          or providers in accordance with law and rules of the department on behalf of the  
15          counties which have contracts to have ~~such~~ those payments made on their behalf.

16          \***-0347/P2.4**\*SECTION 4253. 301.12 (14) (e) 1. of the statutes is amended to  
17          read:

18          301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357  
19          (5m) (a) or 938.363 (2) for support determined under this subsection constitutes an  
20          assignment of all commissions, earnings, salaries, wages, pension benefits, income  
21          continuation insurance benefits under s. 40.62, duty disability benefits under s.  
22          40.65, benefits under ch. 102 or 108 and other money due or to be due in the future  
23          to the county department under s. 46.215, 46.22 or 46.23 in the county where the  
24          order was entered or to the department, depending upon the placement of the child

1 as specified by rules promulgated under subd. 5. The assignment shall be for an  
2 amount sufficient to ensure payment under the order.

3 **\*-1059/9.233\*SECTION 4254.** 301.16 (1o) (b) of the statutes is amended to read:

4 301.16 (1o) (b) In the selection of classified service employees of the institution  
5 specified in par. (a), the appointing authority shall, whenever possible, use the  
6 expanded certification program under rules of the ~~administrator of the division~~  
7 director of the bureau of merit recruitment and selection in the ~~office of state~~  
8 ~~employment relations~~ department of administration to ensure that employees of the  
9 institution reflect the general population of either the county in which the institution  
10 is located or the most populous county contiguous to the county in which the  
11 institution is located, whichever population is greater. The ~~administrator~~ director  
12 of the ~~division~~ bureau of merit recruitment and selection in the department of  
13 administration shall provide guidelines for the administration of this selection  
14 procedure.

15 **\*-0407/P3.100\*SECTION 4255.** 301.26 (title) of the statutes is amended to read:

16 301.26 (title) ~~Community youth and family aids~~ Juvenile correctional  
17 services; state services.

18 **\*-0407/P3.101\*SECTION 4256.** 301.26 (1) of the statutes is amended to read:

19 301.26 (1) PROCEDURES. The department shall develop procedures for the  
20 implementation of this section and standards for the development and delivery of  
21 ~~juvenile delinquency-related services under ch. 938~~ correctional services, and shall  
22 provide consultation and technical assistance to aid counties in the implementation  
23 and ~~service~~ service delivery of those services. The department shall establish information  
24 systems, and monitoring and evaluation procedures to report periodically to the  
25 governor and legislature on the state statewide impact of this section.

1           \*~~0407/P3.102~~SECTION 4257. 301.26 (2) of the statutes is renumbered 48.526  
2 (2) and amended to read:

3           48.526 (2) RECEIPT OF FUNDS. (a) All funds to counties under this section shall  
4 be allocated to county departments under ss. ~~46.21~~, 46.215, 46.22 and 46.23 subject  
5 to ss. ~~46.495 (2) and 301.031~~, except that monthly advance payments to the counties  
6 may be less than one-twelfth of the contracted amounts 48.569 (2) and 49.325. No  
7 reimbursement may be made to any multicounty department until the counties  
8 ~~which~~ that established the department have drawn up a detailed contractual  
9 agreement, approved by the secretary, setting forth the plans for joint sponsorship.

10           (b) Uniform fees collected or received by counties under s. ~~301.03 (18)~~ 49.32 (1)  
11 for services provided under this section shall be applied to cover the cost of the  
12 services.

13           (c) All funds to counties under this section shall be used to purchase or provide  
14 community-based juvenile delinquency-related services under ch. 938, as defined  
15 in s. 46.011 (1c), and juvenile correctional services, as defined in s. 46.011 (1p), except  
16 that no funds to counties under this section may be used for purposes of land  
17 purchase, building construction, or maintenance of buildings under s. 46.17, 46.175,  
18 or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or for  
19 reimbursement of care costs in temporary shelter care under s. 938.22. Funds to  
20 counties under this section may be used for reimbursement of costs of program  
21 services, other than basic care and supervision costs, in juvenile detention facilities.

22           \*~~0407/P3.103~~SECTION 4258. 301.26 (2m) of the statutes is renumbered  
23 48.526 (2m) and amended to read:

24           48.526 (2m) PUBLIC PARTICIPATION PROCESS. In determining the use of funds  
25 under this section, county departments under ss. ~~46.21~~, 46.215, 46.22 and 46.23 shall

1 assess needs using an open public participation process ~~which~~ that involves  
2 representatives of those receiving services.

3 \*~~0407/P3.104~~\*SECTION 4259. 301.26 (3) (title) of the statutes is renumbered  
4 48.526 (3) (title).

5 \*~~0407/P3.105~~\*SECTION 4260. 301.26 (3) (a) of the statutes is renumbered  
6 48.526 (3) (a) and amended to read:

7 48.526 (3) (a) Receipt of funds under this subsection is contingent upon use of  
8 ~~a~~ the public participation process required under sub. (2m).

9 \*~~0407/P3.106~~\*SECTION 4261. 301.26 (3) (c) of the statutes is renumbered  
10 48.526 (3) (c) and amended to read:

11 48.526 (3) (c) Within the limits of the appropriations under s. ~~20.410 (3) (ed)~~  
12 ~~and (ke)~~ 20.437 (1) (cj) and (o), the department shall allocate funds to each county for  
13 services under this section.

14 \*~~0407/P3.107~~\*SECTION 4262. 301.26 (3) (dm) of the statutes is renumbered  
15 48.526 (3) (dm).

16 \*~~0407/P3.108~~\*SECTION 4263. 301.26 (3) (e) of the statutes is renumbered  
17 48.526 (3) (e) and amended to read:

18 48.526 (3) (e) The department may carry forward \$500,000 or 10% of its funds  
19 allocated under this subsection and not encumbered or carried forward under par.  
20 (dm) by counties by December 31, whichever is greater, to the next 2 calendar years.  
21 The department may transfer moneys from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj)  
22 to accomplish this purpose. The department may allocate these transferred moneys  
23 to counties with persistently high rates of juvenile arrests for serious offenses during  
24 the next 2 calendar years to improve community-based juvenile



1 delinquency-related services, as defined in s. 46.011 (1c). The allocation does not  
2 affect a county's base allocation.

3 \*~~0407/P3.109~~SECTION 4264. 301.26 (3) (em) of the statutes is renumbered  
4 48.526 (3) (em) and amended to read:

5 48.526 (3) (em) The department may carry forward any emergency funds  
6 allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm)  
7 by December 31 to the next 2 calendar years. The department may transfer moneys  
8 from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj) to accomplish this purpose. The  
9 department may allocate these transferred moneys to counties that are eligible for  
10 emergency payments under sub. (7) (e). The allocation does not affect a county's base  
11 allocation.

12 \*~~0407/P3.110~~SECTION 4265. 301.26 (4) (a) of the statutes is amended to read:

13 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of  
14 corrections shall bill counties, or the department of children and families shall  
15 deduct from the allocations under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj), for the costs of care,  
16 services, and supplies purchased or provided by the department of corrections for  
17 each person receiving services under s. 938.183 or 938.34 or the department of health  
18 services for each person receiving services under s. 46.057 or 51.35 (3). The  
19 department of corrections may not bill a county for or, and the department of children  
20 and families may not deduct from a county's allocation, for the cost of care, services,  
21 and supplies provided to a person subject to an order under s. 938.183 after the  
22 person reaches 18 years of age. Payment shall be due within 60 days after the billing  
23 date. If any payment has not been received within those 60 days, the department of  
24 corrections children and families may withhold aid payments in the amount due  
25 from the appropriation under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj).

**SECTION 4266**

1           \*~~0407/P3.111~~\***SECTION 4266.** 301.26 (4) (b) of the statutes is amended to read:

2           301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
3 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.  
4 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county  
5 departments under s. ~~46.21~~, 46.215, 46.22, or 46.23 in the county of the court  
6 exercising jurisdiction under ch. 938 for each person receiving services from the  
7 department of corrections under s. 938.183 or 938.34 or the department of health  
8 services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm),  
9 in multicounty court jurisdictions, the county of residency within the jurisdiction  
10 shall be liable for costs under this subsection. Assessment of costs under par. (a) shall  
11 also be made according to the general placement type or level of care provided, as  
12 defined by the department, and prorated according to the ratio of the amount  
13 designated under ~~sub. s. 48.526~~ (3) (c) to the total applicable estimated costs of care,  
14 services, and supplies provided by the department of corrections under ss. 938.183  
15 and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

16           \*~~0407/P3.112~~\***SECTION 4267.** 301.26 (4) (bm) of the statutes is amended to  
17 read:

18           301.26 (4) (bm) Notwithstanding par. (b), the county department under s.  
19 ~~46.21~~, 46.215, 46.22, or 46.23 of the county of residency of a juvenile who has been  
20 adjudicated delinquent by a court of another county or by a court of another  
21 multicounty jurisdiction may voluntarily assume liability for the costs payable  
22 under par. (a). A county department may assume liability under this paragraph by  
23 a written agreement signed by the director of the county department that assumes  
24 liability under this paragraph and the director of the county department that is  
25 otherwise liable under par. (b).