

1 department shall divide any license fee paid by the licensee for that license year
2 according to the proportions of the license year occurring before and after the local
3 health department is designated as an agent or the agent status is discontinued. No
4 additional fee may be required during the license year due to the change in agent
5 status.

6 (6) A village, city or county may enact ordinances and a local board of health
7 may adopt regulations regarding the licensees and premises for which the local
8 health department is the designated agent under this section, which are stricter than
9 s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12 or rules promulgated by the department of health
10 services under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12. No such provision may conflict with
11 s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12 or with department rules.

12 (8) The department shall hold a hearing under ch. 227 if, in lieu of proceeding
13 under ch. 68, any interested person in the jurisdictional area of a local health
14 department that is designated as the department's agent under this section appeals
15 to the department of ~~health services~~ financial institutions and professional
16 standards alleging that a license fee for a tattooist or tattooist establishment or for
17 a body piercer or body-piercing establishment exceeds the license issuer's
18 reasonable costs of issuing licenses to, making investigations and inspections of, and
19 providing education, training and technical assistance to the tattooist or tattooist
20 establishment or to the body piercer or body-piercing establishment.

21 (9) The department shall promulgate rules establishing state fees for its costs
22 related to setting standards under ss. ~~252.23~~ 463.10 and ~~252.24~~ 463.12 and
23 monitoring and evaluating the activities of, and providing education and training to,
24 agent local health departments. The department may not promulgate a rule under
25 which a local health department may charge an individual who is eligible for the

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1 veterans fee waiver program under s. 45.44 a state fee to obtain a license under s.
2 ~~252.23~~ 463.10 (3) or ~~252.24~~ 463.12 (3). Agent local health departments shall include
3 the state fees in the license fees established under sub. (4), collect the state fees and
4 reimburse the department for the state fees collected. For tattooists or tattoo
5 establishments and for body piercers or body-piercing establishments, the state fee
6 may not exceed 20% of the license fees established under s. ~~252.23 (4) (a)~~ or ~~252.24~~
7 ~~(4) (a)~~ 440.03 (9).

8 *~~0602/P4.84~~*SECTION 4045. 254.02 (3) (a) of the statutes is amended to read:

9 254.02 (3) (a) The department of agriculture, trade and consumer protection,
10 the department of corrections, the department of safety and professional services,
11 and the department of natural resources shall enter into memoranda of
12 understanding with the department to establish protocols for the department to
13 review proposed rules of those state agencies relating to air and water quality,
14 occupational health and safety, institutional sanitation, toxic substances, indoor air
15 quality, ~~food protection~~ or waste handling and disposal.

16 *~~1023/3.4~~*SECTION 4046. 254.11 (13) of the statutes is amended to read:

17 254.11 (13) “Third-party payer” means a disability insurance policy that is
18 required to provide coverage for a blood lead test under s. 632.895 (10) (a); a health
19 maintenance organization or preferred provider plan under ch. 609; a health care
20 coverage plan offered by the state under s. 40.51 (6); a self-insured health plan
21 offered by a city or village under s. 66.0137 (4), a political subdivision or technical
22 college district under s. 66.0137 (4m), a town under s. 60.23 (25), a county under s.
23 59.52 (11) (c), or a school district under s. 120.13 (2) (b); or a health care plan operated
24 by a cooperative association organized under s. 185.981.

25 *~~0602/P4.85~~*SECTION 4047. 254.115 (1) (c) of the statutes is repealed.

1 *~~0807/P6.391~~*SECTION 4048. 254.115 (1) (d) of the statutes is repealed.

2 *~~0971/P5.656~~*SECTION 4049. 254.19 of the statutes is amended to read:

3 **254.19 Asbestos testing fees.** Notwithstanding s. ~~36.25 (11) (f)~~ 250.08 (6), the
4 state laboratory of hygiene board shall impose a fee sufficient to pay for any asbestos
5 testing services which it provides.

6 *~~0602/P4.86~~*SECTION 4050. 254.47 (title) of the statutes is renumbered 97.67
7 (title) and amended to read: (title)

8 **97.67 Recreational permits licenses and fees.**

9 *~~0602/P4.87~~*SECTION 4051. 254.47 (1) of the statutes is renumbered 97.67
10 (1) and amended to read:

11 97.67 (1) Except as provided in sub. (1g) and ~~ss. 250.041 and 254.115~~ s. 93.135,
12 the department or a local health department granted agent status under s. 254.69
13 ~~(2) 97.615 (2)~~ shall issue ~~permits~~ licenses to and regulate campgrounds and camping
14 resorts, recreational and educational camps and public swimming pools. No person
15 or state or local government who has not been issued a ~~permit~~ license under this
16 section may conduct, maintain, manage or operate a campground and camping
17 resort, recreational camp and educational camp or public swimming pool, as defined
18 by departmental rule.

19 *~~0602/P4.88~~*SECTION 4052. 254.47 (1g) of the statutes is renumbered 97.67
20 (1g).

21 *~~0602/P4.89~~*SECTION 4053. 254.47 (1m) of the statutes is renumbered 97.67
22 (1m) and amended to read:

23 97.67 (1m) The department or a local health department granted agent status
24 under s. ~~254.69~~ 97.615 (2) may not, without a ~~preinspection~~ pre-licensing inspection,
25 grant a ~~permit~~ license to a person intending to operate a new public swimming pool,

1 campground, or recreational or educational camp or to a person intending to be the
2 new operator of an existing public swimming pool, campground, or recreational or
3 educational camp.

4 *~~0602/P4.90~~SECTION 4054. 254.47 (2) of the statutes is renumbered 97.67
5 (2) and amended to read:

6 97.67 (2) (a) A separate ~~permit~~ license is required for each campground,
7 camping resort, recreational or educational camp, and public swimming pool. Except
8 as provided in par. (b) or (c), no ~~permit~~ license issued under this section is
9 transferable from one premises to another or from one person, state or local
10 government to another.

11 (b) A ~~permit~~ license issued under this section may be transferred from an
12 individual to an immediate family member, as defined in s. ~~254.64~~ 97.605 (4) (a) 2.,
13 if the individual is transferring operation of the campground, camping resort,
14 recreational or educational camp, or public swimming pool to the immediate family
15 member.

16 (c) A sole proprietorship that reorganizes as a business entity, as defined in s.
17 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different
18 type of business entity may transfer a ~~permit~~ license issued under this section for a
19 campground, camping resort, recreational or educational camp, or public swimming
20 pool to the newly formed business entity or sole proprietorship if all of the following
21 conditions are satisfied:

22 1. The campground, camping resort, recreational or educational camp, or
23 public swimming pool remains at the location for which the ~~permit~~ license was
24 issued.

1 2. At least one individual who had an ownership interest in the sole
2 proprietorship or business entity to which the permit license was issued has an
3 ownership interest in the newly formed sole proprietorship or business entity.

4 *~~0602/P4.91~~*SECTION 4055. 254.47 (2m) of the statutes is renumbered 97.67
5 (2m) and amended to read:

6 97.67 (2m) Except as provided in ~~ss. 250.041 and 254.115~~ s. 93.135, the initial
7 issuance, renewal or continued validity of a permit license issued under this section
8 may be conditioned upon the requirement that the permittee licensee correct a
9 violation of this section, rules promulgated by the department under this section or
10 ordinances adopted under s. 254.69 97.615 (2) (g), within a period of time that is
11 specified. If the condition is not met within the specified period of time, the permit
12 license is void.

13 *~~0602/P4.92~~*SECTION 4056. 254.47 (3) of the statutes is repealed.

14 *~~0602/P4.93~~*SECTION 4057. 254.47 (4) of the statutes is renumbered 97.67
15 (4) and amended to read:

16 97.67 (4) Permits Licenses issued under this section expire on June 30, except
17 that permits licenses initially issued during the period beginning on April 1 and
18 ending on June 30 expire on June 30 of the following year. Except as provided in s.
19 ~~254.69~~ 97.615 (2) (d) and (e), the department shall promulgate rules that establish,
20 for permits licenses issued under this section, amounts of permit license fees,
21 ~~preinspection~~ pre-licensing inspection fees, reinspection fees, fees for operating
22 without a license, and late fees for untimely permit license renewal.

23 *~~0602/P4.94~~*SECTION 4058. 254.47 (5) of the statutes is renumbered 97.67
24 (5) and amended to read:

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1 97.67 (5) No permit license may be issued under this section until all applicable
2 fees have been paid. If the payment is by check or other draft drawn upon an account
3 containing insufficient funds, the permit license applicant shall, within 15 days after
4 receipt of notice from the department of the insufficiency, pay by cashier's check or
5 other certified draft, money order or cash the fees from the department, late fees and
6 processing charges that are specified by rules promulgated by the department. If the
7 permit license applicant fails to pay all applicable fees, late fees and the processing
8 charges within 15 days after the applicant receives notice of the insufficiency, the
9 permit license is void. In an appeal concerning voiding of a permit license under this
10 subsection, the burden is on the permit license applicant to show that the entire
11 applicable fees, late fees and processing charges have been paid. During any appeal
12 process concerning payment dispute, operation of the establishment in question is
13 deemed considered to be operation without a permit license.

14 ***-0602/P4.95*SECTION 4059.** 254.47 (5m) of the statutes is renumbered 97.67
15 (5m).

16 ***-0602/P4.96*SECTION 4060.** 254.47 (6) of the statutes is renumbered 97.67
17 (6).

18 ***-0602/P4.97*SECTION 4061.** 254.47 (7) of the statutes is renumbered 97.67
19 (7) and amended to read:

20 97.67 (7) The department may not require that a swimming pool be staffed by
21 a lifeguard as a condition of receiving a permit license under this section if the
22 swimming pool is less than 2,500 square feet, the swimming pool is located in a
23 private club in the city of Milwaukee, and the club has a policy that prohibits a minor
24 from using the swimming pool when not accompanied by an adult.

1 ***-0602/P4.98***SECTION 4062. Subchapter VII (title) of chapter 254 [precedes
2 254.61] of the statutes is repealed.

3 ***-0602/P4.99***SECTION 4063. 254.61 (title) of the statutes is repealed.

4 ***-0602/P4.100***SECTION 4064. 254.61 (intro.) of the statutes is repealed.

5 ***-0602/P4.101***SECTION 4065. 254.61 (1) of the statutes is renumbered 97.01
6 (1g).

7 ***-0602/P4.102***SECTION 4066. 254.61 (2) of the statutes is repealed.

8 ***-0602/P4.103***SECTION 4067. 254.61 (3) of the statutes is renumbered 97.01
9 (7).

10 ***-0602/P4.104***SECTION 4068. 254.61 (3m) of the statutes is renumbered
11 97.01 (13g).

12 ***-0602/P4.105***SECTION 4069. 254.61 (4) of the statutes is renumbered 97.01
13 (13r) and amended to read:

14 97.01 (13r) "Public health and safety" means the highest degree of protection
15 against infection, contagion or disease and freedom from the danger of fire or
16 accident that can be reasonably maintained in the operation of a hotel, restaurant,
17 tourist rooming house, bed and breakfast establishment, vending machine or
18 vending machine commissary.

19 ***-0602/P4.106***SECTION 4070. 254.61 (5) of the statutes is renumbered 97.01
20 (14g), and 97.01 (14g) (intro.), as renumbered, is amended to read:

21 97.01 (14g) (intro.) "Restaurant" means any building, room or place where
22 ~~meals are prepared or served or sold~~ at which the predominant activity is the
23 preparation, service, or sale of meals to transients or the general public, and
24 including all places used in connection with it and ~~includes~~ including any public or
25 private school lunchroom for which food service is provided by contract. "Meals" does

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1 not include soft drinks, ice cream, milk, milk drinks, ices and confections.

2 “Restaurant” does not include:

3 ***-0602/P4.107*SECTION 4071.** 254.61 (5m) of the statutes is renumbered
4 97.01 (15b).

5 ***-0602/P4.108*SECTION 4072.** 254.61 (5r) of the statutes is renumbered 97.01
6 (15f).

7 ***-0602/P4.109*SECTION 4073.** 254.61 (6) of the statutes is renumbered 97.01
8 (15k).

9 ***-0602/P4.110*SECTION 4074.** 254.61 (7) of the statutes is renumbered 97.01
10 (15p).

11 ***-0602/P4.111*SECTION 4075.** 254.61 (8) of the statutes is renumbered 97.01
12 (15s) and amended to read:

13 97.01 (15s) “Vending machine commissary” means any building, room or place
14 where the food, beverage, ingredients, containers, transport equipment or supplies
15 for vending machines are kept, handled, prepared or stored by a vending machine
16 operator. “Vending machine commissary” does not mean any place at which the
17 operator is licensed to manufacture, distribute or sell food products under ~~ch. 97~~ this
18 chapter.

19 ***-0602/P4.112*SECTION 4076.** 254.61 (9) of the statutes is renumbered 97.01
20 (15w).

21 ***-0602/P4.113*SECTION 4077.** 254.61 (10) of the statutes is renumbered 97.01
22 (15y).

23 ***-0602/P4.114*SECTION 4078.** 254.62 of the statutes is renumbered 97.60.

24 ***-0602/P4.115*SECTION 4079.** 254.63 of the statutes is renumbered 97.603.

1 ***-0602/P4.116*****SECTION 4080.** 254.64 of the statutes is renumbered 97.605,
2 and 97.605 (title), (1), (1m), (1p), (2), (3), (4) (b), (d) and (e) and (5), as renumbered,
3 are amended to read:

4 **97.605 (title) Permit Lodging and vending licenses.** (1) (a) No person may
5 conduct, maintain, manage or operate a hotel, ~~restaurant, temporary restaurant,~~
6 tourist rooming house, vending machine commissary or vending machine if the
7 person has not been issued an annual permit license by the department or by a local
8 health department that is granted agent status under s. 254.69 97.615 (2).

9 (b) No person may maintain, manage or operate a bed and breakfast
10 establishment for more than 10 nights in a year without having first obtained an
11 annual permit license from the department.

12 (c) Except as provided in s. 250.041 93.135, no permit license may be issued
13 under this section until all applicable fees have been paid. If the payment is by check
14 or other draft drawn upon an account containing insufficient funds, the permit
15 license applicant shall, within 15 days after receipt of notice from the department of
16 the insufficiency, pay by cashier's check or other certified draft, money order or cash
17 the fees, late fees and processing charges that are specified by rules promulgated by
18 the department. If the permit license applicant fails to pay all applicable fees, late
19 fees and processing charges within 15 days after the applicant receives notice of the
20 insufficiency, the permit license is void. In an appeal concerning voiding of a permit
21 license under this paragraph, the burden is on the permit license applicant to show
22 that the entire applicable fees, late fees and processing charges have been paid.
23 During any appeal process concerning payment dispute, operation of the
24 establishment in question is deemed to be operation without a permit license.

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1 (d) If a person or establishment otherwise licensed under ~~ch. 97~~ this chapter
2 is incidentally engaged in an activity for which a permit license is required under this
3 section, the department may, by rule, exempt the person or establishment from the
4 permit license requirement under this section. ~~Rules under this paragraph shall~~
5 ~~conform to a memorandum of understanding between the department and the~~
6 ~~department of agriculture, trade and consumer protection.~~

7 (1m) No county, city, village or town may require any permit license of, or
8 impose any permit license or inspection fee on, a vending machine operator, vending
9 machine commissary or vending machine permitted licensed under this subchapter
10 chapter.

11 (1p) Except as provided in s. ~~250.041~~ 93.135, the department may condition the
12 initial issuance, renewal or continued validity of a permit license issued under this
13 section on correction by the permittee licensee of a violation of this subchapter, rules
14 promulgated by the department under this subchapter or ordinances or regulations
15 adopted under s. ~~254.69~~ 97.615 (2) (g), within a specified period of time. If the
16 permittee licensee fails to meet the condition within the specified period of time, the
17 permit license is void.

18 (2) Except as provided in sub. (3), a separate permit license is required for each
19 hotel, tourist rooming house, bed and breakfast establishment, or vending machine
20 commissary.

21 (3) (a) A bulk milk dispenser may be operated in a restaurant without a
22 vending machine or vending machine operator permit license.

23 (b) A restaurant may operate as a vending machine commissary without a
24 vending machine commissary permit license.

1 (4) (b) Except as provided in par. (d) or (e), no permit license is transferable from
2 one premises to another or from one person to another.

3 (d) The holder of a permit license issued under this section may transfer the
4 permit license to an individual who is an immediate family member if the holder is
5 transferring operation of the hotel, tourist rooming house, bed and breakfast
6 establishment, or vending machine to the immediate family member.

7 (e) A sole proprietorship that reorganizes as a business entity or a business
8 entity that reorganizes as either a sole proprietorship or a different type of business
9 entity may transfer a permit license issued under this section for operation of ~~an a~~
10 hotel, tourist rooming house, bed and breakfast establishment, or vending machine
11 commissary to the newly formed business entity or sole proprietorship if the
12 following conditions are satisfied:

13 1. The hotel, tourist rooming house, bed and breakfast establishment, or
14 vending machine commissary remains at the location for which the permit license
15 was issued.

16 2. At least one individual who had an ownership interest in the sole
17 proprietorship or business entity to which the permit license was issued has an
18 ownership interest in the newly formed sole proprietorship or business entity.

19 (5) (a) Except as provided in par. (b), all ~~permits~~ licenses expire on June 30,
20 except that ~~permits~~ licenses initially issued during the period beginning on April 1
21 and ending on June 30 expire on June 30 of the following year.

22 (b) 1. The local health department of a city of the 1st class that has entered into
23 an agreement with the department under s. ~~254.69~~ 97.615 (2) may issue a permit
24 license for a ~~restaurant or~~ bed and breakfast establishment required under this

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1 section at any time during the year. A permit license issued under this subdivision
2 shall expire one year from the date of its issuance.

3 2. The holder of a permit license for a ~~restaurant or~~ bed and breakfast
4 establishment may request an extension to the term of a permit license issued under
5 this section by the local health department of a city of the 1st class that has entered
6 into an agreement with the department under s. ~~254.69~~ 97.615 (2) for the purpose
7 of aligning the annual term of any other license or permit issued to that permit
8 license holder with the annual term of a permit license to be issued to that permit
9 license holder under subd. 1. The local health department may require a permit
10 license holder that receives an extension under this subdivision to pay a prorated fee
11 in an amount determined by dividing the permit license fee imposed under s. ~~254.69~~
12 97.615 (2) by 12 and multiplying the quotient by the number of months by which the
13 permit license issued under this section is extended under this subdivision.

14 *~~-0602/P4.117~~*SECTION 4081. 254.65 of the statutes is renumbered 97.607
15 and amended to read:

16 **97.607 Preinspection Pre-licensing inspection.** (1) The department or
17 a local health department granted agent status under s. ~~254.69~~ 97.615 (2) may not
18 grant a permit license to a person intending to operate a new hotel, tourist rooming
19 house, bed and breakfast establishment, ~~restaurant~~ or vending machine commissary
20 or to a person intending to be the new operator of an existing hotel, tourist rooming
21 house, bed and breakfast establishment, ~~restaurant~~ or vending machine commissary
22 without a preinspection pre-licensing inspection. This section does not apply to a
23 ~~temporary restaurant or~~ when a permit license is transferred under s. ~~254.64~~ 97.605
24 (4) (d) or (e).

1 (2) Agents designated by the department under s. ~~254.69~~ 97.615 (1) shall make
2 ~~preinspections~~ pre-licensing inspections of vending machine commissaries as
3 required under this subsection and shall be reimbursed for those services at the rate
4 of 80% of the ~~preinspection~~ pre-licensing inspection fee designated in this
5 subsection. Agents designated by the department under s. ~~254.69~~ 97.615 (2) shall
6 make ~~preinspections~~ pre-licensing inspections of hotels, restaurants and tourist
7 rooming houses and establish and collect ~~preinspection~~ pre-licensing inspection fees
8 under s. ~~254.69~~ 97.615 (2) (d).

9 *~~0602/P4.118~~*SECTION 4082. 254.66 of the statutes is renumbered 97.307
10 and amended to read:

11 **97.307 Average annual surveys.** The department or a local health
12 department granted agent status under s. ~~254.69 (2)~~ 97.41 shall annually make a
13 number of inspections of restaurants in this state that shall equal the number of
14 restaurants for which annual ~~permits~~ licenses are issued under s. ~~254.64 (1) (a)~~
15 97.30.

16 *~~0602/P4.119~~*SECTION 4083. 254.67 of the statutes is renumbered 97.61.

17 *~~0602/P4.120~~*SECTION 4084. 254.68 of the statutes is renumbered 97.613
18 and amended to read:

19 **97.613 Fees.** Except as provided in s. ~~254.69~~ 97.615 (2) (d) and (e), the
20 department shall promulgate rules that establish, for ~~permits~~ licenses issued under
21 s. ~~254.64~~, ~~permit~~ 97.605, license fees, ~~preinspection~~ pre-licensing inspection fees,
22 reinspection fees, fees for operating without a ~~permit~~ license, late fees for untimely
23 ~~permit~~ renewal, fees for comparable compliance or variance requests, and fees for
24 ~~pre-permit~~ pre-license review of restaurant plans.

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1 *~~0602/P4.121~~*SECTION 4085. 254.69 of the statutes is renumbered 97.615,
2 and 97.615 (2) (title), (am), (b), (c), (d), (dm), (e), (f), (g), (h) and (j) 1. and 2., as
3 renumbered, are amended to read:

4 97.615 (2) (title) HOTELS, ~~RESTAURANTS~~, TOURIST ROOMING HOUSES, AND OTHER
5 ESTABLISHMENTS. (am) In the administration of this subchapter or s. ~~254.47~~ 97.67,
6 the department may enter into a written agreement with a local health department
7 with a jurisdictional area that has a population greater than 5,000, which designates
8 the local health department as the department's agent in issuing ~~permits~~ licenses to
9 and making investigations or inspections of hotels, ~~restaurants~~, ~~temporary~~
10 ~~restaurants~~, tourist rooming houses, bed and breakfast establishments,
11 campgrounds and camping resorts, recreational and educational camps, and public
12 swimming pools. In a jurisdictional area of a local health department without agent
13 status, the department of ~~health services~~ may issue ~~permits~~ licenses, collect fees
14 established by rule under s. ~~254.68~~ 97.613 and make investigations or inspections
15 of hotels, ~~restaurants~~, ~~temporary restaurants~~, tourist rooming houses, bed and
16 breakfast establishments, campgrounds and camping resorts, recreational and
17 educational camps, and public swimming pools. If the department designates a local
18 health department as its agent, the department or local health department may
19 require no ~~permit~~ license for the same operations other than the ~~permit~~ license
20 issued by the local health department under this subsection. The department shall
21 ~~coordinate~~ oversee the designation of agents under this subsection ~~with the~~
22 ~~department of agriculture, trade and consumer protection~~ to ensure that, to the
23 extent feasible, the same local health department is granted agent status under this
24 subsection and under s. 97.41. ~~Except as otherwise provided by the department, a~~
25 ~~local health department granted agent status shall regulate all types of~~

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

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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 4086. 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 4087. 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 4088. 254.715 of the statutes is renumbered 97.305.

23 *~~0602/P4.125~~*SECTION 4089. 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 4090.** 254.73 of the statutes is renumbered 97.623.

7 *~~0602/P4.127~~***SECTION 4091.** 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.

SECTION 4091

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 4092. 254.76 of the statutes is renumbered 97.627.

13 *~~0602/P4.129~~*SECTION 4093. 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 4094. 254.79 of the statutes is renumbered 254.05.

20 *~~0602/P4.131~~*SECTION 4095. 254.80 of the statutes is renumbered 97.633.

21 *~~0602/P4.132~~*SECTION 4096. 254.81 of the statutes is renumbered 97.634.

22 *~~0602/P4.133~~*SECTION 4097. 254.82 of the statutes is renumbered 97.635.

23 *~~0602/P4.134~~*SECTION 4098. 254.83 of the statutes is renumbered 97.638.

24 *~~0602/P4.135~~*SECTION 4099. 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 4100. 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 4101. 254.84 (6) of the statutes is repealed.

9 *~~0602/P4.138~~*SECTION 4102. 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 4102

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 4103. 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 4104. 254.87 of the statutes is repealed.

10 *~~0602/P4.141~~*SECTION 4105. 254.88 of the statutes is repealed.

11 *~~0971/P5.657~~*SECTION 4106. 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 4107. 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 4108. 255.08 of the statutes is renumbered 463.25,
24 and 463.25 (2) (a) and (b), as renumbered, are amended to read:

SECTION 4108

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 4109. 255.15 (3) (b) 11. of the statutes is repealed.

14 *~~1053/P2.25~~*SECTION 4110. 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 4111. 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 4112. 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 4113. 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 4114. 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 4115

1 ***-0971/P5.661***SECTION 4115. 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 4116. 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 4117. 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.

 ***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 4118. 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 4119. 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 4120

1 *~~1186/P6.6~~**SECTION 4120.** 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 4121.** 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 4122.** 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 4123. 281.58 (9m) (a) (intro.) of the statutes is amended
2 to read:

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

5 *~~1186/P6.10~~*SECTION 4124. 281.58 (9m) (c) of the statutes is repealed.

6 *~~1186/P6.11~~*SECTION 4125. 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 4126. 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 4127. 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

SECTION 4127

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 4128.** 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 4129.** 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 4130.** 281.58 (9m) (g) of the statutes is repealed.

20 ***-1186/P6.17*SECTION 4131.** 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 4132.** 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 4133.** 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 4134.** 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 4135.** 281.58 (15) (a) of the statutes is amended to read:

SECTION 4135

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 4136. 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 4137. 281.59 (1) (d) of the statutes is repealed.

17 ***-0794/P1.16***SECTION 4138. 281.59 (1m) (c) of the statutes is repealed.

18 ***-1186/P6.24***SECTION 4139. 281.59 (3) (a) 2. of the statutes is amended to
19 read:

20 281.59 (3) (a) 2. The total amount of ~~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 4140. 281.59 (3) (a) 6. of the statutes is repealed.

24 ***-1186/P6.26***SECTION 4141. 281.59 (3) (a) 6e. of the statutes is repealed.

25 ***-1186/P6.27***SECTION 4142. 281.59 (3) (a) 6m. of the statutes is repealed.

1 *~~1186/P6.28~~*SECTION 4143. 281.59 (3) (a) 7. of the statutes is repealed.

2 *~~1186/P6.29~~*SECTION 4144. 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 4145. 281.59 (3e) (a) of the statutes is repealed.

11 *~~1186/P6.31~~*SECTION 4146. 281.59 (3e) (b) of the statutes is repealed.

12 *~~1186/P6.32~~*SECTION 4147. 281.59 (3e) (c) of the statutes is repealed.

13 *~~1186/P6.33~~*SECTION 4148. 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 4149. 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 4150. 281.59 (3e) (f) of the statutes is repealed.

4 *–1186/P6.36*SECTION 4151. 281.59 (3m) of the statutes is repealed.

5 *–1186/P6.37*SECTION 4152. 281.59 (3s) of the statutes is repealed.

6 *–1186/P6.38*SECTION 4153. 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 4154. 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 4155. 281.60 (7) (d) of the statutes is repealed.

1 *~~1186/P6.41~~***SECTION 4156.** 281.60 (8) (a) of the statutes is renumbered
2 281.60 (8).

3 *~~1186/P6.42~~***SECTION 4157.** 281.60 (8) (b) of the statutes is repealed.

4 *~~1186/P6.43~~***SECTION 4158.** 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 4159.** 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 4160.** 281.61 (1) (a) of the statutes is renumbered
19 281.61 (1) (am).

20 *~~1186/P6.46~~***SECTION 4161.** 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 4162.** 281.61 (1) (bm) of the statutes is created to read:

SECTION 4162

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 4163. 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 4164. 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 4165. 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 4166. 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 4167. 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 4168. 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.

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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 4169.** 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 4170.** 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 4171. 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 4172. 281.61 (7) (d) of the statutes is repealed.

10 *~~1186/P6.58~~*SECTION 4173. 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 4174. 281.61 (8) (a) 1. of the statutes is renumbered
20 281.61 (8) (a).

21 *~~1186/P6.60~~*SECTION 4175. 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

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 4176. 281.61 (8) (b) of the statutes is repealed.

4 ***-1186/P6.62***SECTION 4177. 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 4178. 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 4179. 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 4180. 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 4181. 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 4182. 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 4183. 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 4184. 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 4185. 281.625 (3) of the statutes is amended to read:

SECTION 4185

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 4186. 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 4187. 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 4188. 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 4189. 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 4190. 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 4191. 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 4192. 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 4193. 281.69 (1r) of the statutes is repealed.

19 *~~-0801/P2.34~~*SECTION 4194. 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 4195. 281.69 (2) (c) of the statutes is repealed.

23 *~~-0801/P2.36~~*SECTION 4196. 281.69 (6) of the statutes is repealed.

24 *~~-0801/P2.37~~*SECTION 4197. 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 4198. 281.72 of the statutes is repealed.

4 ~~*-1215/P3.532~~*SECTION 4199. 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 4200. 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 4201. 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 4202. 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 4203. 283.35 (1m) (c) of the statutes is repealed.

11 *~~1191/P2.64~~*SECTION 4204. 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 4205. 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 4205

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 4206. 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 4207. 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 4208. 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 4209. 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 4210. 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 4211. 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 4212. 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

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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 4213.** 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 4214.** 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 4215.** 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 4216.** 295.58 (1) (a) of the statutes is amended to read: