

1 assessment under s. 70.10, 65% of that property's full value is included in "full  
2 valuation" for purposes of the shared revenue payments in the year 2 years after the  
3 assessment under s. 70.10 and 100% of that property's full value is included in "full  
4 valuation" for purposes of subsequent shared revenue payments."

5 **\*b0947/2.2\* 1090.** Page 854, line 3: after that line insert:

6 **\*b0947/2.2\* "SECTION 2285d.** 79.058 (3) (c) of the statutes is amended to read:  
7 79.058 (3) (c) In the year 2000 and ~~subsequent years~~ in 2001, \$20,763,800.

8 **\*b0947/2.2\* SECTION 2285e.** 79.058 (3) (d) of the statutes is created to read:  
9 79.058 (3) (d) In 2002, \$20,971,400.

10 **\*b0947/2.2\* SECTION 2285f.** 79.085 (3) (e) of the statutes is created to read:  
11 79.085 (3) (e) In 2003 and subsequent years, \$21,181,100."

12 **\*b1071/2.1\* 1091.** Page 854, line 3: after that line insert:

13 **\*b1071/2.1\* "SECTION 2285m.** 79.05 (2) (c) of the statutes is amended to read:  
14 79.05 (2) (c) Its municipal budget, ~~;~~ exclusive of principal and interest on  
15 long-term debt and exclusive of ~~payments of the~~ revenue sharing payments under  
16 s. 66.0305 and recycling fee payments under s. 289.645, ~~;~~ for the year of the statement  
17 under s. 79.015 increased over its municipal budget as adjusted under sub. (6), ~~;~~  
18 exclusive of principal and interest on long-term debt and exclusive of ~~payments of~~  
19 the revenue sharing payments under s. 66.0305 and recycling fee payments under  
20 s. 289.645, ~~;~~ for the year before that year by less than the sum of the inflation factor  
21 and the valuation factor, rounded to the nearest 0.10%."

22 **\*b2150/2.10\* 1092.** Page 854, line 3: after that line insert:

23 **\*b2150/2.10\* "SECTION 2291m.** 79.095 (2) (a) of the statutes is amended to  
24 read:

1           79.095 (2) (a) On or before May 1, the value of the ~~computers~~ property that ~~are~~  
2 is exempt under s. 70.11 (39) and (39m) in each taxing jurisdiction for which the  
3 municipality assesses property.

4           **\*b2150/2.10\* SECTION 2291n.** 79.095 (3) of the statutes is amended to read:

5           79.095 (3) REVIEW BY DEPARTMENT. The department shall adjust each rate  
6 reported under sub. (2) (b) to a full-value rate. The department shall review and  
7 correct the information submitted under sub. (2) (a), shall determine the full value  
8 of all of the ~~computers~~ property reported under sub. (2) (a) and of all the ~~computers~~  
9 property under s. 70.995 (12r) and, on or before October 1, shall notify each taxing  
10 jurisdiction of the full value of the ~~computers~~ property that ~~are~~ is exempt under s.  
11 70.11 (39) and (39m) and that ~~are~~ is located in the jurisdiction. The department shall  
12 adjust the full value that is reported to taxing jurisdictions under this subsection in  
13 the year after an error occurs or a value has been changed due to an appeal. All  
14 disputes between the department and municipalities about the value of the property  
15 reported under sub. (2) (a) or of the property under s. 70.995 (12r) shall be resolved  
16 by using the procedures under s. 70.995 (8).

17           **\*b2150/2.10\* SECTION 2291p.** 79.095 (4) of the statutes is amended to read:

18           79.095 (4) PAYMENT. The department shall calculate the payments due each  
19 taxing jurisdiction under this section by multiplying the full value as of the January  
20 1 of the preceding year of the ~~computers~~ property that ~~are~~ is exempt under s. 70.11  
21 (39) and (39m) and that ~~are~~ is located in the jurisdiction by the full-value gross tax  
22 rate of the jurisdiction for the preceding year. The department shall certify the  
23 amount of the payment due each taxing jurisdiction to the department of  
24 administration, which shall make the payments on or before the first Monday in  
25 May.”

1           **\*b2209/1.1\* 1093.** Page 854, line 3: after that line insert:

2           **\*b2209/1.1\* “SECTION 2287.** 79.06 (2) (b) of the statutes is amended to read:

3           79.06 (2) (b) If the payments to a municipality or county, except any county in  
4           which there are no cities or villages, or any county created in the year 1846 or 1847,  
5           with a population in the year 1990 greater than 16,000 but less than 17,000, as  
6           determined by the 1990 federal decennial census, in any year exceed its combined  
7           payments under this section and s. 79.03, excluding payments under s. 79.03 (3c),  
8           in the previous year by more than the maximum allowable increase, the excess shall  
9           be withheld to fund minimum payments in that year under sub. (1) (c).”.

10          **\*b1571/1.4\* 1094.** Page 856, line 3: after that line insert:

11          **\*b1571/1.4\* “SECTION 2294p.** 81.01 (3) (intro.) of the statutes is amended to  
12          read:

13          81.01 (3) (intro.) Provide machinery, implements, material, and equipment  
14          needed to construct, maintain, and repair said highways and bridges, and for that  
15          purpose may acquire by purchase or by condemnation in the manner provided by ch.  
16          32 gravel pits and stone quarries, but the total sum spent under this subsection ~~shall~~  
17          ~~not exceed \$10,000~~ in any year for construction, maintenance, and repair of  
18          highways and bridges may not exceed the product of \$5,000 multiplied by the miles  
19          of highway under the jurisdiction of the town measured by the most recent highway  
20          mileage for the town, as determined under s. 86.302, unless one of the following  
21          occurs:

22          **\*b1571/1.4\* SECTION 2294pc.** 81.01 (3) (b) of the statutes is amended to read:

23          81.01 (3) (b) The town board, by resolution, submits to the electors of the town  
24          as a referendum at a general or special town election the question of exceeding the

1 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as  
2 provided in s. 8.37. The board shall abide by the majority vote of the electors of the  
3 town on the question. The question shall read as follows:

4 Shall the town of ~~...~~ .... spend \$~~...~~ \$.... over the annual limit of \$10,000 the  
5 product of \$5,000 multiplied by the miles of highway under the jurisdiction of the  
6 town measured by the most recent highway mileage for the town, as determined  
7 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,  
8 and repair of its highways and bridges?

9 FOR SPENDING  AGAINST SPENDING .

10 \*b2007/2.7\* **1095.** Page 856, line 3: after that line insert:

11 \*b2007/2.7\* "SECTION 2294m. 84.001 (1r) of the statutes is created to read:

12 84.001 (1r) "Intelligent transportation system" means a specialized computer  
13 system or other electronic, information processing, communication, or technical  
14 system, including roadway detector loops, closed circuit television, permanent  
15 variable message signs, or ramp meters, that is used to improve the efficiency or  
16 safety of a surface transportation system."

17 \*b2136/1.3\* **1096.** Page 856, line 3: after that line insert:

18 \*b2136/1.3\* "SECTION 2294ec. 79.10 (10) (bm) of the statutes is renumbered  
19 79.10 (10) (bm) 1. and amended to read:

20 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but  
21 whose property tax bill does not reflect the credit may claim the credit by applying  
22 to the treasurer of the taxation district in which the property is located for the credit  
23 under par. (a) by January 31 following the issuance of the person's property tax bill.  
24 ~~The treasurer of the taxation district in which the property is located shall compute~~

1 the amount of the credit; subtract the amount of the credit from the person's property  
2 tax bill; notify the person of the reduced amount of the property taxes due; issue a  
3 refund to the person if the person has paid the property taxes in full; and enter the  
4 person's property on the next tax roll as property that qualifies for a lottery and  
5 gaming credit. Claims made under this ~~paragraph~~ subdivision become invalid when  
6 claims made under par. (a) become invalid.

7 **\*b2136/1.3\* SECTION 2294ee.** 79.10 (10) (bm) 2. of the statutes is created to  
8 read:

9 79.10 (10) (bm) 2. A person who may apply for a credit under subd. 1. but who  
10 does not timely apply for the credit under subd. 1. may apply to the department of  
11 revenue no later than October 1 following the issuance of the person's property tax  
12 bill. Subject to review by the department, the department shall compute the amount  
13 of the credit; issue a check to the person in the amount of the credit; and notify the  
14 treasurer of the county in which the person's property is located or the treasurer of  
15 the taxation district in which the person's property is located, if the taxation district  
16 collects taxes under s. 74.87. The treasurer shall enter the person's property on the  
17 next tax roll as property that qualifies for a lottery and gaming credit. Claims made  
18 under this subdivision become invalid when claims made under par. (a) become  
19 invalid.

20 **\*b2136/1.3\* SECTION 2294eg.** 79.10 (10) (bn) of the statutes is renumbered  
21 79.10 (10) (bn) 1. and amended to read:

22 79.10 (10) (bn) 1. If a person who owns and uses property as specified under  
23 sub. (1) (dm), as of the certification date under par. (a), transfers the property after  
24 the certification date, the transferee may apply to the treasurer of the county in  
25 which the property is located or, if the property is located in a city that collects taxes

1 under s. 74.87, to the treasurer of the city in which the property is located for the  
2 credit under sub. (9) (bm) on a form prescribed by the department of revenue. The  
3 transferee shall attest that, to the transferee's knowledge, the transferor used the  
4 property in the manner specified under sub. (1) (dm) as of the certification date under  
5 par. (a). A claim that is made under this ~~paragraph~~ subdivision is valid for the year  
6 in which the property is transferred.

7 **\*b2136/1.3\* SECTION 2294eh.** 79.10 (10) (bn) 2. of the statutes is created to  
8 read:

9 79.10 (10) (bn) 2. A person who is eligible for a credit under subd. 1. but whose  
10 property tax bill does not reflect the credit may claim the credit by applying to the  
11 treasurer of the taxation district in which the property is located for the credit by  
12 January 31 following the issuance of the person's property tax bill. Claims made  
13 after January 31, but no later than October 1 following the issuance of the person's  
14 property tax bill, shall be made to the department of revenue. Paragraph (bm), as  
15 it applies to processing claims made under that paragraph, applies to processing  
16 claims made under this subdivision, except that a claim that is made under this  
17 subdivision is valid for the year in which the person took possession of the  
18 transferred property under subd. 1.”.

19 **\*b2221/3.121\* 1097.** Page 856, line 3: after that line insert:

20 **\*b2221/3.121\*** “SECTION 2294j. 80.05 (2) (b) of the statutes is amended to read:

21 80.05 (2) (b) Give notice by registered mail to the department of natural  
22 resources, to the department of forestry and to the county land conservation  
23 committee in each county through which the highway may pass.

24 **\*b2221/3.121\* SECTION 2294m.** 80.39 (2) of the statutes is amended to read:

1           80.39 (2) NOTICE. Upon such petition the county board or the commissioners  
2 appointed by the board shall give notice of the time and place they will meet to decide  
3 on the petition. The notice shall be published as a class 2 notice, under ch. 985. The  
4 notice shall also be given to the ~~department~~ secretary of natural resources ~~by serving~~  
5 ~~a copy upon the secretary of natural resources and to the secretary of forestry~~ either  
6 by registered mail or personally. If the board appoints a committee to act, the notice  
7 shall state the fact and the notice shall be signed by the commissioners, otherwise  
8 by the chairperson of the board.

9           **\*b2221/3.121\* SECTION 2294p.** 84.01 (17) of the statutes is amended to read:

10           84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the  
11 department of transportation shall determine, as far as possible, what  
12 improvements will be made during the following 6-year period, and shall notify the  
13 county clerks prior to February 1 of each even-numbered year, as to the  
14 improvements in their respective counties. Such notice shall also be given to the  
15 department of natural resources, to the department of forestry and to the  
16 department of agriculture, trade and consumer protection.”.

17           **\*b1518/2.1\* 1098.** Page 857, line 13: after that line insert:

18           **\*b1518/2.1\* “SECTION 2296p.** 84.01 (34) of the statutes is created to read:

19           84.01 (34) STILLWATER BRIDGE PROJECT. (a) Not later than April 1, 2002, the  
20 department shall develop and submit to the joint committee on finance a proposal  
21 specifying the amount of anticipated expenditures to be made by the department for  
22 mitigation in connection with the Stillwater Bridge project across the St. Croix River  
23 between Houlton in St. Croix County and Stillwater, Minnesota.

1 (b) If, after submission of the proposal under par. (a), the department  
2 determines that it will exceed the amount of anticipated expenditures specified in  
3 the proposal under par. (a), the department shall submit to the joint committee on  
4 finance a proposal for the additional amount of anticipated expenditures for  
5 mitigation in connection with the project.”.

6 \*b0844/2.1\* **1099.** Page 858, line 25: after that line insert:

7 \*b0844/2.1\* “SECTION 2302k. 84.013 (6g) of the statutes is created to read:

8 84.013 (6g) Notwithstanding s. 13.489 (1m) the department shall conduct a  
9 study of the STH 11/USH 14 transportation corridor between Janesville and I 43 in  
10 Rock and Walworth counties to evaluate alternatives to improve the capacity and  
11 safety of transportation in the corridor. The department shall consult with local  
12 units of government to determine the design and methodology of the study, and shall  
13 cooperate with the city of Janesville and the counties of Rock and Walworth in  
14 completing the study. If the department concludes after the study that  
15 improvements in the corridor require construction of a major highway project on  
16 STH 11 and USH 14, the department shall include the project in its report submitted  
17 to the transportation projects commission under s. 13.489 (2) no later than  
18 September 15, 2004, for review by the commission under s. 13.489 (4).”.

19 \*b2008/1.1\* **1100.** Page 858, line 25: after that line insert:

20 \*b2008/1.1\* “SECTION 2302gg. 84.013 (3m) (g) of the statutes is created to  
21 read:

22 84.013 (3m) (g) The department shall complete any major highway project  
23 involving USH 10 from Marshfield to Stevens Point in Portage and Wood counties  
24 by December 31, 2013.”.

1           **\*b2005/1.13\* 1101.** Page 859, line 10: delete “**reconstruction**” and  
2 substitute “**rehabilitation**”.

3           **\*b2005/1.14\* 1102.** Page 859, line 22: after that line insert:

4           “(d) “Rehabilitation” means the reconditioning, reconstruction, or resurfacing,  
5 as defined in s. 84.013 (1) (b) to (d), of a freeway or the adding of one or more lanes  
6 to the freeway, and includes interim repairs.

7           (e) “Southeast Wisconsin freeway” means a state trunk highway, located in  
8 Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, or Waukesha  
9 county, that has 4 or more lanes of traffic physically separated by a median or barrier  
10 and that gives preference to through traffic by limiting access to interchanges only.”.

11           **\*b2005/1.15\* 1103.** Page 859, line 23: after “86.255,” insert “any southeast  
12 Wisconsin freeway rehabilitation projects, including”.

13           **\*b2005/1.16\* 1104.** Page 859, line 24: delete “project” and substitute  
14 “project,”.

15           **\*b2005/1.17\* 1105.** Page 860, line 7: on lines 7 and 13, delete  
16 “reconstruction” and substitute “rehabilitation”.

17           **\*b2010/1.1\* 1106.** Page 861, line 17: after that line insert:

18           “(7fg) The Marquette interchange reconstruction project shall include an exit  
19 at the intersection of Plankinton Avenue and I 794. Notwithstanding ss. 84.29 (6)  
20 and 84.295 (7), the department shall keep an exit at Plankinton Avenue open for  
21 travel during the Marquette interchange reconstruction project.

22           “(7fm) Construction work on the Marquette interchange reconstruction project  
23 shall be performed on a 24-hour basis.

1           **(7fr)** The department shall design the reconstruction of the Marquette  
2 interchange and I 94 in Milwaukee and Waukesha counties to allow for expansion  
3 of capacity for vehicular traffic on the Marquette interchange and I 94 in these  
4 counties to meet the projected vehicular traffic capacity needs, as determined by the  
5 department, for 30 years following the completion of such reconstruction.”.

6           **\*b2165/1.2\* 1107.** Page 861, line 18: before that line insert:

7           **\*b2165/1.2\* “SECTION 2304p.** 84.02 (5) (a) of the statutes is amended to read:

8           84.02 (5) (a) As often as it deems necessary, the department shall publish  
9 highway service maps showing the state trunk highway system and such other main  
10 highways and other features as may seem desirable. Such highway service maps  
11 shall be sold by the department at a price to be fixed by it, which shall be not less than  
12 cost. The department may permit the use of the base plates for other maps and  
13 publications in consideration of a fair fee for such use. The department shall make  
14 and publish or duplicate such highway service maps as are required for its use, and  
15 shall publish folded highway maps of Wisconsin for free distribution to the public.  
16 The department shall ensure that the folded highway maps bear information  
17 regarding the requirements of s. 347.48 (4) and do not bear information regarding  
18 toll-free telephone service under s. 13.205.”.

19           **\*b2221/3.122\* 1108.** Page 861, line 18: before that line insert:

20           **\*b2221/3.122\* “SECTION 2304g.** 84.02 (3) (a) of the statutes is amended to read:

21           84.02 (3) (a) Changes may be made in the state trunk system by the  
22 department, if it deems that the public good is best served by making the changes.  
23 The department, in making the changes, may lay out new highways by the procedure  
24 under this subsection. Due notice shall be given to the localities concerned of the

1 intention to make changes or discontinuances, and if the change proposes to lay a  
2 highway via a new location and the distance along such deviation from the existing  
3 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the  
4 proposed change shall be held prior to making the change effective. The notice shall  
5 also be given to the secretary of natural resources and to the secretary of forestry  
6 either by registered mail or personally. Whenever the department decides to thus  
7 change more than 2 1/2 miles of the system the change shall not be effective until the  
8 decision of the department has been referred to and approved by the county board  
9 of each county in which any part of the proposed change is situated. A copy of the  
10 decision shall be filed in the office of the clerk of each county in which a change is  
11 made or proposed. Where the distance along the deviation from the existing location  
12 exceeds 5 miles the change shall constitute an addition to the state trunk highway  
13 system. The preexisting route shall continue to be a state trunk highway unless the  
14 county board of each county in which any part of the relocation lies and the  
15 department mutually agree to its discontinuance as a state trunk highway.  
16 Whenever such county board or boards and the department cannot so agree the  
17 department shall report the problem to the next ensuing session of the legislature  
18 for determination.”

19 \*b1421/1.1\* **1109.** Page 861, line 19: delete the material beginning with that  
20 line and ending with page 864, line 2.

21 \*b2011/2.2\* **1110.** Page 865, line 2: after “(5w),” insert “shall award a grant  
22 of \$2,500,000 under s. 86.31 (3s).”

23 \*b2011/2.3\* **1111.** Page 865, line 3: delete “\$5,000,000” and substitute  
24 “\$2,500,000”.

1           **\*b2011/2.4\* 1112.** Page 865, line 7: after “(a)” insert “or s. 86.31 (3s)”.

2           **\*b0957/1.9\* 1113.** Page 865, line 20: after that line insert:

3           **\*b0957/1.9\* SECTION 2307h.** 84.075 (1) of the statutes is amended to read:

4           84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction  
5 contracts under s. 84.06, and in contracting with private contractors and agencies  
6 under s. 84.07, the department of transportation shall attempt to ensure that 5% of  
7 the total amount expended in each fiscal year is paid to contractors, subcontractors,  
8 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1 that~~  
9 are minority businesses certified by the department of commerce under s. 560.036  
10 (2). In attempting to meet this goal, the department of transportation may award  
11 any contract to a minority business that submits a qualified responsible bid that is  
12 no more than 5% higher than the low bid.

13           **\*b0957/1.9\* SECTION 2307i.** 84.075 (2) of the statutes is amended to read:

14           84.075 (2) The contractor shall report to the department of transportation any  
15 amount of the contract paid to subcontractors and vendors ~~which that~~ are minority  
16 businesses certified by the department of commerce under s. 560.036 (2).

17           **\*b0957/1.9\* SECTION 2307j.** 84.075 (3) of the statutes is amended to read:

18           84.075 (3) The department of transportation shall at least semiannually, or  
19 more often if required by the department of administration, report to the department  
20 of administration the total amount of money it has paid to contractors,  
21 subcontractors, and vendors ~~which that~~ are minority businesses under ss. 84.01 (13),  
22 84.06, and 84.07 and the number of contacts with minority businesses in connection  
23 with proposed purchases and contracts. In its reports, the department of of

1 transportation shall include only amounts paid to businesses certified by the  
2 department of commerce under s. 560.036 (2) as minority businesses.

3 \*b0957/1.9\* **SECTION 2307jk.** 84.076 (1) (c) of the statutes is amended to read:

4 84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~  
5 (e) 1 means a business that is certified by the department of commerce under s.  
6 560.036 (2).”.

7 \*b1416/1.1\* **1114.** Page 865, line 20: after that line insert:

8 \*b1416/1.1\* **“SECTION 2307f.** 84.04 (4) of the statutes is created to read:

9 84.04 (4) Notwithstanding sub. (2), after the effective date of this subsection  
10 .... [revisor inserts date], the department may not construct any rest area along or  
11 in close proximity with a state trunk highway at a location that is within a radius  
12 of 5 miles from an exit from the highway that provides access to motorist services  
13 described under s. 86.195 (3). This subsection does not apply to any rest area that  
14 is located no more than 5 miles from the border of this state or to any rest area that  
15 may be located near the village of Belmont in Lafayette County.”.

16 \*b1489/2.1\* **1115.** Page 865, line 20: after that line insert:

17 \*b1489/2.1\* **“SECTION 2307dc.** 84.072 of the statutes is created to read:

18 **84.072 Unified disadvantaged business certification program. (1)**

19 DEFINITIONS. In this section:

20 (a) “Business” means a sole proprietorship, partnership, limited liability  
21 company, joint venture, or corporation that is operated for profit.

22 (am) “Certifying authority” means the department or, if authorized under sub.  
23 (5m), a municipality or county.

24 (b) “Disadvantaged business” means a business that is all of the following:

1           1. At least 51% owned by one or more disadvantaged individuals who are U.S.  
2 citizens or persons lawfully admitted to the United States for permanent residence,  
3 as defined in 8 USC 1101 (a) (20).

4           2. Controlled in its management and daily business operations by one or more  
5 of the disadvantaged individuals who own the business.

6           3. A small business concern within the meaning given in 49 CFR 26.5.

7           (c) “Disadvantaged individual” means an individual found by a certifying  
8 authority to be socially and economically disadvantaged within the meaning given  
9 in 49 CFR 26.5.

10          (d) “Municipality” means a city, village, or town.

11          **(2) CERTIFICATION.** (a) Any business may apply to a certifying authority for  
12 certification as a disadvantaged business. All applications shall be sworn and  
13 notarized. A certifying authority shall certify as a disadvantaged business any  
14 business that meets the requirements under 49 CFR 26, subpart D, for such  
15 certification. A certifying authority shall follow all certification procedures and  
16 standards provided in 49 CFR 26 and all certification determinations shall strictly  
17 conform with 49 CFR 26 and federal guidelines established under that section. A  
18 certifying authority shall complete review and issue a decision concerning an  
19 application within 90 days after receiving the completed application, except that a  
20 certifying authority may extend its review period to not more than 150 days if, within  
21 those 90 days, the certifying authority provides written notice to the applicant  
22 specifying the reasons for the extension. No person may certify a business as a  
23 disadvantaged business for purposes of 49 CFR 26, except as provided in this section.  
24 A certifying authority may charge and collect reasonable fees for reviewing an  
25 application submitted under this paragraph.

1           (b) 1. Except as provided in sub. (6), a certifying authority is not required to  
2 review an application submitted by a business that has its principal place of business  
3 in another state, unless the business is certified as a disadvantaged business under  
4 a unified certification program that strictly conforms to 49 CFR 26 and to which that  
5 other state is a party.

6           2. If the department receives an application for a business that is certified as  
7 a disadvantaged business under a federally approved unified certification program  
8 pursuant to 49 CFR 26, the department may do any of the following:

9           a. Grant certification in reliance of the certification determination under the  
10 federally approved unified certification program.

11           b. Make an independent certification determination based on material  
12 submitted by the other certifying agency, supplemented by whatever additional  
13 information the department may request from the applicant.

14           c. Require the applicant to undergo the application process without regard to  
15 the other certification.

16           3. If a certifying authority that is a municipality or county receives an  
17 application for a business that is certified as a disadvantaged business under a  
18 federally approved unified certification program pursuant to 49 CFR 26, the  
19 certifying authority shall forward the application to the department for purposes of  
20 subd. 2.

21           (c) A certifying authority shall cooperate with any directive from the federal  
22 government under authority of 49 CFR 26 concerning certification under this  
23 section.

24           (d) Certification under this section is valid for 3 years, unless the department  
25 removes certification under sub. (4) or the certification is removed as provided in 49

1 CFR 26.87 or 26.89. A certifying authority may not require a business that is  
2 certified under this section to reapply during the 3-year period after its certification,  
3 unless the factual basis on which the certification is made materially changes.

4 (e) No certification of a business as a disadvantaged business for purposes of  
5 federal transportation assistance programs before the effective date of this  
6 paragraph .... [revisor inserts date], is valid for contracts executed after the last day  
7 of the 5th month beginning after the effective date of this paragraph .... [revisor  
8 inserts date]. Beginning on the first day of the 6th month beginning after the  
9 effective date of this paragraph.... [revisor inserts date], only a business certified  
10 under this section qualifies as a disadvantaged business enterprise for purposes of  
11 49 CFR 26.

12 **(2m) CONFIDENTIALITY.** (a) A certifying authority may not disclose to any  
13 person any information that relates to an individual's statement of net worth, a  
14 statement of experience, or a company's financial statement, including the gross  
15 receipts of a bidder, or to any documentation submitted in support of those  
16 statements, if the information was obtained for the purpose of complying with 49  
17 CFR 26, as that section existed on October 1, 1999.

18 (b) This subsection does not prohibit a certifying authority from disclosing  
19 information to any of the following persons:

- 20 1. The person to whom the information relates.
- 21 2. If the certifying authority is a municipality or county, to the department.
- 22 3. If the certifying authority is the department, to a municipality or county  
23 authorized under sub. (5m).
- 24 4. Any person who has the written consent of the person to whom the  
25 information relates to receive such information.

1           5. Any person to whom 49 CFR 26, as that section existed on October 1, 1999,  
2 requires or specifically authorizes the certifying authority to disclose such  
3 information.

4           6. The federal department of transportation, if the certifying authority  
5 discloses the information for the purposes of a certification appeal proceeding in  
6 which the disadvantaged status of the individual is in question.

7           **(3) IMPLIED CONSENT.** Any municipality, county, or other person that accepts  
8 federal moneys from the appropriations under s. 20.395 (1) (bx), (2) (ax), (dx), or (fx),  
9 or (3) (bx), (cx), or (ex), or accepts other federal moneys for highway, transit, or airport  
10 purposes, after the effective date of this subsection .... [revisor inserts date], is  
11 considered to have given consent to the unified certification disadvantage business  
12 program administered under this section.

13           **(4) REQUIREMENTS OF CERTIFIED BUSINESSES.** A business certified as a  
14 disadvantaged business shall, within 30 days after a change in the business's size,  
15 disadvantaged status, ownership, or control that could preclude its certification as  
16 a disadvantaged business under 49 CFR 26, notify the department of such change  
17 by sworn and notarized statement. A business certified as a disadvantaged business  
18 shall submit annually to the department a sworn, notarized statement attesting that  
19 there have been no changes to business's size, disadvantaged status, ownership, or  
20 control, or gross receipts, that would preclude its certification as a disadvantaged  
21 business under 49 CFR 26. The notice shall include a statement that the business  
22 meets the size and gross receipts criteria for certification, and shall include  
23 documentary evidence supporting that statement. The department shall remove the  
24 certification of any disadvantaged business that fails to provide the statement within  
25 13 months after certification under this section, or within 13 months after it last

1 submitted to the department the information required under this subsection,  
2 whichever is later.

3 (5) DIRECTORY OF CERTIFIED BUSINESSES. The department shall maintain a list  
4 of all businesses certified as a disadvantaged business by a certifying authority or  
5 by a state that is a party to an agreement under sub. (6). The list shall include the  
6 business name, address, telephone number, and types of work that the business is  
7 certified to perform as a disadvantaged business. The department shall make the  
8 list and any updated information available to any person, at no charge, on the  
9 Internet and in printed format. The department shall update the list at least  
10 annually, but shall update the electronic list available on the Internet by including  
11 additions, deletions, or other changes to the list as soon as the department makes  
12 such an addition, deletion, or other change.

13 (5m) CERTIFICATION BY A MUNICIPALITY OR COUNTY. The department may  
14 authorize any municipality or county to certify a business as a disadvantaged  
15 business. The authorization shall be in writing and shall require the municipality  
16 or county to conform strictly to the standards and processes provided in this section  
17 and rules promulgated under this section. The authorization shall be valid for one  
18 year. The authorization shall require the municipality or county to provide written  
19 notice to the department of any certification decision. The written notice shall  
20 include all of the information contained in the directory maintained under sub. (5).  
21 The authorization shall require the municipality or county to forward applications  
22 to the department under sub. (2) (b) 3. Certification by a municipality or county is  
23 valid for 3 years, unless the department removes certification under sub. (4) or the  
24 certification is removed as provided in 49 CFR 26.87 or 26.89. No municipality or

1 county authorized under this subsection may hear any appeals or complaints  
2 regarding certification decisions.

3 (6) RECIPROCAL CERTIFICATION AGREEMENTS. Notwithstanding sub. (2) (a), the  
4 department may enter into a reciprocal agreement with any other state establishing  
5 a joint unified certification program that strictly conforms to 49 CFR 26. The  
6 agreement may authorize the other state to certify as a disadvantaged business any  
7 business that is based in this state, or may authorize the department to certify as a  
8 disadvantaged business any business based in that other state.

9 (7) CERTIFICATION APPEALS AND COMPLAINTS. (a) Any business whose application  
10 for certification is denied, or is not reviewed within the time limits prescribed in sub.  
11 (2) (a), or whose certification is removed, may appeal that action as provided in 49  
12 CFR 26.89 to the department.

13 (b) Any person may file with the department a signed, written complaint that  
14 a business that a certifying authority has certified under this section is not eligible  
15 for such certification. The department shall investigate complaints that it finds are  
16 supported by credible evidence. If, upon investigation, the department finds  
17 reasonable cause to believe that a business is not eligible for certification, the  
18 department shall notify the business of its findings in writing and shall proceed in  
19 the manner provided under 49 CFR 26.87.

20 (8) APPLICABILITY. This section does not apply if federal law does not require,  
21 as a condition of using federal funds, this state to establish goals for the participation  
22 of disadvantaged businesses or the employment of disadvantaged individuals in  
23 projects using federal funds.

24 \*b1489/2.1\* SECTION 2307de. 84.076 (1) (a) of the statutes is amended to read:

1           84.076 (1) (a) “Disadvantaged individual” means a minority group member, a  
2 woman or any other individual found by the department to be socially and  
3 economically disadvantaged ~~by the department as provided~~ within the meaning  
4 given in 49 CFR 23.62 ~~26.5~~, unless successfully challenged as provided in 49 CFR  
5 ~~23.69~~ 26.89.

6           **\*b1489/2.1\* SECTION 2307dg.** 84.076 (1) (b) (intro.) of the statutes is  
7 renumbered 84.076 (1) (b) and amended to read:

8           84.076 (1) (b) “Disadvantaged business” ~~means a sole proprietorship,~~  
9 ~~partnership, limited liability company, joint venture or corporation that fulfills all~~  
10 ~~of the following requirements, as certified by the department:~~ has the meaning given  
11 in s. 84.072 (1) (b).

12           **\*b1489/2.1\* SECTION 2307dh.** 84.076 (1) (b) 1., 2. and 3. of the statutes are  
13 repealed.

14           **\*b1489/2.1\* SECTION 2307dj.** 84.076 (3) (intro.) and (a) of the statutes are  
15 consolidated, renumbered 84.076 (3) and amended to read:

16           84.076 (3) BIDS, CONTRACTS. Section 84.06 (2) applies to bids and contracts  
17 under this section, except that the secretary shall reject low bids that do not satisfy  
18 the requirements under sub. (4). ~~The secretary shall establish a list of disadvantaged~~  
19 ~~businesses that are eligible to submit bids for contracts awarded under this section~~  
20 ~~and subcontractors who meet the requirements under sub. (4) (b).~~ Each bid  
21 submitted under this section shall include the agreement specified under sub. (4) and  
22 all of the following conditions: (a) A, as a condition, a goal that at least 25% of the  
23 total number of workers in all construction trades employed on the project will be  
24 disadvantaged individuals.

25           **\*b1489/2.1\* SECTION 2307dk.** 84.076 (3) (b) of the statutes is repealed.

1           **\*b1489/2.1\* SECTION 2307dm.** 84.076 (4) (b) of the statutes is amended to  
2 read:

3           84.076 (4) (b) Obtain from a subcontractor that has experience in providing  
4 training to disadvantaged individuals a program of preapprenticeship training that  
5 satisfies the requirements established by the secretary under sub. (2) (b), and assure  
6 that the subcontractor has experience in providing a program of management and  
7 technical assistance to disadvantaged business contractors, and that the  
8 subcontractor's management and technical assistance program satisfies the  
9 requirements established by the secretary under sub. (2) (b) and includes all of the  
10 requirements of par. (a) 2. A subcontractor under this paragraph need not be a  
11 disadvantaged business, but if the subcontractor is not a disadvantaged business, it  
12 may not be included within the goal established under sub. (3) (b).”.

13           **\*b2007/2.8\* 1116.** Page 865, line 20: after that line insert:

14           **\*b2007/2.8\* “SECTION 2307g.** 84.06 (1) of the statutes is amended to read:

15           84.06 (1) DEFINITIONS. In this section, “improvement” or “highway  
16 improvement” includes construction, reconstruction, rehabilitation, and ~~the~~  
17 ~~activities, operations and processes incidental to building, fabricating, or bettering~~  
18 ~~a highway, public mass transportation system or street, but not maintenance. The~~ terms do not include the installation, replacement, rehabilitation, or maintenance  
19 of highway signs, traffic control signals, highway lighting, pavement markings, or  
20 intelligent transportation systems, unless incidental to building, fabricating, or  
21 bettering a highway or street.

22  
23           **\*b2007/2.8\* SECTION 2307h.** 84.07 (1) of the statutes is amended to read:

1           84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk  
2 highway system shall be maintained by the state at state expense. The department  
3 shall prescribe by rule specifications for such maintenance and may contract with  
4 any county highway committee or municipality to have all or certain parts of the  
5 work of maintaining the state trunk highways within or beyond the limits of the  
6 county or municipality, including interstate bridges, performed by the county or  
7 municipality, and any county or municipality may enter into such contract. General  
8 maintenance activities include the application of protective coatings, the removal  
9 and control of snow, the removal, treatment and sanding of ice, interim repair of  
10 highway surfaces and adjacent structures, and all other operations, activities and  
11 processes required on a continuing basis for the preservation of the highways on the  
12 state trunk system, and including the care and protection of trees and other roadside  
13 vegetation and suitable planting to prevent soil erosion or to beautify highways  
14 pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate  
15 traffic service. Special maintenance activities include the restoration,  
16 reinforcement, complete repair or other activities which the department deems are  
17 necessary on an individual basis for specified portions of the state trunk system.  
18 Maintenance activities also include the installation, replacement, rehabilitation, or  
19 maintenance of highway signs, traffic control signals, highway lighting, pavement  
20 markings, and intelligent transportation systems. The department may contract  
21 with a private entity for services or materials or both associated with the installation,  
22 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,  
23 highway lighting, pavement markings, and intelligent transportation systems.”.

24           **\*b2213/2.3\* 1117.** Page 865, line 20: after that line insert:

1           **\*b2213/2.3\*** **SECTION 2307cf.** 84.09 (9) of the statutes is created to read:  
2           84.09 (9) Subsections (5), (5m), and (6) do not apply to residual state property  
3           subject to s. 20.9145.

4           **\*b2213/2.3\*** **SECTION 2307cg.** 84.09 (9) of the statutes, as created by 2001  
5           Wisconsin Act .... (this act), is repealed.”.

6           **\*b1302/2.1\*** **1118.** Page 866, line 2: after that line insert:

7           **\*b1302/2.1\*** **SECTION 2307m.** 84.1040 of the statutes is created to read:

8           **84.1040 Donald K. “Deke” Slayton Memorial Highway.** (1) The  
9           department shall designate and, subject to sub. (2), mark STH 27 in Monroe County  
10          commencing at Sparta and proceeding southerly to Cashton as the “Donald K. ‘Deke’  
11          Slayton Memorial Highway” as a living memorial to and in honor of Donald K. “Deke”  
12          Slayton, who brought credit to this state and, in particular, Monroe County for his  
13          contribution to this country’s space program as one of the 7 original astronauts and  
14          as a participant in the first joint United States–Soviet space mission.

15          (2) Upon receipt of sufficient contributions from interested parties, including  
16          any county, city, village, or town, to cover the cost of erecting and maintaining  
17          markers along the route specified in sub. (1) to clearly identify to motorists the  
18          designation of the route as the “Donald K. ‘Deke’ Slayton Memorial Highway,” the  
19          department shall erect and maintain the markers. No state funds, other than from  
20          the receipt of contributions under this subsection, may be expended for the erection  
21          or maintenance of the markers.”.

22          **\*b2009/1.1\*** **1119.** Page 868, line 2: after that line insert:

23          **\*b2009/1.1\*** **SECTION 2308r.** 84.30 (10m) of the statutes is renumbered 84.30  
24          (10m) (intro.) and amended to read:

1           84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. (intro.) The department may  
2 promulgate a rule requiring persons specified in the rule to pay annual permit fees  
3 for signs. If the department establishes an annual permit fee under this subsection,  
4 failure to pay the fee within 2 months after the date on which payment is due is  
5 evidence that the sign has been abandoned for the purposes of s. TRANS 201.10 (2)  
6 (f), Wis. Adm. Code. This subsection does not apply to any of the following:

7           **\*b2009/1.1\* SECTION 2308s.** 84.30 (10m) (a) and (b) of the statutes are created  
8 to read:

9           84.30 (10m) (a) An off-premises advertising sign that is owned by a religious  
10 organization.

11           (b) A sign that has been permanently removed by the owner of the sign, even  
12 if the department was not notified of the sign's removal.”.

13           **\*b2221/3.123\* 1120.** Page 868, line 2: after that line insert:

14           **\*b2221/3.123\* “SECTION 2308p.** 84.28 (1) of the statutes is amended to read:

15           84.28 (1) Moneys from the appropriation under s. ~~20.370 (7) (mc)~~ 20.375 (3) (b)  
16 may be expended for the renovation, marking and maintenance of a town or county  
17 highway located within the boundaries of any ~~state park, state forest or other~~  
18 ~~property under the jurisdiction of the department of natural resources, other than~~  
19 a southern state forest. Moneys from the appropriation under s. 20.370 (7) (mc) may  
20 be expended for the renovation, marking and maintenance of a town or county  
21 highway located within the boundaries of any state park or any southern state forest,  
22 in the lower Wisconsin state riverway, as defined in s. 30.40 (15), or on other property  
23 under the jurisdiction of the department of natural resources. Outside the lower  
24 Wisconsin state riverway, as defined in s. 30.40 (15), or outside the boundaries of

1 these parks, forests or other property under the jurisdiction of the department of  
2 natural resources, moneys from the appropriation under s. 20.370 (7) (mc) may be  
3 expended for the renovation, marking and maintenance of roads which the  
4 department of natural resources certifies are utilized by a substantial number of  
5 visitors to these state parks, state forests or other property under the jurisdiction of  
6 the department of natural resources. The department of natural resources shall  
7 authorize expenditures from the appropriation under s. 20.370 (7) (mc) under this  
8 subsection. The department of natural resources shall rank projects eligible for  
9 assistance funding from the appropriation under s. 20.370 (7) (mc) under a priority  
10 system and funding may be restricted to those projects with highest priority. Outside  
11 the boundaries of the state forests under the jurisdiction of the department of  
12 forestry, moneys from the appropriation under s. 20.375 (3) (b) may be expended for  
13 the renovation, marking, and maintenance of roads which the department of forestry  
14 certifies are utilized by a substantial number of visitors to these state forests. The  
15 department of forestry shall authorize expenditures from the appropriation under  
16 s. 20.375 (3) (b) under this subsection. The department of forestry shall rank projects  
17 eligible for funding from the appropriation under s. 20.375 (3) (b) under a priority  
18 system and funding may be restricted to those projects with the highest priority.

19 \*b2221/3.123\* SECTION 2308s. 84.28 (2) of the statutes is amended to read:

20 84.28 (2) The department may administer a program for the construction,  
21 maintenance, and marking of roads, including fire roads, service areas, trailer, or  
22 vehicle parking stalls or parking areas and other facilities consistent with highway  
23 construction and for the marking of scenic routes in the state parks, state forests, the  
24 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,  
25 other public used areas under the jurisdiction of the department of natural resources

1 or the department of forestry, and other public lands as defined in ch. 24, for  
2 highways or fire roads leading from the most convenient state trunk highways to  
3 such lands, and for the relocation and construction of state trunk highways in or near  
4 state parks when required in the interests of public safety. Within the limitations  
5 and for the purposes of this section, work may be performed by or under the  
6 supervision or authority or with the approval of the department of transportation,  
7 upon the request for such work filed by the department ~~of natural resources~~ having  
8 jurisdiction as to the lower Wisconsin state riverway, as defined in s. 30.40 (15), or  
9 as to state park or forest lands, or by the board of commissioners of the public lands  
10 as to other classes of public lands. Outside the lower Wisconsin state riverway, as  
11 defined in s. 30.40 (15), and outside the limits of the park, state forest, and public  
12 land areas, direct connections to the most convenient state trunk highway may be  
13 built or maintained under this section. Roads in unincorporated areas within 5 miles  
14 of the boundaries of the Horicon national wildlife refuge or the Horicon marsh  
15 wildlife area may be built or maintained under this section upon request of the town  
16 board, if the department of transportation certifies that such roads are or will be used  
17 by a substantial number of visitors to such area. Costs incurred under this section  
18 shall be the responsibility of the department of natural resources, department of  
19 forestry, commissioners of public lands or town board, as appropriate.”.

20 \*b1491/1.2\* **1121.** Page 868, line 24: after that line insert:

21 \*b1491/1.2\* “SECTION 2310m. 85.027 of the statutes is created to read:

22 **85.027 Highway corridor planning grant program. (1)** In this section:

23 (a) “Highway corridor” means the area up to 10 miles on either side of a state  
24 trunk highway that is expected by the department to need additional capacity for

1 vehicular traffic or to have possible safety or operational problems resulting from  
2 pressure for development adjacent to the highway.

3 (b) “Local governmental unit” means a city, village, town, county, regional  
4 planning commission, or metropolitan planning organization, as defined in s. 85.243  
5 (1) (c).

6 (2) The department shall administer a highway corridor planning grant  
7 program. From the appropriation under s. 20.395 (3) (bq), the department shall  
8 award grants to local governmental units for highway corridor planning activities.  
9 In any fiscal year, the department may not expend more than \$500,000 for grants  
10 under this subsection.”.

11 \*b2006/2.1\* **1122.** Page 869, line 1: before that line insert:

12 \*b2006/2.1\* “SECTION 2311g. 85.061 (3) (b) of the statutes is renumbered  
13 85.061 (3) (b) 1. and amended to read:

14 85.061 (3) (b) 1. The department may not use any proceeds from the bond issue  
15 authorized under s. 20.866 (2) (up) unless the joint committee on finance approves  
16 the use of the proceeds and, with state funds are used for not more than 20% of the  
17 cost of the project. This subdivision does not apply to the use of any bond proceeds  
18 approved by the joint committee on finance before the effective date of this  
19 subdivision .... [revisor inserts date].

20 2. With respect to a route under par. (a) 1. or 2., the department may not use  
21 any proceeds from the bond issue authorized under s. 20.866 (2) (up) unless the  
22 department submits evidence to the joint committee on finance that Amtrak or the  
23 applicable railroad has agreed to provide rail passenger service on that route.

1           (c) The department may contract with Amtrak, railroads or other persons to  
2 perform the activities under the program.”.

3           **\*b0845/3.26\* 1123.** Page 868, line 25: delete that line.

4           **\*b1484/1.2\* 1124.** Page 870, line 22: after that line insert:

5           **\*b1484/1.2\*** “SECTION 2321p. 85.12 (5) of the statutes is created to read:

6           85.12 (5) Beginning with fiscal year 2001–02, from the appropriations under  
7 s. 20.395 (5) (dk) of moneys received by the department from the department and  
8 under s. 20.395 (5) (dq), the amount provided by the department in any fiscal year  
9 for the statewide public safety radio management program under this section may  
10 not exceed 50% of the costs of the statewide public safety radio management program  
11 or \$138,000, whichever is less.”.

12           **\*b2003/3.1\* 1125.** Page 873, line 18: after that line insert:

13           **\*b2003/3.1\*** “SECTION 2330g. 85.205 (title) of the statutes is amended to read:

14           **85.205 (title) Prohibited expenditures and construction for light rail.**

15           **\*b2003/3.1\* SECTION 2330h.** 85.205 of the statutes is renumbered 85.205 (1)  
16 and amended to read:

17           85.205 (1) Notwithstanding ss. 85.022, 85.062 and 85.063, the department may  
18 not encumber or expend any federal funds received under P.L. 102–240, section 1045,  
19 or P.L. 105–277, section 373, or state funds for any purpose related to a light rail mass  
20 transit system.—~~This section on or after the effective date of this subsection ....~~  
21 [revisor inserts date]. This subsection does not apply to any light rail mass transit  
22 system that is being constructed on October 29, 1999. ~~This section subsection~~ does  
23 not apply to any funds expended or activity related to a mass transit system that is  
24 done under the memorandum of agreement concerning USH 12 between Middleton

1 and Lake Delton, Wisconsin, that was executed by the governor, the secretary of  
2 transportation, the secretary of natural resources, the county executive of Dane  
3 County, the administrative coordinator of Sauk County, and others, and that became  
4 effective on April 22, 1999. This ~~section~~ subsection does not apply after  
5 June 30, ~~2001~~ 2002.

6 **\*b2003/3.1\* SECTION 2330j.** 85.205 (2) of the statutes is created to read:

7 85.205 (2) A light rail mass transit system may not be constructed in  
8 Milwaukee County after the effective date of this subsection ... [revisor inserts date],  
9 unless the Milwaukee County board authorizes construction of the light rail mass  
10 transit system by resolution and the resolution is ratified by the electors of  
11 Milwaukee County at a referendum held at the next general election.”.

12 **\*b0751/2.3\* 1126.** Page 878, line 10: after that line insert:

13 **\*b0751/2.3\* “SECTION 2340q.** 85.53 (3) of the statutes is amended to read:

14 85.53 (3) Grants under this section shall be paid from the appropriations under  
15 s. 20.395 (5) (jr) and (jt). The amount of a grant may not exceed 80% of the amount  
16 expended by an eligible applicant for services related to the program.”.

17 **\*b2153/1.1\* 1127.** Page 878, line 23: after that line insert:

18 **\*b2153/1.1\* “SECTION 2340vg.** 86.03 (5m) of the statutes is created to read:

19 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

20 (a) In this subsection, “vegetation” means any tree, shrub, hedge, or other foliage.

21 (b) Notwithstanding any other provision of this section, if any vegetation  
22 located in the right-of-way of any highway under the jurisdiction of the department  
23 prevents the operator of a vehicle traveling on a highway at the posted speed limit  
24 from viewing for 6 uninterrupted seconds a business premises located adjacent to the

1 highway right-of-way, a sign located on a business premises adjacent to the highway  
2 right-of-way that advertises the business to motorists on the adjacent highway, or  
3 any sign erected under this chapter or s. 84.30 that is permitted to be located in or  
4 adjacent to the highway right-of-way, any person who maintains a majority  
5 ownership interest in the business adjacent to the highway right-of-way or in any  
6 business advertised on a sign identified in this paragraph may trim or remove any  
7 obstructing vegetation located in the highway right-of-way if all of the following  
8 requirements are met:

9 1. The person obtains a permit from the department under par. (c).

10 2. The person pays for the cost of trimming or removing the obstructing  
11 vegetation, including the cost of cleanup and disposal, and for replacing any removed  
12 vegetation, including the cost of purchasing and planting the replacement  
13 vegetation.

14 3. If the person has removed vegetation, the person replaces the removed  
15 vegetation with comparable vegetation along the same highway right-of-way,  
16 provided that the person may not locate replacement vegetation in a manner that  
17 obstructs, or will obstruct in the foreseeable future, the view from the highway of  
18 another existing business or sign identified in this paragraph.

19 4. No state funds are expended for the trimming, removal, or replacement of  
20 vegetation under this paragraph.

21 5. With respect to a sign identified in this paragraph, the owner of the land on  
22 which the sign is erected does not object to the trimming or removal of vegetation.

23 (c) The department shall issue permits to eligible applicants for the trimming  
24 or removal of vegetation located in a highway right-of-way under par. (b). Any  
25 permit issued under this paragraph shall specify the vegetation or the portion of the

1 highway right-of-way to which the permit applies. The department shall grant or  
2 deny an application for a permit within 30 days of receipt of the application.”.

3 \*b1812/2.1\* **1128.** Page 878, line 24: delete that line.

4 \*b1812/2.2\* **1129.** Page 879, line 1: delete lines 1 to 6 and substitute:

5 \*b1812/2.2\* “SECTION 2340y. 86.193 of the statutes is created to read:

6 **86.193 Agricultural tourism signs.** (1) In this section, “agricultural  
7 tourism facility” means a facility located in this state that is open to the public at  
8 least 4 days a week for a minimum of 3 months and which does any of the following:

9 (a) Markets Wisconsin farm products.

10 (b) Processes and markets agricultural products, of which at least 50% are  
11 grown and produced in this state.

12 (c) Promotes tourism by providing tours and on-site sales or samples of  
13 Wisconsin agricultural products.

14 (2) The department shall develop and, no later than March 1, 2002, implement  
15 a plan, consistent with federal and state laws, to promote and maximize the erection  
16 of agricultural tourism signs on highways in this state to identify and provide  
17 directional information to any agricultural tourism facility.

18 (3) (a) Except as provided in par. (b), the department may assess and collect  
19 from an agricultural tourism facility the actual costs of erection of any agricultural  
20 tourism sign that identifies and provides directional information to the facility.

21 (b) A local authority shall permit erection of a trailblazer sign that identifies  
22 and provides directional information to an agricultural tourism facility on a highway  
23 under the jurisdiction of the local authority if the facility is located more than 5 miles  
24 from the highway and the local authority assesses and collects from the facility the

1 actual costs of erection of the trailblazer sign. The department shall promulgate  
2 rules defining “trailblazer sign” for purposes of this paragraph.

3 (4) In developing and implementing the plan under sub. (2), the department  
4 shall consult with the department of agriculture, trade and consumer protection.”.

5 \*b2040/1.3\* **1130.** Page 879, line 12: delete “\$1,790” and substitute “\$1,825”.

6 \*b2040/1.4\* **1131.** Page 879, line 19: delete “\$88,312,900” and substitute  
7 “\$90,044,600”.

8 \*b2040/1.5\* **1132.** Page 880, line 1: delete “\$277,843,200” and substitute  
9 “\$283,291,100”.

10 \*b2040/1.6\* **1133.** Page 880, line 3: after that line insert:

11 \*b2040/1.6\* “SECTION 2345m. 86.30 (10c) of the statutes is created to read:

12 86.30 (10c) AID PAYMENTS FOR CALENDAR YEAR 2002. (a) 1. For calendar year 2002,  
13 the department shall determine the percentage change between the amount of  
14 moneys appropriated for distribution under this section to counties for calendar year  
15 2002 and the amount of moneys appropriated for distribution under this section to  
16 counties for calendar year 2001.

17 2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
18 the amount of aid payable to each county in calendar year 2002 shall be the amount  
19 paid to that county for calendar year 2001, plus an amount equal to the percentage  
20 determined under subd. 1. of the amount paid to the county for calendar year 2001.

21 (b) 1. For calendar year 2002, the department shall determine the percentage  
22 change between the amount of moneys appropriated for distribution under this  
23 section to municipalities for calendar year 2002 and the amount of moneys

1 appropriated for distribution under this section to municipalities for calendar year  
2 2001.

3 2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
4 the amount of aid payable to each municipality in calendar year 2002 shall be the  
5 amount paid to that municipality for calendar year 2001, plus an amount equal to  
6 the percentage determined under subd. 1. of the amount paid to the municipality for  
7 calendar year 2001.

8 **\*b2040/1.6\* SECTION 2345n.** 86.30 (10g) of the statutes is created to read:

9 86.30 (10g) AID PAYMENTS FOR CALENDAR YEAR 2003. (a) 1. For calendar year 2003,  
10 the department shall determine the percentage change between the amount of  
11 moneys appropriated for distribution under this section to counties for calendar year  
12 2003 and the amount of moneys appropriated for distribution under this section to  
13 counties for calendar year 2002.

14 2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
15 the amount of aid payable to each county in calendar year 2003 shall be the amount  
16 paid to that county for calendar year 2002, plus an amount equal to the percentage  
17 determined under subd. 1. of the amount paid to the county for calendar year 2002.

18 (b) 1. For calendar year 2003, the department shall determine the percentage  
19 change between the amount of moneys appropriated for distribution under this  
20 section to municipalities for calendar year 2003 and the amount of moneys  
21 appropriated for distribution under this section to municipalities for calendar year  
22 2002.

23 2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
24 the amount of aid payable to each municipality in calendar year 2003 shall be the  
25 amount paid to that municipality for calendar year 2002, plus an amount equal to

1 the percentage determined under subd. 1. of the amount paid to the municipality for  
2 calendar year 2002.”.

3 **\*b2011/2.5\* 1134.** Page 881, line 4: after that line insert:

4 **\*b2011/2.5\* “SECTION 2348m.** 86.31 (3s) of the statutes is created to read:

5 86.31 (3s) WEST CANAL STREET RECONSTRUCTION. Notwithstanding limitations  
6 on the amount and use of aids provided under this section, or on eligibility  
7 requirements for receiving aids under this section, and subject to s. 84.03 (3) (b), the  
8 department shall award a grant of \$2,500,000 to the city of Milwaukee for the  
9 purpose specified under s. 84.03 (3) (a). Notwithstanding subs. (3) (b), (3g), (3m), and  
10 (3r), payment of the grant under this subsection shall be made from the  
11 appropriation under s. 20.395 (2) (fr) before making any other allocation of funds  
12 under subs. (3) (b), (3g), (3m), and (3r), and the allocation of funds under subs. (3) (b),  
13 (3g), (3m), and (3r) shall be reduced proportionately to reflect the amount of the grant  
14 made under this subsection. This subsection does not apply after December 31,  
15 2005.”.

16 **\*b2221/3.124\* 1135.** Page 881, line 4: after that line insert:

17 **\*b2221/3.124\* “SECTION 2349m.** 86.315 (1) of the statutes is amended to read:

18 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department  
19 shall annually, on March 10, pay to counties having county forests established under  
20 ch. 28, for the improvement of public roads within the county forests which are open  
21 and used for travel and which are not state or county trunk highways or town roads  
22 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road  
23 designated in the comprehensive county forest land use plan as approved by the  
24 county board and the department of natural resources forestry. If the amount

1 appropriated under s. 20.395 (1) (fu) is insufficient to make the payments required  
2 under this subsection, the department shall prorate the amount appropriated in the  
3 manner it considers desirable.”.

4 \*b0845/3.27\* **1136.** Page 881, line 11: delete lines 11 to 20.

5 \*b1634/2.1\* **1137.** Page 881, line 25: delete “; equal to at least” and substitute  
6 “by rule, equal to”.

7 \*b1634/2.2\* **1138.** Page 882, line 1: delete “at least”.

8 \*b1461/3.10\* **1139.** Page 882, line 11: after that line insert:

9 \*b1461/3.10\* “SECTION 2382. 93.06 (8) of the statutes is amended to read:

10 93.06 (8) PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,  
11 issue any permit, certificate, registration or license on a temporary or conditional  
12 basis, contingent upon pertinent circumstances or acts. If the temporary or  
13 conditional permit, certificate, registration or license is conditioned upon compliance  
14 with chs. 93 to 100, ch. ~~127~~ 126, a rule promulgated by the department or a regulation  
15 adopted under s. 97.41 (7) within a specified period of time and the condition is not  
16 met within the specified period, the permit, certificate, registration or license shall  
17 be void.”.

18 \*b1459/1.1\* **1140.** Page 882, line 13: delete the material beginning with  
19 “From” and ending with “provide” on line 14 and substitute “Provide”.

20 \*b1461/3.11\* **1141.** Page 882, line 16: after that line insert:

21 \*b1461/3.11\* “SECTION 2385. 93.135 (1) (rm) of the statutes is amended to  
22 read:

23 93.135 (1) (rm) A ~~registration certificate~~ license under s. ~~100.03 (2)~~ 126.56.

24 \*b1461/3.11\* SECTION 2386. 93.135 (1) (s) of the statutes is amended to read:

1 93.135 (1) (s) A license under s. ~~127.02(1)~~ 126.26.

2 \*b1461/3.11\* SECTION 2387. 93.135 (1) (sm) of the statutes is amended to read:

3 93.135 (1) (sm) A license under s. ~~127.03(1)~~ 126.11.

4 \*b1461/3.11\* SECTION 2388. 93.20 (1) of the statutes is amended to read:

5 93.20 (1) DEFINITION. In this section, “action” means an action that is  
6 commenced in court by, or on behalf of, the department of agriculture, trade and  
7 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

8 \*b1461/3.11\* SECTION 2389. 93.21 (5) (a) of the statutes is amended to read:

9 93.21 (5) (a) In this subsection, “license” means a permit, certificate,  
10 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.”.

11 \*b1366/1.3\* **1142**. Page 882, line 17: after that line insert:

12 \*b1366/1.3\* “SECTION 2390p. 93.32 of the statutes is created to read:

13 **93.32 Agriculture in the classroom program.** From the appropriation  
14 account under s. 20.115 (4) (q), the department shall provide grants to the  
15 organization that conducts an agriculture in the classroom program in cooperation  
16 with the federal department of agriculture to help teachers educate students about  
17 agriculture.”.

18 \*b1461/3.12\* **1143**. Page 882, line 24: after that line insert:

19 \*b1461/3.12\* “SECTION 2394. 93.50 (1) (g) of the statutes is amended to read:

20 93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable  
21 procurement contract” in s. ~~100.03(1)(vm)~~ 126.55(15).”.

22 \*b2014/2.1\* **1144**. Page 882, line 24: after that line insert:

23 \*b2014/2.1\* “SECTION 2394p. 93.80 of the statutes is created to read:

1           **93.80 Arsenic in wood.** (1) The department, jointly with the department of  
2 commerce, shall review scientific evidence to determine whether there is a  
3 substantial likelihood that wood treated with copper, chromium, and arsenic is  
4 harmful to the environment or to human health. The departments shall report the  
5 results of their review to the legislature under s. 13.172 (2) no later than June 30,  
6 2002.

7           (2) If the department and the department of commerce determine under sub.  
8 (1) that there is a substantial likelihood that wood treated with copper, chromium,  
9 and arsenic is harmful to the environment or to human health, the departments  
10 jointly shall promulgate rules that phase in restrictions on the use of wood treated  
11 with copper, chromium, and arsenic. The departments may not prohibit the use of  
12 wood treated with copper, chromium, and arsenic for a purpose unless there is a  
13 substitute wood preservative that may be used for that purpose and that is less  
14 harmful.

15           (3) Any person who violates a rule promulgated under sub. (2) may be required  
16 to forfeit not more than \$500 for each violation.”.

17           **\*b2015/1.1\* 1145.** Page 883, line 11: after “other” insert “practical”.

18           **\*b2015/1.2\* 1146.** Page 886, line 22: substitute “may” for “will”.

19           **\*b1017/1.1\* 1147.** Page 888, line 10: after that line insert:

20           **\*b1017/1.1\* “SECTION 2397e.** 94.73 (3m) (r) of the statutes is amended to read:

21           94.73 (3m) (r) The cost of providing alternative sources of drinking water,  
22 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible  
23 person who applies for reimbursement a total of not more than ~~\$20,000~~ \$50,000 for  
24 the replacement or restoration of private wells or for connection to a public or private

1 water source if the department or the department of natural resources orders the  
2 well replacement or restoration or the connection in response to a discharge.”.

3 \*b1461/3.13\* **1148.** Page 888, line 15: after that line insert:

4 \*b1461/3.13\* “SECTION 2400. 97.20 (2) (d) 2. of the statutes is amended to read:

5 97.20 (2) (d) 2. The license applicant has filed all financial information required  
6 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has  
7 not filed all financial information under s. 126.44 and any security required under  
8 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under  
9 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk  
10 products from milk producers or their agents, but allows the operator to purchase  
11 milk or fluid milk products from other sources.

12 \*b1461/3.13\* SECTION 2401. 97.20 (3m) of the statutes is amended to read:

13 97.20 (3m) CONFIDENTIALITY. Any information kept by the department under  
14 this section or s. 97.24 that identifies individual milk producers who deliver milk to  
15 a dairy plant licensed under this section and that is a composite list for that dairy  
16 plant is not subject to inspection under s. 19.35 unless inspection is required under  
17 s. ~~100.06 (4)~~ 126.70 or unless the department determines that inspection is necessary  
18 to protect the public health, safety or welfare.

19 \*b1461/3.13\* SECTION 2402. 97.22 (10) of the statutes is amended to read:

20 97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the  
21 department under this section, under s. 97.24 or 97.52, or under rules promulgated  
22 under those sections, that pertains to individual milk producer production, milk fat  
23 and other component tests and quality records is not subject to inspection under s.

1 19.35 except as required under s. ~~100.06 (4)~~ 126.70 or except as the department  
2 determines is necessary to protect the public health, safety or welfare.

3 \*b1461/3.13\* **SECTION 2403.** 97.29 (4) of the statutes is amended to read:

4 97.29 (4) **FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS.** The  
5 department may not issue or renew a license to operate a food processing plant to any  
6 applicant who is a vegetable contractor, as defined in s. ~~100.03 (1) (f)~~ 126.55 (14),  
7 unless the applicant has filed all financial information required under s. 126.58 and  
8 any security that is required under s. ~~100.03~~ 126.61. If an applicant has not filed all  
9 financial information required under s. 126.58 and any security that is required  
10 under s. ~~100.03~~ 126.61, the department may issue a conditional license under s. 93.06  
11 (8) that prohibits the licensed operator from procuring vegetables from a producer  
12 or a producer's agent, but allows the operator to procure vegetables from other  
13 sources.”.

14 \*b1461/3.14\* **1149.** Page 889, line 1: after that line insert:

15 \*b1461/3.14\* **“SECTION 2404.** 100.03 of the statutes, as affected by 2001  
16 Wisconsin Act .... (this act), is repealed.

17 \*b1461/3.14\* **SECTION 2405.** 100.06 of the statutes, as affected by 2001  
18 Wisconsin Act .... (this act), is repealed.”.

19 \*b1524/1.6\* **1150.** Page 889, line 1: after that line insert:

20 \*b1524/1.6\* **“SECTION 2404g.** 100.03 (1) (bm) of the statutes is amended to  
21 read:

22 100.03 (1) (bm) **“Audited financial statement”** means a financial statement  
23 that, in the accompanying opinion of an independent certified public accountant ~~or~~  
24 ~~a public accountant holding a certificate of authority~~ licensed or certified under ch.

1 442, fairly and in all material respects represents the financial position of the  
2 contractor, the results of the contractor's operations and the contractor's cash flows  
3 in conformity with generally accepted accounting principles.

4 \*b1524/1.6\* SECTION 2404r. 100.03 (1) (ym) 2. of the statutes is amended to  
5 read:

6 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting  
7 principles by an independent certified public accountant ~~or a public accountant~~  
8 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

9 \*b1524/1.6\* SECTION 2405m. 100.06 (1g) (c) of the statutes is amended to read:

10 100.06 (1g) (c) The department shall require the applicant to file a financial  
11 statement of his or her business operations and financial condition that meets the  
12 requirements of par. (d). The licensee, during the term of his or her license, may be  
13 required to file such statements periodically. All such statements shall be  
14 confidential and shall not be open for public inspection, except that the department  
15 shall provide the name and address of an individual, the name and address of the  
16 individual's employer and financial information related to the individual contained  
17 in such statements if requested under s. 49.22 (2m) by the department of workforce  
18 development or a county child support agency under s. 59.53 (5). The department  
19 may require such statements to be certified by a certified public accountant licensed  
20 or certified under ch. 442. Such statements and audits, when made by the  
21 department, shall be paid for at cost.”.

22 \*b1461/3.15\* **1151.** Page 889, line 8: after that line insert:

23 \*b1461/3.15\* “SECTION 2414. 100.235 (1) (b) of the statutes is amended to read:

1           100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor”  
2 under s. ~~100.03 (1) (f)~~ 126.55 (14).

3           **\*b1461/3.15\* SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered  
4 100.235 (1) (dm) and amended to read:

5           100.235 (1) (dm) “~~Registration~~ License year” has the meaning given under s.  
6 ~~100.03 (1) (y)~~ 126.55 (10m).

7           **\*b1461/3.15\* SECTION 2416.** 100.235 (2) of the statutes is amended to read:

8           100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO  
9 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow  
10 more than 10% of the acreage of any vegetable species grown and procured by the  
11 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for  
12 vegetables of that species tendered or delivered under a vegetable procurement  
13 contract, a price not less than the contractor's cost to grow that vegetable species in  
14 the same growing region. For vegetables contracted on a tonnage basis and for  
15 open-market tonnage purchased, acreage under this subsection shall be determined  
16 using the state average yield per acre during the preceding ~~registration~~ license year.

17           **\*b1461/3.15\* SECTION 2417.** 100.235 (3) of the statutes is repealed.

18           **\*b1461/3.15\* SECTION 2418.** 100.235 (4) of the statutes is amended to read:

19           100.235 (4) COST TO GROW, REPORT TO DEPARTMENT UPON REQUEST. If the  
20 department determines that a contractor and the contractor's affiliates and  
21 subsidiaries will collectively grow more than 10% of the acreage of any vegetable  
22 species grown and procured by the contractor during a ~~registration~~ license year, the  
23 department may require the contractor to file a statement of the contractor's cost to  
24 grow that vegetable species. The contractor shall file the report with the department  
25 within 30 days after the department makes its request, unless the department

1 grants an extension of time. The department may permit the contractor to report  
2 different costs to grow for different growing regions if the contractor can define the  
3 growing regions to the department's satisfaction, and can show to the department's  
4 satisfaction that the contractor's costs to grow are substantially different between  
5 the growing regions.

6 **\*b1461/3.15\* SECTION 2420.** 100.26 (5) of the statutes is amended to read:

7 100.26 (5) Any person violating ~~s. 100.06 or any order or regulation of the~~  
8 ~~department thereunder, or~~ s. 100.18 (9), shall be fined not less than \$100 nor more  
9 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation  
10 constitutes a separate offense.”.

11 **\*b0768/4.3\* 1152.** Page 890, line 16: after that line insert:

12 **\*b0768/4.3\* “SECTION 2429d.** 100.264 (2) (intro.) of the statutes is amended  
13 to read:

14 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
15 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
16 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 (10)  
17 (b) or a rule promulgated under one of those sections, the person shall be subject to  
18 a supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by  
19 the defendant, for which the violation was imposed, was perpetrated against an  
20 elderly person or disabled person and if the court finds that any of the following  
21 factors is present:”.

22 **\*b1000/1.1\* 1153.** Page 890, line 16: after that line insert:

23 **\*b1000/1.1\* “SECTION 2430L.** 100.30 (5r) of the statutes is created to read:

1           100.30 (5r) PRIVATE CAUSE OF ACTION; SALE OF TOBACCO PRODUCTS. Any person  
2 who is injured or threatened with injury as a result of a sale or purchase of cigarettes  
3 or other tobacco products in violation of this section may bring an action against the  
4 person who violated this section for temporary or permanent injunctive relief or an  
5 action against the person for 3 times the amount of any monetary loss sustained or  
6 an amount equal to \$2,000, whichever is greater, multiplied by each day of continued  
7 violation, together with costs, including accounting fees and reasonable attorney  
8 fees, notwithstanding s. 814.04 (1). An association of cigarette wholesalers may  
9 bring the action on behalf of the person injured or threatened with injury and be  
10 entitled to the same relief as the person injured or threatened with injury.”.

11           **\*b0768/4.4\* 1154.** Page 890, line 25: after that line insert:

12           **\*b0768/4.4\* “SECTION 2435.** 100.52 (title) of the statutes is created to read:  
13           **100.52 (title) Telephone solicitations.**

14           **\*b0768/4.4\* SECTION 2436.** 100.52 (1) (title) of the statutes is created to read:  
15           100.52 (1) (title) DEFINITIONS.

16           **\*b0768/4.4\* SECTION 2437b.** 100.52 (1) (a) of the statutes is created to read:  
17           100.52 (1) (a) “Affiliate,” when used in relation to any person, means another  
18 person who owns or controls, is owned or controlled by, or is under common  
19 ownership or control with such person.

20           **\*b0768/4.4\* SECTION 2438b.** 100.52 (1) (b) of the statutes is created to read:  
21           100.52 (1) (b) “Basic local exchange service” has the meaning in s. 196.01 (1g).

22           **\*b0768/4.4\* SECTION 2439b.** 100.52 (1) (c) of the statutes is created to read:  
23           100.52 (1) (c) “Nonprofit organization” means a corporation, association, or  
24 organization described in section 501 (c) (3), (4), (5), or (19) of the Internal Revenue

1 Code that is exempt from taxation under section 501 (a) of the Internal Revenue  
2 Code.

3 **\*b0768/4.4\* SECTION 2440b.** 100.52 (1) (d) of the statutes is created to read:

4 100.52 (1) (d) “Nonresidential customer” means a person, other than a  
5 residential customer, who is furnished with telecommunications service by a  
6 telecommunications utility.

7 **\*b0768/4.4\* SECTION 2440d.** 100.52 (1) (e) of the statutes is created to read:

8 100.52 (1) (e) “Nonsolicitation directory” means the directory established in  
9 rules promulgated by the department under sub. (2) (b).

10 **\*b0768/4.4\* SECTION 2440f.** 100.52 (1) (f) of the statutes is created to read:

11 100.52 (1) (f) “Residential customer” means an individual who is furnished  
12 with basic local exchange service by a telecommunications utility, but does not  
13 include an individual who operates a business at his or her residence.

14 **\*b0768/4.4\* SECTION 2440h.** 100.52 (1) (g) of the statutes is created to read:

15 100.52 (1) (g) “Telecommunications service” has the meaning given in s. 196.01  
16 (9m).

17 **\*b0768/4.4\* SECTION 2440j.** 100.52 (1) (h) of the statutes is created to read:

18 100.52 (1) (h) “Telecommunications utility” has the meaning given in s. 196.01  
19 (10).

20 **\*b0768/4.4\* SECTION 2440L.** 100.52 (1) (j) of the statutes is created to read:

21 100.52 (1) (j) “Telephone solicitor” means a person, other than a nonprofit  
22 organization or an employee or contractor of a nonprofit organization, that employs  
23 or contracts with an individual to make a telephone solicitation.

24 **\*b0768/4.4\* SECTION 2440n.** 100.52 (2) of the statutes is created to read:

1           100.52 (2) NONSOLICITATION DIRECTORY LISTING. (a) Upon a request by a  
2 residential customer, the department shall include in the nonsolicitation directory  
3 a listing indicating that the residential customer does not want to receive any  
4 telephone solicitation made on behalf of a telephone solicitor.

5           (b) The department shall promulgate rules for establishing, maintaining, and  
6 semiannually updating a directory that includes listings of residential customers  
7 who do not wish to receive telephone solicitations made on behalf of telephone  
8 solicitors. The rules promulgated under this paragraph shall establish requirements  
9 and procedures for a residential customer to request a listing in the directory. The  
10 rules shall also require a residential customer who requests a listing in the directory  
11 to notify the department on a biennial basis if the residential customer wishes to  
12 continue to be included in the directory. The department shall eliminate a  
13 residential customer from the directory if the customer does not make the biennial  
14 notification.

15           (c) Except for copies of the nonsolicitation directory that are provided to  
16 registered telephone solicitors under par. (d), the nonsolicitation directory is not  
17 subject to inspection, copying, or receipt under s. 19.35 (1) and may not be released  
18 by the department.

19           (d) The department shall, on a semiannual basis, make the nonsolicitation  
20 directory available by electronic transmission only to telephone solicitors who are  
21 registered under sub. (3). Upon the request of a telephone solicitor registered under  
22 sub. (3), the department shall also provide a printed copy of the nonsolicitation  
23 directory to the telephone solicitor. A telephone solicitor who receives a copy of the  
24 directory, or to whom the directory is made available by electronic transmission,  
25 under this paragraph may not solicit or accept from any person, directly or indirectly,

1 anything of value in exchange for providing the person with any information  
2 included in the copy.

3 \*b0768/4.4\* SECTION 2441b. 100.52 (3) of the statutes is created to read:

4 100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. (a) The department shall  
5 promulgate rules that require any telephone solicitor who requires an employee or  
6 contractor to make a telephone solicitation to a residential customer in this state to  
7 register with the department, obtain a registration number from the department,  
8 and pay a registration fee to the department. The amount of the registration fee shall  
9 be based on the cost of establishing the nonsolicitation directory, and the amount that  
10 an individual telephone solicitor is required to pay shall be based on the number of  
11 telephone lines used by the telephone solicitor to make telephone solicitations. The  
12 rules shall also require a telephone solicitor that registers with the department to  
13 pay an annual registration renewal fee to the department. The amount of the  
14 registration renewal fee shall be based on the cost of maintaining the nonsolicitation  
15 directory.

16 (b) The department shall promulgate rules that require an individual who  
17 makes a telephone solicitation on behalf of a telephone solicitor to identify at the  
18 beginning of the telephone conversation each of the following:

19 1. The telephone solicitor.

20 2. If different than the telephone solicitor, the person selling the property,  
21 goods, or services, or receiving the contribution, donation, grant, or pledge of money,  
22 credit, property, or other thing of any kind, that is the reason for the telephone  
23 solicitation.

24 \*b0768/4.4\* SECTION 2442b. 100.52 (4) (title) of the statutes is created to read:

25 100.52 (4) (title) TELEPHONE SOLICITOR REQUIREMENTS.

1           **\*b0768/4.4\* SECTION 2442d.** 100.52 (4) (a) 2. and 3. of the statutes are created  
2 to read:

3           100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the  
4 nonsolicitation directory that is provided or made available to the telephone solicitor  
5 under sub. (2) (d) includes a listing for the residential customer.

6           3. Make a telephone solicitation to a nonresidential customer if the  
7 nonresidential customer has provided notice by mail to the telephone solicitor that  
8 the nonresidential customer does not wish to receive telephone solicitations.

9           **\*b0768/4.4\* SECTION 2442f.** 100.52 (4) (b) of the statutes is created to read:

10          100.52 (4) (b) A telephone solicitor may not do any of the following:

11          1. Require an employee or contractor to make a telephone solicitation to a  
12 person in this state unless the telephone solicitor is registered with the department  
13 under the rules promulgated under sub. (3) (a).

14          2. Require an employee or contractor to make a telephone solicitation that  
15 violates par. (a).

16          **\*b0768/4.4\* SECTION 2442h.** 100.52 (4) (c) of the statutes is created to read:

17          100.52 (4) (c) A telephone solicitor or employee or contractor of a telephone  
18 solicitor that makes a telephone solicitation to a nonresidential customer shall, upon  
19 the request of the nonresidential customer, provide the mailing address for notifying  
20 the telephone solicitor that the nonresidential customer does not wish to receive  
21 telephone solicitations.

22          **\*b0768/4.1\* SECTION 2443b.** 100.52 (5) of the statutes is created to read:

23          100.52 (5) NONPROFIT ORGANIZATION REQUIREMENTS. A nonprofit organization or  
24 an employee or contractor of a nonprofit organization may not make a telephone  
25 solicitation to a residential customer if the residential customer has provided notice

1 by telephone, mail, or facsimile transmission to the nonprofit organization that the  
2 residential customer does not wish to receive telephone solicitations. A nonprofit  
3 organization may not require an employee or contractor to make a telephone  
4 solicitation that violates this subsection.

5 **\*b0768/4.4\* SECTION 2444b.** 100.52 (6) of the statutes is created to read:

6 100.52 (6) EXCEPTIONS. Subsections (4) (a) 2. and 3. and (5) do not apply to a  
7 telephone solicitation that satisfies any of the following:

8 (a) The telephone solicitation is made to a recipient in response to the  
9 recipient's express written request for the telephone solicitation.

10 (b) The telephone solicitation is made to a recipient who is a current client of  
11 the person selling the property, goods, or services, or receiving the contribution,  
12 donation, grant, or pledge of money, credit, property, or other thing of any kind, that  
13 is the reason for the telephone solicitation. This paragraph does not apply if the  
14 recipient is a current client of an affiliate of such a person, but is not a current client  
15 of such a person.

16 **\*b0768/4.4\* SECTION 2445b.** 100.52 (7) of the statutes is created to read:

17 100.52 (7) TERRITORIAL APPLICATION. This section applies to any interstate  
18 telephone solicitation received by a person in this state and to any intrastate  
19 telephone solicitation.

20 **\*b0768/4.4\* SECTION 2446b.** 100.52 (8) of the statutes is created to read:

21 100.52 (8) PRIVATE CAUSE OF ACTION. Any person who suffers damages as the  
22 result of another person violating this section may bring an action against the person  
23 who violated this section to recover the amount of those damages.

24 **\*b0768/4.4\* SECTION 2446d.** 100.52 (9) of the statutes is created to read:

1           100.52 (9) ENFORCEMENT. The department shall investigate violations of this  
2 section and may bring an action for temporary or permanent injunctive or other relief  
3 for any violation of this section.

4           **\*b0768/4.4\* SECTION 2446f.** 100.52 (10) of the statutes is created to read:

5           100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates  
6 this section may be required to forfeit not less than \$100 nor more than \$500 for each  
7 violation.

8           (b) A telephone solicitor that violates sub. (4) or a nonprofit organization that  
9 violates sub. (5) may be required to forfeit not less than \$1,000 nor more than \$10,000  
10 for each violation.”.

11           **\*b2215/1.1\* 1155.** Page 890, line 25: after that line insert:

12           **\*b2215/1.1\* “SECTION 2447x.** 101.02 (15) (a) of the statutes is amended to read:  
13           101.02 (15) (a) The department has such supervision of every employment,  
14 place of employment and public building in this state as is necessary adequately to  
15 enforce and administer all laws and all lawful orders requiring such employment,  
16 place of employment or public building to be safe, and requiring the protection of the  
17 life, health, safety and welfare of every employe in such employment or place of  
18 employment and every frequenter of such place of employment, and the safety of the  
19 public or tenants in any such public building. This Except for the purposes of  
20 enforcing and administering s. 101.22, this paragraph does not apply to occupational  
21 safety and health issues covered by standards established and enforced by the  
22 federal occupational safety and health administration.”.

23           **\*b2218/1.1\* 1156.** Page 890, line 25: after that line insert:

24           **\*b2218/1.1\* “SECTION 2446r.** 101.01 (11) of the statutes is amended to read:

1           101.01 (11) “Place of employment” includes every place, whether indoors or out  
2 or underground and the premises appurtenant thereto where either temporarily or  
3 permanently any industry, trade, or business is carried on, or where any process or  
4 operation, directly or indirectly related to any industry, trade, or business, is carried  
5 on, and where any person is, directly or indirectly, employed by another for direct or  
6 indirect gain or profit, but does not include any place where persons are employed  
7 in private domestic service which does not involve the use of mechanical power or in  
8 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~  
9 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the  
10 farm by the operator of ~~said~~ the farm or employees for use thereon, if such activities  
11 are directly or indirectly for the purpose of producing commodities for market, or as  
12 an accessory to such production; and the operation of a horse boarding facility or  
13 horse training facility that does not contain an area for the public to view a horse  
14 show and that is first operated on or after August 1, 2000. When used with relation  
15 to building codes, “place of employment” does not include an adult family home, as  
16 defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed  
17 building used as a community-based residential facility, as defined in s. 50.01 (1g),  
18 which serves 20 or fewer residents who are not related to the operator or  
19 administrator.

20           **\*b2218/1.1\* SECTION 2446rb.** 101.01 (11) of the statutes, as affected by 2001  
21 Wisconsin Act .... (this act), is amended to read:

22           101.01 (11) “Place of employment” includes every place, whether indoors or out  
23 or underground and the premises appurtenant thereto where either temporarily or  
24 permanently any industry, trade, or business is carried on, or where any process or  
25 operation, directly or indirectly related to any industry, trade, or business, is carried