77.60, 77.61 (2), (3m), (5), (6), (8), (9), ~~and~~ (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the vehicle is rented.

***-0267/P2.1*SECTION 1514.** 77.996 (6) of the statutes is amended to read:

77.996 **(6)** "Gross receipts" means the sales price, as defined in s. 77.51 (15b), except as provided in s. 77.585 (7), of tangible personal property and taxable services sold by a dry cleaning facility. "Gross receipts" does not include the license fee imposed under s. 77.9961 (1m) that is passed on to customers.

***-0358/P1.1*SECTION 1515.** 78.07 (1) of the statutes is amended to read:

78.07 **(1)** ~~Motor~~ Except as provided in subs. (1a) and (3), motor vehicle fuel that is produced, refined, blended or manufactured, or imported for manufacturing, by any person at a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture is received by a supplier when the motor vehicle fuel is removed from a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture and placed in tank cars, tank trucks, tank wagons or other types of transportation equipment, containers or facilities at such refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture or when the motor vehicle fuel is placed in any tank or other container from which sales or deliveries not involving transportation of the motor vehicle fuel are made directly.

***-0358/P1.2*SECTION 1516.** 78.07 (1a) of the statutes is created to read:

78.07 **(1a)** Motor vehicle fuel shipped by pipeline spur to an airport hydrant system is received when the motor vehicle fuel is received from the main pipeline into the initial or primary storage facility or holding terminal by the owner of the storage facility or holding terminal.

1 ***–0358/P1.3*SECTION 1517.** 78.07 (3) of the statutes is amended to read:

2 78.07 **(3)** Except as provided in ~~sub.~~ subs. (1) and (1a), motor vehicle fuel
3 imported is received at the time and place of unloading by the person for whose
4 account that shipment or delivery is made.

5 ***–0359/P1.1*SECTION 1518.** 78.68 (10) of the statutes is amended to read:

6 78.68 **(10)** Except as provided in ss. 78.19, 78.20 (2) and 78.75 (1m) (b), s. 71.75
7 (2)~~,~~ and (4) to (7) ~~and (10)~~ as it applies to the taxes under ch. 71 applies to the taxes
8 under this chapter. ~~Section~~ Sections 71.74 (13), 71.75 (9) and (10), 71.80 (3), 71.93,
9 71.935, and 73.03 (52), (52m), and (52n), as ~~it applies~~ they apply to refunds of the
10 taxes under ch. 71 ~~applies~~ apply to the refund of the taxes under this chapter.

11 ***–0906/P2.1*SECTION 1519.** 79.05 (6) (a) of the statutes is amended to read:

12 79.05 **(6)** (a) If a municipality transfers to another governmental unit
13 responsibility for providing any service that the municipality provided in the
14 preceding year, its budget for the preceding year shall be decreased to reflect the cost
15 that the municipality incurred to provide that service, as determined by the
16 department of revenue, except that, if the municipality makes payments to the other
17 governmental unit for providing the service, pursuant to a contract, the amount of
18 the payments are included in its budget for the year the payments are made for the
19 purpose of determining eligibility under sub. (2) (c).

20 ***–0906/P2.2*SECTION 1520.** 79.05 (6) (b) of the statutes is amended to read:

21 79.05 **(6)** (b) If a municipality increases the services that it provides by adding
22 responsibility for providing a service transferred to it from another governmental
23 unit in any year, its budget for the preceding year shall be increased to reflect the cost
24 of that service, as determined by the department of revenue, except that, if the
25 municipality receives payments from the other governmental unit for providing the

service, pursuant to a contract, the amount of the payments are not included in its budget for the year in which the payments are received for the purpose of determining eligibility under sub. (2) (c).

***–0265/P1.1*SECTION 1521.** 79.095 (2) (a) of the statutes is amended to read:

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

***–0265/P1.2*SECTION 1522.** 79.095 (4) of the statutes is amended to read:

79.095 **(4)** PAYMENT. The department shall calculate the payments due each taxing jurisdiction under this section by multiplying the full value as of the January 1 of the preceding year of the property that is exempt under s. 70.11 (39) and (39m) and that is located in the jurisdiction by the full–value gross tax rate of the jurisdiction for the preceding year. The department shall certify the amount of the payment due each taxing jurisdiction to the department of administration, which shall make the payments on or before ~~the first Monday in May except that, beginning in 2007, the department of administration shall make the payments on or before~~ the 4th Monday in July. For purposes of ch. 121, school districts shall treat the payments made in July under this subsection as if they had been received in the previous school year.

***–0956/P1.4*SECTION 1523.** 79.10 (4) of the statutes is amended to read:

79.10 **(4)** SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the ~~amounts~~ amount appropriated under s. 20.835 (3) (b) ~~and (qb)~~ shall be distributed to municipalities in proportion to their share of the sum of average school tax levies for all municipalities.

***–1109/4.2*SECTION 1524.** 83.015 (2) (b) of the statutes is amended to read:

83.015 **(2)** (b) In any county with a highway commissioner appointed under s. 83.01 (1) (b) or (c), the county highway committee shall be only a policy–making body determining the broad outlines and principles governing administration and the county highway commissioner shall have the administrative powers and duties prescribed for the county highway committee under par. (a), sub. (3) (a) and ss. 27.065 (4) (b) and (13), 32.05 (1) (a), 82.08, 83.01 (6), 83.013, 83.018, 83.025 (1) and (3), 83.026, 83.035, 83.04, 83.05 (1), 83.07 to 83.09, 83.12, 83.14 (6), 83.17, 83.18, 83.42 (3) and (4), 84.01 (5), 84.06 (3), 84.07 (1) and (2), 84.09 (1), (3) (a) to (c) and (4), 84.10 (1), 86.04 (1) and (2), 86.07 (2), 86.19 (3), 86.34 ~~(1)~~ (1m), 114.33 (5), 349.07 (2), 349.11 (4) and (10) and 349.15 (2). No statutory power, duty or function specified elsewhere for the county highway commissioner may be deemed impliedly repealed for the sole reason that reference to it has been omitted in this paragraph.

***–1130/9.55*SECTION 1525.** 84.01 (30) (g) 3. of the statutes is amended to read:

84.01 **(30)** (g) 3. Notwithstanding any other statute except ss. 13.48 (14) (am) and 16.848 (1), the department may sell, at the appraised value, the real estate upon which a park–and–ride facility is or may be located, if the department determines that the sale is in the best interests of the public and the department determines that the real estate will be used in a manner consistent with the state's transportation interests.

***–0154/1.1*SECTION 1526.** 84.01 (33) (intro.) of the statutes is amended to read:

84.01 **(33)** HIGHWAY PROJECT DESIGN INVENTORY. (intro.) By July 1, 2014, and continuously thereafter, the department shall maintain an inventory of completed designs for highway projects such that the estimated costs of the inventory of projects for each program is not less than ~~65~~ 20 percent of the annual amount of funding

provided to each program. The department shall maintain an inventory for each of the following:

***–0161/3.3*SECTION 1527.** 84.01 (36) of the statutes is created to read:

84.01 **(36)** SPONSORSHIP AND PARTNERSHIP AGREEMENTS. (a) In this subsection:

1. "Partner" means any person, whether public or private, that enters into an agreement with the department under par. (c).

2. "Sponsor" means any person, whether public or private, that enters into an agreement with the department under par. (b).

(b) Notwithstanding ss. 86.19 (1) and 86.191 (1), the department may enter into sponsorship agreements under which the department displays advertising, promotional, or sponsorship material, or other information, associated with the sponsor at locations owned or controlled by the department in exchange for the sponsor's payment of fees or provision of services to the department.

(c) Notwithstanding s. 84.25 (11), the department may enter into partnership agreements under which the department authorizes a partner to engage in commercial activity at locations owned or controlled by the department in exchange for the partner's payment of fees or provision of services to the department.

(d) All fees received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (eg).

(e) For each agreement under par. (b) or (c), the contract shall be awarded on the basis of competitive proposals in accordance with procedures established by the department. Requests for proposals shall be advertised in the manner determined by the department. Each contract shall be awarded to the person submitting the most advantageous competitive proposal as determined by the department. If the proposal of the person submitting the most advantageous competitive proposal is

1 determined by the department to be less than the estimated reasonable value to the
2 department or not in the public interest, the department may reject all proposals.
3 The secretary shall enter into each contract on behalf of the state. Every such
4 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
5 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract.

****NOTE: This draft omits reconciled s. 84.07 (1). The treatment of s. 84.07 (1) that previously appeared in LRB–0161 has been added to LRB–0254.

6 ***–0155/3.1*SECTION 1528.** 84.013 (3) (ak) of the statutes is repealed.

7 ***–0155/3.2*SECTION 1529.** 84.013 (3) (dm) of the statutes is repealed.

8 ***–0155/3.3*SECTION 1530.** 84.013 (3) (kb) of the statutes is repealed.

9 ***–0155/3.4*SECTION 1531.** 84.013 (3) (pe) of the statutes is repealed.

10 ***–0155/3.5*SECTION 1532.** 84.013 (3) (rg) of the statutes is repealed.

11 ***–0155/3.6*SECTION 1533.** 84.013 (3) (rp) of the statutes is repealed.

12 ***–0155/3.7*SECTION 1534.** 84.013 (3) (te) of the statutes is repealed.

13 ***–0155/3.8*SECTION 1535.** 84.013 (3) (tg) of the statutes is repealed.

14 ***–0155/3.9*SECTION 1536.** 84.013 (3) (tm) of the statutes is repealed.

15 ***–0155/3.10*SECTION 1537.** 84.013 (3) (tp) of the statutes is repealed.

16 ***–0155/3.11*SECTION 1538.** 84.013 (3) (tv) of the statutes is repealed.

17 ***–0155/3.12*SECTION 1539.** 84.013 (3) (tx) of the statutes is repealed.

18 ***–0155/3.13*SECTION 1540.** 84.013 (3) (wg) of the statutes is repealed.

19 ***–0155/3.14*SECTION 1541.** 84.013 (3) (yd) of the statutes is repealed.

20 ***–0155/3.15*SECTION 1542.** 84.013 (3m) (a) of the statutes is repealed.

21 ***–0155/3.16*SECTION 1543.** 84.013 (3m) (b) of the statutes is repealed.

22 ***–0610/1.1*SECTION 1544.** 84.014 (5r) of the statutes is repealed.

23 ***–1169/2.3*SECTION 1545.** 84.0145 (2) of the statutes is amended to read:

84.0145 **(2)** Subject to sub. (3) and s. 86.255, any southeast Wisconsin freeway megaproject may be funded only from the appropriations under ss. 20.395 (3) (aq), (av), (ax), and (ct) and 20.866 (2) (uup) and (uur).

***–0612/4.3*SECTION 1546.** 84.017 (2) of the statutes is amended to read:

84.017 **(2)** Subject to sub. (3) and s. 86.255, any high–cost state highway bridge project may be funded only from the appropriations under ~~s.~~ ss. 20.395 (3) (dr), (dw), and (dy) and 20.866 (2) (uup).

****NOTE: This draft omits reconciled s. 84.555 (1m). The treatment of s. 84.555 (1m) that previously appeared in LRB–0612 has been added to LRB–1169.

***–0160/1.1*SECTION 1547.** 84.02 (5) (a) of the statutes is amended to read:

84.02 **(5)** (a) As often as it deems necessary, the department shall publish highway service maps showing the state trunk highway system and such other main highways and other features as may seem desirable. Such highway service maps shall be sold by the department at a price to be fixed by it, which shall be not less than cost. The department may permit the use of ~~the base plates~~ its digital base map data for other maps and publications ~~in consideration of~~ and may charge a fair fee for such use. The department shall make and publish or duplicate such highway service maps as are required for its use, and~~, in only one fiscal year of each fiscal biennium,~~ shall publish folded highway maps of Wisconsin for free distribution to the public. The department shall ensure that the folded highway maps bear information regarding the requirements of s. 347.48 (4).

***–0254/4.14*SECTION 1548.** 84.06 (1) of the statutes is renumbered 84.06 (1) (intro.) and amended to read:

84.06 **(1)** DEFINITIONS. (intro.) In this section~~,~~:

(a) Subject to par. (b), "improvement" or "highway improvement" includes ~~construction,~~ all of the following:

1. Construction, reconstruction, rehabilitation, and processes incidental to building, fabricating, or bettering a highway or street~~, but not maintenance. The terms do not include the~~.

(b) 2. The installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~ highway lighting, or pavement markings~~,~~ or the maintenance of traffic control signals or intelligent transportation systems, unless incidental to building, fabricating, or bettering a highway or street.

***–0254/4.15*SECTION 1549.** 84.06 (1) (a) 2. of the statutes is created to read:

84.06 **(1)** (a) 2. Highway operations or activities that are life–cycle or investment driven and that are based on an asset management philosophy in which taking action adds service life by preventing or delaying deterioration of highway system functionality.

***–0254/4.16*SECTION 1550.** 84.06 (1) (b) (intro.) and 1. of the statutes are created to read:

84.06 **(1)** (b) (intro.) "Improvement" or "highway improvement" does not include any of the following:

1. Maintenance activities described in s. 84.07 (1).

***–0254/4.17*SECTION 1551.** 84.06 (13) of the statutes is created to read:

84.06 **(13)** CERTAIN EXPENDITURES LIMITED. The department may not encumber or expend, from the appropriations under s. 20.395 (3) (aq), (cq), and (cr), more than a total of $20,000,000 in any fiscal year for the installation, replacement, or rehabilitation, not incidental to another highway improvement, of traffic control signals and intelligent transportation systems.

1 ***–0254/4.18*SECTION 1552.** 84.07 (1) of the statutes is amended to read:

2 84.07 **(1)** ~~STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY~~ ROUTINE
3 MAINTENANCE. ~~The~~ Subject to sub. (1r), the state trunk highway system shall be
4 maintained by the state at state expense. The department shall prescribe by rule
5 specifications for such maintenance and may contract with any county highway
6 committee or municipality to have all or certain parts of the work of maintaining the
7 state trunk highways within or beyond the limits of the county or municipality,
8 including interstate bridges, performed by the county or municipality, and any
9 county or municipality may enter into such contract. ~~General maintenance~~
10 Maintenance activities include the application of protective coatings, the removal
11 and control of snow, the removal, treatment and sanding of ice, interim repair of
12 highway surfaces and adjacent structures, and all other operations, activities and
13 processes required on a regular, continuing basis for the preservation of the
14 highways on the state trunk system, and including the care and protection of trees
15 and other roadside vegetation and suitable planting to prevent soil erosion or to
16 beautify highways pursuant to s. 66.1037, and all routine measures deemed
17 necessary to provide adequate traffic service. ~~Special maintenance activities include~~
18 ~~the restoration, reinforcement, complete repair or other activities which the~~
19 ~~department deems are necessary on an individual basis for specified portions of the~~
20 ~~state trunk system.~~ Maintenance activities also include the installation,
21 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~
22 highway lighting, and pavement markings, and the maintenance of traffic control
23 signals and intelligent transportation systems. The department may contract with
24 a private entity for services or materials or both associated with the installation,
25 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~

highway lighting, and pavement markings~~,~~ and the maintenance of traffic control signals and intelligent transportation systems.

****NOTE: This is reconciled s. 84.07 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB–0254 and LRB–0161. In this draft, I added text from LRB–0161.

***–0161/3.4*SECTION 1553.** 84.07 (1r) of the statutes is created to read:

84.07 **(1r)** SPONSORSHIP AND PARTNERSHIP AGREEMENTS. The department may enter into sponsorship and partnership agreements under s. 84.01 (36) that require the sponsor or partner to perform maintenance activities, in accordance with the department's standards, for the benefit of the department.

***–0254/4.19*SECTION 1554.** 84.07 (2) of the statutes is renumbered 84.07 (2) (a) and amended to read:

84.07 **(2)** (a) ~~When~~ Except as provided in par. (b), when any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department shall pay the actual cost of the maintenance, including the allowance for materials and the use of county or municipal machinery and overhead expenses agreed upon in advance. ~~The~~ Except as provided in par. (b), the payments shall be made upon presentation by the county highway committee or municipal clerk of a properly itemized and verified account. ~~The~~ For payments made under this paragraph, the county highway committee or municipal clerk shall present the itemized accounts for ~~general~~ maintenance work no later than one month following the period during which the work is performed.

***–0254/4.20*SECTION 1555.** 84.07 (2) (b) of the statutes is created to read:

84.07 **(2)** (b) When any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including

interstate bridges, in compliance with the arrangement with the department, the department and the county or municipality may agree to a payment method and terms other than that specified in par. (a), including payment according to a contract price for maintenance services rather than payment of the actual cost of the maintenance.

***–1130/9.56*SECTION 1556.** 84.09 (1) of the statutes is amended to read:

84.09 **(1)** The department may acquire by gift, devise, purchase or condemnation any lands for establishing, laying out, widening, enlarging, extending, constructing, reconstructing, improving and maintaining highways and other transportation related facilities, or interests in lands in and about and along and leading to any or all of the same; and after establishment, layout and completion of such improvements, the department may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), convey such lands thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such lands so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works. Whenever the department deems it necessary to acquire any such lands or interests therein for any transportation related purpose, it shall so order and in such order or on a map or plat show the old and new locations and the lands and interests required, and shall file a copy of the order and map with the county clerk and county highway committee of each county in which such lands or interests are required or, in lieu of filing a copy of the order and map, may file or record a plat in accordance with s. 84.095. For the purposes of this section the department may acquire private or public lands or interests in such lands. When so provided in the department's order, such land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), the

department shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required at a price, including any damages, deemed reasonable by the department. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. The purchase or acquisition of lands or interests therein under this section is excepted and exempt from s. 20.914 (1). The department may purchase or accept donations of remnants of tracts or parcels of land existing at the time or after it has acquired portions of such tracts or parcels by purchase or condemnation for transportation purposes where in the judgment of the department such action would assist in making whole the landowner, a part of whose lands have been taken for transportation purposes and would serve to minimize the overall costs of such taking by the public. ~~This subsection does not apply to lands that are sold under s. 16.848.~~

***–1130/9.57*SECTION 1557.** 84.09 (5) (a) of the statutes is amended to read:

84.09 **(5)** (a) Subject to pars. (b) and (c) <u>and any prior action under s. 13.48 (14) (am) or 16.848 (1),</u> and <u>subject</u> to the approval of the governor, the department may sell at public or private sale property of whatever nature owned by the state and under the jurisdiction of the department when the department determines that the property is no longer necessary for the state's use for transportation purposes and, if real property, the real property is not the subject of a petition under s. 16.310 (2). The department shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of the sale. The governor shall thereupon make such investigation as he or she may deem necessary and approve or disapprove the application. Upon such approval and receipt of the full purchase price, the department shall by appropriate deed or other

instrument transfer the property to the purchaser. The approval of the governor is not required for public or private sale of property having an appraised value at the time of sale of not more than $15,000, for the transfer of surplus state real property to the department of administration under s. 16.310, or for the transfer of surplus state personal property to the department of tourism under sub. (5s). The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from such fund.

***–1130/9.58*SECTION 1558.** 84.09 (5) (c) 1. (intro.) of the statutes is amended to read:

84.09 **(5)** (c) 1. (intro.) ~~Prior~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), prior to conducting a public sale on a generally marketable surplus land parcel under par. (b), the department shall contact the county, municipality, and the local school district where the land parcel is located and the department of natural resources to solicit interest in acquiring the parcel for public use. Upon notification from the department, the county, municipality, local school district, and department of natural resources must respond to the department, stating their interest in the land for public use, within 60 days. Failure to respond within 60 days constitutes noninterest in the land parcel.

***–1130/9.59*SECTION 1559.** 84.09 (5) (c) 2. (intro.) of the statutes is amended to read:

84.09 **(5)** (c) 2. (intro.) Except as provided in subd. 2m. and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), if a county, a municipality, a local school district, or the department of natural resources expresses interest in acquiring the land for public use, the department shall offer the county, municipality, local school

district, or department of natural resources the property at its appraised value if all of the following are true:

***–1130/9.60*SECTION 1560.** 84.09 (5) (c) 2m. (intro.) of the statutes is amended to read:

84.09 **(5)** (c) 2m. (intro.) If a county, municipality, or a local school district expresses interest in acquiring the land for public use related to transportation or infrastructure, the department may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), offer the county, municipality, or the local school district the property, for less than the appraised value of the property, if all of the following are true:

***–1130/9.61*SECTION 1561.** 84.09 (5m) of the statutes is amended to read:

84.09 **(5m)** Subject to the approval of the governor in the manner, scope, and form provided by sub. (5) (a), and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may convey lands or interests therein acquired pursuant to this section and improvements installed thereon to municipalities within whose limits such lands or interests therein are located. The conveyance of said lands or interests therein and improvements shall restrict the use of the premises by the municipality to the uses for which they were acquired, except that said lands or interests therein declared by the department to be excess may be so conveyed without restrictions as to use. This subsection shall apply only to the sale of property acquired by the department for a project that is completed before May 25, 2006. The department may sell property that is acquired by the department for a project that is completed after May 25, 2006, to a municipality under sub. (5) (c), as applicable.

***–1130/9.62*SECTION 1562.** 84.09 (6) of the statutes is amended to read:

84.09 **(6)** ~~Lands~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lands held by any other state department or independent agency may, with the approval of the governor, be conveyed to the department in the manner prescribed by statute and, if none is prescribed, then by a conveyance authorized by appropriate order or resolution of the head of the department or independent agency concerned.

***–1130/9.63*SECTION 1563.** 84.09 (9) of the statutes is repealed.

***–0161/3.5*SECTION 1564.** 84.29 (5) of the statutes is amended to read:

84.29 **(5)** CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the furtherance of the public interest and general welfare of the state and the traveling public in the development of the interstate system, the department is authorized and empowered to construct grade separations at intersections of any interstate highway with other public highways and railroads and to change and adjust the lines of public highways and if necessary combine or relocate the same to adjust traffic service to grade separation structures. The entire cost of grade separations and relocations and alterations of local roads as so determined by the department shall be a part of the construction of and financed as a part of the cost of the interstate highway. The department may by agreement with a county or municipality or by order summarily vacate or relocate any town, county, city or village highway as part of the construction of an interstate highway but shall pay any damage legally payable under existing law to any property owner directly injured by the vacation or relocation of such street or highway. The department is empowered to enter into agreement with the unit of government having jurisdiction over the local highway relocated or altered as a part of the interstate highway improvement with respect to maintenance thereof, and in the absence of mutual agreement to the contrary, such relocated or altered highway shall be maintained by the unit of government having jurisdiction thereof before it

was so relocated or altered, except any parts thereof which the department determines to be useful in the operation of or for access to the interstate highway, which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the interstate highway. The action by the department relative to vacation and relocation or combining a public highway under jurisdiction of any county, town, city or village shall be conclusive.

***–0161/3.6*SECTION 1565.** 84.295 (6) of the statutes is amended to read:

84.295 **(6)** CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the furtherance of the public interest and general welfare of the state and the traveling public in the development of freeways or expressways, the department is authorized and empowered to construct grade separations at intersections of any freeway or expressway with other public highways and railroads and to change and adjust the lines of public highways and if necessary combine, relocate or extend the same to adjust traffic service to grade separation structures. The entire cost of grade separations and relocations, alterations or extensions of local roads as so determined by the department shall be a part of the construction of and financed as a part of the cost of the freeway or expressway. The department may by agreement with a county or municipality or by order summarily vacate or relocate any town, county, city or village highway as part of the construction of a freeway or expressway but shall pay any damage legally payable under existing law to any property owner directly injured by the vacation or relocation of such street or highway. The department is empowered to enter into agreement with the units of government having jurisdiction over a local highway relocated, altered or extended as a part of the freeway or expressway improvement with respect to maintenance thereof, and in the absence of mutual agreement to the contrary, such relocated, altered or extended highway

shall be maintained by the unit of government having jurisdiction thereof before it was so relocated, altered or extended, except any parts thereof which the department determines to be useful in operation of or for access to the freeway or expressway, including structures over the freeway or expressway, which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the freeway or expressway. The action by the department relative to vacation, relocation, extension or combining of a public highway under jurisdiction of any county, town, city or village shall be conclusive.

***–1130/9.64*SECTION 1566.** 84.40 (2) (a) of the statutes is amended to read:

84.40 **(2)** (a) ~~May~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), may sell and convey to a nonprofit–sharing corporation any public right–of–way available for highway purposes and any existing highways or other improvements thereon owned by the state or under the jurisdiction of the department for such consideration and upon such terms and conditions as the department deems in the public interest.

***–1169/2.4*SECTION 1567.** 84.555 (1m) of the statutes is amended to read:

84.555 **(1m)** Notwithstanding sub. (1) and ss. 84.51 and 84.59, the proceeds of general obligation bonds issued under s. 20.866 (2) (uum) are allocated for expenditure obligations under s. 84.95 and s. 84.014 ~~and~~, the proceeds of general obligation bonds issued under s. 20.866 (2) (uup) may be used to fund expenditure obligations for the Marquette interchange reconstruction project under s. 84.014, for the reconstruction of the I 94 north–south corridor, as defined in s. 84.014 (5m) (ag) 1., for the reconstruction of the Zoo interchange, as defined in s. 84.014 (5m) (ag) 2., ~~and~~ for southeast Wisconsin freeway megaprojects under s. 84.0145, and for high–cost state highway bridge projects under s. 84.017, and the proceeds of general

1 obligation bonds issued under s. 20.866 (2) (uur) may be used to fund expenditure
2 obligations for southeast Wisconsin freeway megaprojects under s. 84.0145.

****NOTE: This is reconciled s. 84.555 (1m). This SECTION has been affected by drafts with the following LRB numbers: LRB–1169 and LRB–0612. In this draft, I added text from LRB–0612.

3 ***–0611/2.1*SECTION 1568.** 84.59 (6) of the statutes is amended to read:

4 84.59 **(6)** The building commission may contract revenue obligations when it
5 reasonably appears to the building commission that all obligations incurred under
6 this section can be fully paid from moneys received or anticipated and pledged to be
7 received on a timely basis. Except as provided in this subsection, the principal
8 amount of revenue obligations issued under this section may not exceed
9 ~~$3,351,547,300~~ $3,768,059,300, excluding any obligations that have been defeased
10 under a cash optimization program administered by the building commission, to be
11 used for transportation facilities under s. 84.01 (28) and major highway projects for
12 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
13 amount, the building commission may contract revenue obligations under this
14 section as the building commission determines is desirable to refund outstanding
15 revenue obligations contracted under this section, to make payments under
16 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
17 to revenue obligations issued under this section, and to pay expenses associated with
18 revenue obligations contracted under this section.

19 ***–0609/1.14*SECTION 1569.** 85.021 of the statutes is created to read:

20 **85.021 Transportation alternatives program. (1)** DEFINITIONS. In this
21 section:

22 (a) "Political subdivision" means any city, village, town, or county.

23 (b) "Transportation alternatives" has the meaning given in 23 USC 101 (a).

1 **(2)** PROGRAM. (a) The department may administer a program to award grants
2 of assistance to any political subdivision for transportation alternatives activities
3 consistent with federal regulations promulgated under 23 USC 213. The grants shall
4 be awarded from the appropriations under s. 20.395 (2) (js), (jv), and (jx).
5 (b) Any project for which a grant is awarded under par. (a) shall be commenced
6 within 4 years from the date that the grant is awarded. For purposes of this
7 paragraph, a planning project is commenced when a planning study is begun and an
8 infrastructure project is commenced when construction is begun.
9 ***–0609/1.15*SECTION 1570.** 85.024 of the statutes is repealed.
10 ***–0609/1.16*SECTION 1571.** 85.026 of the statutes is repealed.
11 ***–0609/1.17*SECTION 1572.** 85.027 of the statutes is repealed.
12 ***–0609/1.18*SECTION 1573.** 85.029 of the statutes is repealed.
13 ***–1130/9.65*SECTION 1574.** 85.09 (2) (a) of the statutes is amended to read:
14 85.09 **(2)** (a) The department of transportation shall have the first right to
15 acquire, for present or future transportational or recreational purposes, any
16 property used in operating a railroad or railway, including land and rails, ties,
17 switches, trestles, bridges, and the like located on that property, that has been
18 abandoned. The department of transportation may, in connection with abandoned
19 rail property, assign this right to a state agency, the board of regents of the University
20 of Wisconsin System, any county or municipality, or any transit commission.
21 Acquisition by the department of transportation may be by gift, purchase, or
22 condemnation in accordance with the procedure under s. 32.05. In addition to its
23 property management authority under s. 85.15, the department of transportation
24 may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect
25 rents and fees for any use of rail property pending discharge of the department's duty

to convey property that is not necessary for a public purpose. No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned. No railroad or railway may convey any rail property prior to abandonment if the rail property is part of a rail line shown on the railroad's system map as in the process of abandonment, expected to be abandoned, or under study for possible abandonment unless the conveyance or disposal is for the purpose of providing continued rail service under another company or agency. Any conveyance made without obtaining such release is void. The first right of acquisition of the department of transportation under this subsection does not apply to any rail property declared by the department to be abandoned before January 1, 1977. The department of transportation may acquire any abandoned rail property under this section regardless of the date of its abandonment.

***–1130/9.66*SECTION 1575.** 85.09 (4) of the statutes is amended to read:

85.09 **(4)** ACQUISITION AND CONVEYANCE. Upon its own initiative, the department may determine at any time whether the rail property is abandoned, and whether it is in the best interest of the state to acquire the rail property. Within 90 days after being requested by any state agency, any railroad or any county or municipality in which the rail property is located, the department shall, subject to sub. (5) (b), make a determination of the abandonment status and, if found to be abandoned, shall determine whether it is in the best interest of the public to acquire the rail property. If it is determined to acquire the rail property or any part or interest therein, the department shall, within 180 days of the determination of its abandoned status, or

the interstate commerce commission's final order permitting the abandonment, or the termination of any efforts to negotiate an agreement for continual operation of rail service on the line, whichever occurs last, determine the fair market value of the rail property and acquire the rail property at a price deemed reasonable by the department or make a relocation order under s. 32.05. In making its determination, the department shall consider long–range potential for use of the rail property for restoration of railroad service and for other transportation related purposes. The department shall solicit the opinions of appropriate state agencies, affected counties and municipalities and other interested persons. The department shall give due consideration to an expressed desire by a state agency or an affected county or municipality to acquire, in whole or in part, the rail property under consideration. Subject <u>to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject</u> to sub. (6), all or part of any interest in abandoned rail property acquired by the department under this section or under s. 66.941 (7), 1975 stats., may be subsequently conveyed to another state agency or a county or municipality for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, or to a railroad for continued railroad transportation operations when the railroad has operated on the rail property for 5 years and the department may make such conveyances for such purposes. Any determination of the department under this section that rail property is not abandoned shall not preclude the undertaking of a subsequent investigation and determination concerning the same rail property or any portion thereof. If at any time subsequent to the acquisition of rail property under this section the department determines that the rail property is not suitable for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, or that

the rail property or any interest therein may be conveyed to any other person on terms which are not inconsistent with the potential use of the rail property for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution or which yield a benefit, including financial benefits, to the state which outweighs the benefit derived from the rail property if used for transportational purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, the department may convey the rail property or such interest therein, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub. (6). The department shall give notice of its intention to make the conveyance, and state and local units of government shall have the first 6 months in which to exercise their opportunity to acquire the rail property or interest therein. The railroad from which the rail property was acquired shall have the next 6 months in which to exercise its opportunity to reacquire the rail property or interest therein.

***–1130/9.67*SECTION 1576.** 85.09 (4i) of the statutes is amended to read:

85.09 **(4i)** DISPOSAL OF RAIL PROPERTY. The department, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), shall sell at public or private sale rail property acquired under sub. (4) when the department determines that the rail property is not necessary for a public purpose and, if real property, the real property is not the subject of a petition under s. 16.310 (2). Upon receipt of the full purchase price, the department shall, by appropriate ~~deed or other~~ instrument, transfer the rail property to the purchaser. The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from the appropriation under

s. 20.395 (2) (bq). ~~This subsection does not apply to real property that is sold under s. 16.848.~~

***–1130/9.68*SECTION 1577.** 85.15 (1) of the statutes is amended to read:

85.15 **(1)** ~~The~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may improve, use, maintain or lease any property acquired for highway, airport or any other transportation purpose until the property is actually needed for any such purpose and may permit use of the property for purposes and upon such terms and conditions as the department deems in the public interest.

***–1115/4.11*SECTION 1578.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

85.20 **(4m)** (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the department shall pay $66,585,600 for aid payable for calendar year 2010, $68,583,200 for aid payable for calendar year 2011, and $61,724,900 for aid payable for calendar ~~year~~ years 2012 and ~~thereafter~~ 2013 and, prorated, for the 1st quarter of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of $80,000,000 or more. From the appropriation under s. 20.395 (1) (hc), the department shall pay $61,724,900 for aid payable for calendar year 2015 and thereafter and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of $80,000,000 or more. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

***–1115/4.12*SECTION 1579.** 85.20 (4m) (a) 6. cm. of the statutes, as affected by 2013 Wisconsin Act .... (this act), is amended to read:

85.20 **(4m)** (a) 6. cm. ~~From the appropriation under s. 20.395 (1) (ht), the department shall pay $66,585,600 for aid payable for calendar year 2010, $68,583,200 for aid payable for calendar year 2011, and $61,724,900 for aid payable for calendar years 2012 and 2013 and, prorated, for the 1st quarter of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of $80,000,000 or more.~~ From the appropriation under s. 20.395 (1) (hc), the department shall pay $61,724,900 for aid payable for calendar year 2015 and thereafter and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of $80,000,000 or more. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

***–1115/4.13*SECTION 1580.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

85.20 **(4m)** (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the department shall pay $17,496,400 for aid payable for calendar year 2010, $18,021,300 for aid payable for calendar year 2011, and $16,219,200 for aid payable for calendar ~~year~~ <u>years</u> 2012 and ~~thereafter~~ <u>2013 and, prorated, for the 1st quarter of calendar year 2014</u>, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating

expenses in excess of $20,000,000 but less than $80,000,000. From the appropriation under s. 20.395 (1) (hd), the department shall pay $16,219,200 for aid payable for calendar year 2015 and thereafter, and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000. If the eligible applicant that receives aid under this subd. 6. d. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

***–1115/4.14*SECTION 1581.** 85.20 (4m) (a) 6. d. of the statutes, as affected by 2013 Wisconsin Act .... (this act), is amended to read:

85.20 **(4m)** (a) 6. d. ~~From the appropriation under s. 20.395 (1) (hu), the department shall pay $17,496,400 for aid payable for calendar year 2010, $18,021,300 for aid payable for calendar year 2011, and $16,219,200 for aid payable for calendar years 2012 and 2013 and, prorated, for the 1st quarter of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000.~~ From the appropriation under s. 20.395 (1) (hd), the department shall pay $16,219,200 for aid payable for calendar year 2015 and thereafter, and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year 2014, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000. If the eligible applicant that receives aid under this subd. 6. d. is served by more than one urban mass transit system, the

eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

***–1115/4.15*SECTION 1582.** 85.20 (4m) (a) 6. e. of the statutes is amended to read:

85.20 **(4m)** (a) 6. e. From the appropriation under s. 20.395 (1) ~~(hw)~~ (he), the department may pay the uniform percentage for each eligible applicant for a commuter or light rail system that has been enumerated under s. 85.062 (3). An eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter rail or light rail transit system.

***–1115/4.16*SECTION 1583.** 85.20 (4m) (a) 7. a. of the statutes is amended to read:

85.20 **(4m)** (a) 7. a. From the appropriation under s. 20.395 (1) (hr), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an urbanized area having a population as shown in the ~~2000~~ 2010 federal decennial census of at least 50,000 or receiving federal mass transit aid for such area, and not specified in subd. 6.

****NOTE: This is reconciled s. 85.20 (4m) (a) 7. a. This SECTION has been affected by drafts with the following LRB numbers: LRB–0661, LRB–1115.

***–1115/4.17*SECTION 1584.** 85.20 (4m) (a) 7. a. of the statutes, as affected by 2013 Wisconsin Act .... (this act), is amended to read:

85.20 **(4m)** (a) 7. a. From the appropriation under s. 20.395 (1) ~~(hr)~~ (ha), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an urbanized area having a population as

shown in the 2010 federal decennial census of at least 50,000 or receiving federal mass transit aid for such area, and not specified in subd. 6.

****NOTE: This is reconciled s. 85.20 (4m) (a) 7. a. This SECTION has been affected by drafts with the following LRB numbers: LRB–0661, LRB–1115.

***–0661/1.1*SECTION 1585.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

85.20 **(4m)** (a) 7. b. For the purpose of making allocations under subd. 7. a., the amounts for aids are ~~$25,099,500 in calendar year 2010, $25,852,500 in calendar year 2011, and~~ $23,267,200 in calendar ~~year~~ years 2012 and 2013 and $23,544,900 in calendar year 2014 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

***–1115/4.18*SECTION 1586.** 85.20 (4m) (a) 8. a. of the statutes is amended to read:

85.20 **(4m)** (a) 8. a. From the appropriation under s. 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an area having a population as shown in the ~~2000~~ 2010 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

****NOTE: This is reconciled s. 85.20 (4m) (a) 8. a. This SECTION has been affected by drafts with the following LRB numbers: LRB–0661, LRB–1115.

***–1115/4.19*SECTION 1587.** 85.20 (4m) (a) 8. a. of the statutes, as affected by 2013 Wisconsin Act .... (this act), is amended to read:

85.20 **(4m)** (a) 8. a. From the appropriation under s. 20.395 (1) ~~(hs)~~ (hb), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban

mass transit system operating within an area having a population as shown in the 2010 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

****NOTE: This is reconciled s. 85.20 (4m) (a) 8. a. This SECTION has been affected by drafts with the following LRB numbers: LRB–0661, LRB–1115.

***–0661/1.2*SECTION 1588.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the amounts for aids are ~~$5,681,600 in calendar year 2010, $5,852,200 in calendar year 2011, and~~ $5,267,000 in calendar ~~year~~ years 2012 and 2013 and $4,989,300 in calendar year 2014 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

***–1115/4.20*SECTION 1589.** 85.20 (4s) of the statutes is amended to read:

85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed between the department and eligible applicants under this section shall provide that the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the state's fiscal year shall be provided from the following fiscal year's appropriation under s. 20.395 (1) ~~(hr), (hs), (ht), (hu), or (hw)~~ (ha), (hb), (hc), (hd), or (he).

***–0156/1.3*SECTION 1590.** 85.63 of the statutes is created to read:

85.63 Surveying reference station system. (1) The department shall administer a surveying reference station system consisting of all of the following:

(a) A passive system consisting of a network of monuments located throughout the state that are used to generate latitude, longitude, and elevation data.

(b) An active surveying reference station system consisting of reference stations statewide that continuously transmit global positioning system data to a

system server, and the server that receives and processes the data received from the reference stations.

(2) The department may charge a fee for providing access to the system under sub. (1) in an amount to be established by rule. All fees received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jg).

***–1109/4.3*SECTION 1591.** 86.34 (title) of the statutes is amended to read:

86.34 (title) **~~Flood~~ Disaster damage aids.**

***–1109/4.4*SECTION 1592.** 86.34 (1) of the statutes is renumbered 86.34 (1m), and 86.34 (1m) (a) and (b), as renumbered, are amended to read:

86.34 **(1m)** (a) When any ~~public~~ highway~~, street, alley or bridge not on the state trunk highway system~~ is damaged by ~~flood~~ a disaster, the county highway committee, or the governing body of the municipality having jurisdiction over the maintenance ~~thereof~~ of the highway, may adopt a petition for aid under this section and file a certified copy ~~thereof~~ of the petition with the department. To be eligible for aid the petition shall be filed not later than 2 months after the occurrence of the ~~flood~~ disaster damage, except as provided in par. (b). All such petitions shall state the dates on which the ~~flood~~ disaster damage occurred and as nearly as practical state the location, nature, and extent of the damage.

(b) The department may extend the filing deadline under par. (a) if it appears reasonably likely that federal disaster aid may be forthcoming or when widespread or continuous ~~flooding~~ disaster damage makes an evaluation of ~~flood~~ damage difficult.

***–1109/4.5*SECTION 1593.** 86.34 (1g) of the statutes is created to read:

86.34 **(1g)** In this section:

(a) "Catastrophic highway failure" means the sudden failure of a major element or segment of the highway system due to a cause that is external to a highway, but does not include any failure primarily attributable to gradual and progressive deterioration or lack of proper maintenance of a highway.

(b) "Disaster" means any of the following:

1. A severe storm, flood, fire, tornado, mudslide, or other natural event external to a highway or a catastrophic highway failure.

2. An event or recurring damage caused by any governmental unit or person acting under the direction or approval of, or permit issued by, any governmental unit and in response to an event described in subd. 1.

(c) "Governmental unit" means the state or any state agency, as defined in s. 20.001 (1); any county, city, village, town, or other political subdivision of the state; or the federal government or any of its agencies.

(d) "Highway" means a highway, as defined in s. 340.01 (22), that is not on the state trunk highway system.

***–1109/4.6*SECTION 1594.** 86.34 (2) of the statutes is amended to read:

86.34 **(2)** The department shall make such investigation as it deems necessary and within 6 months from the date of filing the petition shall make its determination as to the granting of aid, the amount thereof, and the conditions under which it is granted. In making its determination the department shall cause an estimate to be made of the cost of repairing or replacing the facilities damaged or destroyed ~~by the flood~~ to standards and efficiency similar to those ~~previously~~ existing immediately before the damage or destruction, and also an estimate of the cost of reconstructing the facilities to a higher type or improving any such facilities if determined to be warranted and advisable. Except as provided in ~~sub.~~ subs. (2m) and (6), the amount

of aid payable for damage caused by a disaster described in sub. (1g) (b) 1. shall be ~~three–fourths~~ 75 percent of the cost of repair or replacement to standards similar to those ~~previously~~ existing immediately before the damage or destruction, plus ~~50%~~ 50 percent of the increased cost of the reconstruction to a higher type or the improvement of any of the facilities. Except as provided in subs. (2m) and (6), the amount of aid payable for damage caused by a disaster described in sub. (1g) (b) 2. shall be 70 percent of the cost of repair or replacement to standards similar to those existing immediately before the damage or destruction. The department may revise estimates on the basis of additional facts. The county, town, village, or city shall pay the remainder of the cost not allowed as aid, but this shall not invalidate any other provision of the statutes whereby the cost may be shared by the county and the town, village, or city.

***–1109/4.7*SECTION 1595.** 86.34 (2m) of the statutes is amended to read:

86.34 **(2m)** ~~If~~ Subject to sub. (6), if the department's estimate under sub. (2) of the cost of repair or improvement of the facilities determined by the department to be eligible for aid is $15,000 or less, the department shall offer the petitioner an amount of aid equal to ~~75%~~ 75 percent of the total amount of the department's estimate for damage caused by a disaster described in sub. (1g) (b) 1. or 70 percent of the total amount of the department's estimate for damage caused by a disaster described in sub. (1g) (b) 2. If the petitioner accepts aid under this subsection, the aid shall be paid to the petitioner or, subject to sub. (5), the county, and no other form of aid is available under this section for the repair or improvement of such facilities.

***–1109/4.8*SECTION 1596.** 86.34 (6) of the statutes is created to read:

86.34 **(6)** The department may not pay aid under this section in excess of $1,000,000, in connection with disaster damage resulting from a single disaster, unless the payment of aid is approved by the governor.

***–0707/2.4*SECTION 1597.** 93.02 of the statutes is amended to read:

93.02 Staff. The secretary shall appoint all staff necessary for the carrying out of the duties of the department, all of whom shall be under the classified service except the deputy secretary, the ~~executive~~ assistant deputy secretary, and, subject to s. 230.08 (4) (a), the administrators of divisions. Each such deputy secretary, ~~executive~~ assistant deputy secretary, or administrator shall be appointed by the secretary with the approval of the board.

***–0387/7.14*SECTION 1598.** 93.135 (title) of the statutes is amended to read:

93.135 (title) **License denial, nonrenewal, suspension or restriction based on failure to pay support or taxes.**

***–0387/7.15*SECTION 1599.** 93.135 (1) (rg) of the statutes is created to read:

93.135 **(1)** (rg) A certification or registration under s. 168.23 (3).

***–0387/7.16*SECTION 1600.** 93.135 (4) of the statutes is created to read:

93.135 **(4)** The department shall deny an application for the issuance or renewal of certification or registration under s. 168.23 (3), or shall suspend or restrict such a certification or registration, if the department of revenue certifies under s. 73.0301 that the holder of the certification or registration is liable for delinquent taxes.

***–0224/P3.2*SECTION 1601.** 93.40 (1) (g) of the statutes is amended to read:

93.40 **(1)** (g) Promote the growth of the dairy industry through research, planning, and assistance, including grants and loans to dairy producers and grants to persons operating processing plants.

1 ***–0233/1.2*SECTION 1602.** 93.60 of the statutes is repealed.

2 ***–0387/7.17*SECTION 1603.** 98.246 (1) of the statutes is amended to read:

3 98.246 **(1)** In this section, "petroleum products" has the meaning given under
4 s. ~~168.03~~ 168.01 (3).

5 ***–0387/7.18*SECTION 1604.** 101.02 (18m) of the statutes is renumbered 93.06
6 (1pm) and amended to read:

7 93.06 **(1pm)** TESTING OF PETROLEUM PRODUCTS. The department may perform,
8 or contract for the performance of, testing of petroleum products other than testing
9 provided under ch. 168. The department may establish a schedule of fees for such
10 petroleum product testing services. The department shall credit all revenues
11 received from fees established under this subsection to the appropriation account
12 under s. ~~20.165 (2) (ga)~~ 20.115 (1) (gc). Revenues from fees established under this
13 subsection may be used by the department to pay for testing costs, including
14 laboratory supplies and equipment amortization, for such products.

15 ***–0387/7.19*SECTION 1605.** 101.02 (18r) of the statutes is created to read:

16 101.02 **(18r)** The department shall promulgate a rule specifying fees for plan
17 reviews relating to the storage, handling, or use of flammable or combustible liquids
18 or federally regulated hazardous substances, as defined in s. 168.21 (3).

19 ***–1092/2.17*SECTION 1606.** 101.02 (20) (a) of the statutes is amended to read:

20 101.02 **(20)** (a) For purposes of this subsection, "license" means a license,
21 permit, or certificate of certification or registration issued by the department for an
22 occupation or profession under s. ~~101.09 (3) (c),~~ 101.122 (2) (c), ~~101.143 (2) (g),~~
23 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
24 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
25 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,

145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

****NOTE: This is reconciled s. 101.02 (20) (a). This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–1092/2.18*SECTION 1607.** 101.02 (21) (a) of the statutes is amended to read:

101.02 **(21)** (a) In this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. ~~101.09 (3) (c)~~, 101.122 (2) (c), ~~101.143 (2) (g),~~ 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

****NOTE: This is reconciled s. 101.02 (21) (a). This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–1092/2.19*SECTION 1608.** 101.02 (24) (a) 2. of the statutes is amended to read:

101.02 **(24)** (a) 2. "License" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. ~~101.09 (3) (c)~~, 101.122 (2) (c), ~~101.143 (2) (g),~~ 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

****NOTE: This is reconciled s. 101.02 (24) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–0387/7.20*SECTION 1609.** 101.09 (title) of the statutes is repealed.

1 ***–0387/7.21*SECTION 1610.** 101.09 (1) (intro.) of the statutes is renumbered
2 168.21 (intro.) and amended to read:
3 **168.21 Definitions.** (intro.) In this ~~section~~ subchapter:
4 ***–0387/7.22*SECTION 1611.** 101.09 (1) (a) of the statutes is renumbered 168.21
5 (1).
6 ***–0387/7.23*SECTION 1612.** 101.09 (1) (am) of the statutes is renumbered
7 168.21 (3).
8 ***–0387/7.24*SECTION 1613.** 101.09 (1) (b) of the statutes is renumbered 168.21
9 (4).
10 ***–0387/7.25*SECTION 1614.** 101.09 (1) (c) of the statutes is renumbered 168.21
11 (5).
12 ***–0387/7.26*SECTION 1615.** 101.09 (1) (cm) of the statutes is renumbered
13 168.21 (6).
14 ***–0387/7.27*SECTION 1616.** 101.09 (1) (d) of the statutes is renumbered 168.21
15 (7).
16 ***–0387/7.28*SECTION 1617.** 101.09 (2) (title) of the statutes is renumbered
17 168.22 (title).
18 ***–0387/7.29*SECTION 1618.** 101.09 (2) (a) of the statutes is renumbered 168.22
19 (1) and amended to read:
20 168.22 **(1)** Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person
21 who constructs, owns or controls a tank for the storage, handling or use of liquid that
22 is flammable or combustible or a federally regulated hazardous substance shall
23 comply with the standards adopted under ~~sub. (3)~~ s. 168.23.
24 ***–0387/7.30*SECTION 1619.** 101.09 (2) (b) of the statutes is renumbered 168.22
25 (2) and amended to read:

168.22 **(2)** This ~~section~~ subchapter does not apply to storage tanks which require a hazardous waste license under s. 291.25.

***–0387/7.31*SECTION 1620.** 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and amended to read:

168.22 **(3)** This ~~section~~ subchapter does not apply to storage tanks which are installed above ground level and which are less than 5,000 gallons in capacity.

***–0387/7.32*SECTION 1621.** 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4) (intro.) and amended to read:

168.22 **(4)** (intro.) Any rules promulgated under ~~sub. (3)~~ s. 168.23 requiring an owner to test the ability of a storage tank, connected piping or ancillary equipment to prevent an inadvertent release of a stored substance do not apply to storage tanks that satisfy all of the following:

***–0387/7.33*SECTION 1622.** 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22 (4) (a) to (c).

***–0387/7.34*SECTION 1623.** 101.09 (2) (d) of the statutes is renumbered 168.22 (5) and amended to read:

168.22 **(5)** This ~~section~~ subchapter does not apply to a pressurized natural gas pipeline system regulated under 49 CFR 192 and 193.

***–0387/7.35*SECTION 1624.** 101.09 (3) (title) of the statutes is renumbered 168.23 (title).

***–0387/7.36*SECTION 1625.** 101.09 (3) (a) of the statutes is renumbered 168.23 (1).

***–0387/7.37*SECTION 1626.** 101.09 (3) (b) of the statutes is renumbered 168.23 (2) and amended to read:

168.23 **(2)** The department may transfer any information which the department receives under ~~par. (a)~~ sub. (1) to any other agency or governmental unit. The department and any such agency shall treat the name of the owner and the location of any noncommercial storage tank which stores heating oil for consumptive use on the premises, required to be submitted to the department under ~~par. (a)~~ sub. (1), as confidential and shall not permit inspection or copying under s. 19.35 of any record containing the information.

***–0387/7.38*SECTION 1627.** 101.09 (3) (c) of the statutes is renumbered 168.23 (3) and amended to read:

168.23 **(3)** The rule promulgated under ~~par. (a)~~ sub. (1) may require the certification or registration of persons who install, remove, clean, line, perform tightness testing on and inspect tanks and persons who perform site assessments. Any rule requiring certification or registration shall also authorize the revocation or suspension of the certification or registration. The department may not require an individual who is eligible for the veterans fee waiver program under s. 45.44 to pay any fee that may be charged pursuant to such a rule.

***–0387/7.39*SECTION 1628.** 101.09 (3) (d) of the statutes is renumbered 168.23 (4) and amended to read:

168.23 **(4)** The department shall promulgate a rule specifying fees for ~~plan review and~~ inspection of tanks for the storage, handling, or use of flammable or combustible liquids and for any certification or registration required under ~~par. (c)~~ sub. (3).

***–0387/7.40*SECTION 1629.** 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

1 ***–0387/7.41*SECTION 1630.** 101.09 (3m) (a) of the statutes is renumbered
2 168.24 (1) and amended to read:

3 168.24 **(1)** In this ~~subsection~~ section, "hazardous substance" means a
4 combustible liquid, a flammable liquid, or a federally regulated hazardous
5 substance.

6 ***–0387/7.42*SECTION 1631.** 101.09 (3m) (b) of the statutes is renumbered
7 168.24 (2) and amended to read:

8 168.24 **(2)** The department may not impose any requirement that specifies that
9 pipe connections at the top of a storage tank and beneath all freestanding pumps and
10 dispensers that routinely contain a hazardous substance be placed within secondary
11 containment sumps, if the pipe connections were installed or in place on or before
12 February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

13 ***–0387/7.43*SECTION 1632.** 101.09 (4) (title) of the statutes is renumbered
14 168.25 (title).

15 ***–0387/7.44*SECTION 1633.** 101.09 (4) (a) of the statutes is renumbered 168.25
16 (1) and amended to read:

17 168.25 **(1)** The department shall enforce this ~~section~~ subchapter.

18 ***–0387/7.45*SECTION 1634.** 101.09 (4) (b) of the statutes is renumbered 168.25
19 (2) and amended to read:

20 168.25 **(2)** The department shall issue orders directing and requiring
21 compliance with the rules and standards of the department adopted under this
22 ~~section~~ subchapter whenever, in the judgment of the department, the rules or
23 standards are threatened with violation, are being violated or have been violated.

24 ***–0387/7.46*SECTION 1635.** 101.09 (4) (c) of the statutes is renumbered 168.25
25 (3).

1 ***–0387/7.47*SECTION 1636.** 101.09 (5) of the statutes is renumbered 168.26
2 and amended to read:

3 **168.26 Penalties.** Any person who violates this ~~section~~ subchapter or any rule
4 or order adopted under this ~~section~~ subchapter shall forfeit not less than $10 nor
5 more than $5,000 for each violation. Each violation of this ~~section~~ subchapter or any
6 rule or order under this ~~section~~ subchapter constitutes a separate offense and each
7 day of continued violation is a separate offense.

8 ***–0226/1.15*SECTION 1637.** 101.1206 (1) of the statutes is amended to read:

9 101.1206 **(1)** The department shall establish statewide standards for erosion
10 control at building sites that have a land disturbance that is less than one acre in area
11 and that are for the construction of public buildings~~, as defined in s. 101.01 (12),~~ and
12 buildings that are places of employment~~, as defined in s. 101.01 (11)~~.

13 ***–0387/7.48*SECTION 1638.** 101.14 (5) (a) of the statutes is amended to read:

14 101.14 **(5)** (a) Subject to par. (b), in addition to any fee charged by the
15 department by rule for plan review and approval for the construction of a new or
16 additional installation or change in operation of a previously approved installation
17 for the storage, handling or use of a liquid that is flammable or combustible or a
18 federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3),
19 the department shall collect a groundwater fee of $100 for each plan review
20 submittal. The moneys collected under this subsection shall be credited to the
21 environmental fund for environmental management.

22 ***–0387/7.49*SECTION 1639.** 101.14 (5) (b) of the statutes is amended to read:

23 101.14 **(5)** (b) Notwithstanding par. (a), an installation for the storage,
24 handling or use of a liquid that is flammable or combustible or a federally regulated

hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), that has a capacity of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

***–0387/7.50*SECTION 1640.** 101.142 (title) and (1) (intro.) of the statutes are renumbered 168.28 (title) and (1) (intro.).

***–0387/7.51*SECTION 1641.** 101.142 (1) (a) of the statutes is renumbered 168.28 (1) (a) and amended to read:

168.28 **(1)** (a) ~~"Petroleum~~ Notwithstanding s. 168.01 (3), "petroleum product" means materials derived from petroleum, natural gas, or asphalt deposits and includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants, waxes, greases, and petrochemicals.

***–0387/7.52*SECTION 1642.** 101.142 (1) (b) and (2) of the statutes are renumbered 168.28 (1) (b) and (2).

***–1092/2.20*SECTION 1643.** 101.143 (title) and (1) (intro.) and (ad) of the statutes are renumbered 292.63 (title) and (1) (intro.) and (ad).

***–1092/2.21*SECTION 1644.** 101.143 (1) (am) of the statutes is repealed.

***–1092/2.22*SECTION 1645.** 101.143 (1) (b) of the statutes is repealed.

***–1092/2.23*SECTION 1646.** 101.143 (1) (bm) to (i) of the statutes are renumbered 292.63 (1) (bm) to (i).

***–1092/2.24*SECTION 1647.** 101.143 (1m) of the statutes is renumbered 292.63 (1m).

***–1092/2.25*SECTION 1648.** 101.143 (2) (title) and (b) and (c) of the statutes are renumbered 292.63 (2) (title) and (b) and (c).

***–1092/2.26*SECTION 1649.** 101.143 (2) (d) of the statutes is renumbered 292.63 (2) (d) and amended to read:

292.63 **(2)** (d) The department shall reserve a portion, not to exceed 20%, of the amount annually appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) for awards under this section to be used to fund emergency remedial action and claims that exceed the amount initially anticipated.

***–1092/2.27*SECTION 1650.** 101.143 (2) (e) to (g) of the statutes are renumbered 292.63 (2) (e) to (g).

***–1092/2.28*SECTION 1651.** 101.143 (2) (h) of the statutes is renumbered 292.63 (2) (h), and 292.63 (2) (h) (intro.) and 3., as renumbered, are amended to read:

292.63 (2) (h) (intro.) The department ~~of safety and professional services and the department of natural resources, jointly~~, shall promulgate rules designed to facilitate effective and cost–efficient administration of the program under this section that specify all of the following:

3. Review procedures that must be followed by employees of the department ~~of natural resources and the department of commerce~~ in reviewing the information submitted under subd. 1.

***–1092/2.29*SECTION 1652.** 101.143 (2) (i) of the statutes is renumbered 292.63 (2) (i), and 292.63 (2) (i) (intro.) and 1., as renumbered, are amended to read:

292.63 **(2)** (i) (intro.) The department ~~of safety and professional services and the department of natural resources, jointly,~~ shall promulgate rules specifying procedures for evaluating remedial action plans and procedures to be used by employees of the department ~~of safety and professional services and the department of natural resources~~ while remedial actions are being conducted. The ~~departments~~ department shall specify procedures that include all of the following:

1. Annual reviews that include application of the method in the rules promulgated under sub. (2e) ~~(b)~~ (a) to determine the risk posed by discharges that are the subject of the remedial actions.

***–1092/2.30*SECTION 1653.** 101.143 (2) (j) of the statutes is renumbered 292.63 (2) (j), and 292.63 (2) (j) (intro.) and 1., as renumbered, are amended to read:

292.63 **(2)** (j) (intro.) The department ~~of safety and professional services and the department of natural resources, jointly,~~ shall promulgate rules specifying all of the following:

1. The conditions under which employees of the department ~~of commerce and the department of natural resources~~ must issue approvals under sub. (3) (c) 4.

***–1092/2.31*SECTION 1654.** 101.143 (2) (k) of the statutes is repealed.

***–1092/2.32*SECTION 1655.** 101.143 (2) (L) of the statutes is renumbered 292.63 (2) (L) and amended to read:

292.63 **(2)** (L) The department may promulgate rules for the assessment and collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and for providing other assistance requested by applicants under this section. Any moneys collected under this paragraph shall be credited to the appropriation account under s. ~~20.165 (2) (Lm)~~ 20.370 (2) (ej).

***–1092/2.33*SECTION 1656.** 101.143 (2e) (title) of the statutes is renumbered 292.63 (2e) (title).

***–1092/2.34*SECTION 1657.** 101.143 (2e) (a) of the statutes is renumbered 292.63 (2e) (a) and amended to read:

292.63 **(2e)** (a) The department ~~of safety and professional services and the department of natural resources~~ shall ~~attempt to agree on~~ promulgate rules that specify a method, which shall include individualized consideration of the routes for

migration of petroleum product contamination at each site, for determining the risk to public health, safety and welfare and to the environment posed by discharges for which the department ~~of safety and professional services~~ receives notification under sub. (3) (a) 3.

***–1092/2.35*SECTION 1658.** 101.143 (2e) (b) of the statutes is repealed.

***–1092/2.36*SECTION 1659.** 101.143 (2e) (c) of the statutes is renumbered 292.63 (2e) (c) and amended to read:

292.63 **(2e)** (c) The department ~~of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of safety and professional services~~ shall apply the method in the rules promulgated under par. ~~(b)~~ (a) to determine the risk posed by a discharge for which the department ~~of safety and professional services~~ receives notification under sub. (3) (a) 3.

***–1092/2.37*SECTION 1660.** 101.143 (2m) of the statutes is repealed.

***–1092/2.38*SECTION 1661.** 101.143 (3) (title) and (a) of the statutes are renumbered 292.63 (3) (title) and (a), and 292.63 (3) (a) 4., 5. and 9., as renumbered, are amended to read:

292.63 **(3)** (a) 4. The owner or operator registers the petroleum product storage system or the home oil tank system is registered with the department of agriculture, trade and consumer protection under s. ~~101.09~~ 168.23.

****NOTE: This is reconciled s. 101.143 (3) (a) 4. This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

5. The owner or operator or the person reports the discharge in a timely manner to the division of emergency management in the department of military affairs or to the department ~~of natural resources~~, according to the requirements under s. 292.11.

9. The owner or operator or the person follows standards for groundwater restoration in the groundwater standards in the rules promulgated by the department ~~of natural resources~~ under ss. 160.07 and 160.09 and restores the environment, to the extent practicable, according to those standards at the site of the discharge from a petroleum product storage system or home oil tank system.

***–1092/2.39*SECTION 1662.** 101.143 (3) (ae) of the statutes is renumbered 292.63 (3) (ae) and amended to read:

292.63 **(3)** (ae) *New systems.* An owner or operator or a person owning a home oil tank system is not eligible for an award under this section for costs incurred because of a petroleum product discharge from an underground petroleum product storage tank system or a home oil tank system that meets the performance standards in 40 CFR 280.20 or in rules ~~promulgated by~~ of the department of agriculture, trade and consumer protection relating to underground petroleum product storage tank systems installed after December 22, 1988, if the discharge is confirmed after December 31, 1995.

****NOTE: This is reconciled s. 101.143 (3) (ae). This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–1092/2.40*SECTION 1663.** 101.143 (3) (ah) of the statutes is renumbered 292.63 (3) (ah) and amended to read:

292.63 **(3)** (ah) *New aboveground systems.* An owner or operator is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system that is not an underground petroleum product storage tank system and that meets the performance standards in rules ~~promulgated by~~ of the department of agriculture, trade and consumer protection relating to petroleum product storage systems that are not underground

1 petroleum product storage tank systems and that are installed after April 30, 1991,
2 if the discharge is confirmed after December 22, 2001.

****NOTE: This is reconciled s. 101.143 (3) (ah). This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

3 ***–1092/2.41*SECTION 1664.** 101.143 (3) (am) of the statutes is renumbered
4 292.63 (3) (am) and amended to read:

5 292.63 **(3)** (am) *Upgraded underground systems.* 1. An owner or operator or
6 a person owning a home oil tank system is not eligible for an award under this section
7 for costs incurred because of a petroleum product discharge from an underground
8 petroleum product storage tank system or a home oil tank system if the discharge
9 is confirmed after December 31, 1995, and the discharge is confirmed, or activities
10 under par. (c) or (g) are begun with respect to that discharge, after the day on which
11 the underground petroleum product storage tank system or home oil tank system
12 first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules
13 ~~promulgated by~~ of the department of agriculture, trade and consumer protection
14 relating to the upgrading of existing underground petroleum product storage tank
15 systems, except as provided in subd. 2.

****NOTE: This is reconciled s. 101.143 (3) (am) 1. This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

16 2. If an underground petroleum product storage tank system or home oil tank
17 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules
18 ~~promulgated by~~ of the department of agriculture, trade and consumer protection
19 relating to the upgrading of existing underground petroleum product storage tank
20 systems, after December 31, 1993, and the owner or operator or person owning the
21 home oil tank system applies for private pollution liability insurance covering the
22 underground petroleum product storage tank system or home oil tank system within

30 days after the day on which the underground petroleum product storage tank system or home oil tank system first meets those upgrading requirements, then the owner or operator or person remains eligible for an award for costs incurred because of a petroleum product discharge, from that underground petroleum product storage tank system or home oil tank system, which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before the 91st day after the day on which the underground petroleum product storage tank system or home oil tank system first meets those upgrading requirements.

****NOTE: This is reconciled s. 101.143 (3) (am) 2. This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–1092/2.42*SECTION 1665.** 101.143 (3) (ap) of the statutes is renumbered 292.63 (3) (ap) and amended to read:

292.63 **(3)** (ap) *Upgraded aboveground systems.* An owner or operator is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system that is not an underground petroleum product storage tank system if the discharge is confirmed after December 22, 2001, and the discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that discharge, after the day on which the petroleum product storage system first meets the upgrading requirements in rules ~~promulgated by~~ of the department of agriculture, trade and consumer protection relating to the upgrading of existing petroleum product storage systems that are not underground petroleum product storage tank systems.

****NOTE: This is reconciled s. 101.143 (3) (ap). This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–1092/2.43*SECTION 1666.** 101.143 (3) (av) of the statutes is renumbered 292.63 (3) (av) and amended to read:

292.63 **(3)** (av) *Claims submitted for petroleum product storage systems on tribal trust lands.* The owner or operator of a petroleum product storage system located on trust lands of an American Indian tribe may submit a claim for an award under sub. (4) if the owner or operator otherwise satisfies par. (a) and complies with the rules promulgated under this section and any ~~other~~ rules ~~promulgated by~~ of the department of agriculture, trade and consumer protection concerning petroleum product storage systems.

****NOTE: This is reconciled s. 101.143 (3) (av). This SECTION has been affected by drafts with the following LRB numbers: –0387 and –1092.

***–1092/2.44*SECTION 1667.** 101.143 (3) (b), (bm) and (bn) of the statutes are renumbered 292.63 (3) (b), (bm) and (bn).

***–1092/2.45*SECTION 1668.** 101.143 (3) (c) of the statutes is renumbered 292.63 (3) (c), and 292.63 (3) (c) 4., as renumbered, is amended to read:

292.63 **(3)** (c) 4. Receive written approval from the department ~~of natural resources or, if the discharge is covered under s. 101.144 (2) (b), from the department of safety and professional services~~ that the remedial action activities performed under subd. 3. meet the requirements of s. 292.11.

***–1092/2.46*SECTION 1669.** 101.143 (3) (cm) of the statutes is renumbered 292.63 (3) (cm) and amended to read:

292.63 **(3)** (cm) *Monitoring as remedial action.* An owner or operator or person owning a home oil tank system may, with the approval of the department ~~of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of safety and professional services~~, satisfy the requirements of par. (c) 2. and 3. by proposing and implementing monitoring to ensure the effectiveness of natural attenuation of petroleum product contamination.

1 ***–1092/2.47*SECTION 1670.** 101.143 (3) (cp) of the statutes is renumbered
2 292.63 (3) (cp) and amended to read:

3 292.63 **(3)** (cp) *Bidding process.* 1. Except as provided in subds. 2. ~~to 5.~~ and
4 5., if the department ~~of natural resources or, if the site is covered under s. 101.144~~
5 ~~(2) (b), the department of safety and professional services~~ estimates that the cost to
6 complete a site investigation, remedial action plan and remedial action for an
7 occurrence exceeds $60,000, the department ~~of safety and professional services~~ shall
8 implement a competitive public bidding process to obtain information to assist in
9 making the determination under par. (cs).

10 2. The department ~~of safety and professional services or the department of~~
11 ~~natural resources~~ may waive the requirement under subd. 1. if an enforcement
12 standard is exceeded in groundwater within 1,000 feet of a well operated by a public
13 utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide
14 water for human consumption.

15 5. The department ~~of safety and professional services or the department of~~
16 ~~natural resources~~ may waive the requirement under subd. 1. after providing notice
17 to the ~~other department~~ secretary of administration.

18 6. The department ~~of safety and professional services~~ may disqualify a bid
19 received under subd. 1. if, based on information available to the department and
20 experience with remedial action at other sites, the bid is unlikely to establish an
21 amount to sufficiently fund remedial action that will comply with par. (c) 3. and with
22 enforcement standards.

23 7. The department ~~of safety and professional services~~ may disqualify a person
24 from submitting bids under subd. 1. if, based on past performance of the bidder, the

department determines that the person has demonstrated an inability to complete remedial action within established cost limits.

***–1092/2.48*SECTION 1671.** 101.143 (3) (cs) (title) of the statutes is renumbered 292.63 (3) (cs) (title).

***–1092/2.49*SECTION 1672.** 101.143 (3) (cs) 1. of the statutes is renumbered 292.63 (3) (cs) 1. and amended to read:

292.63 **(3)** (cs) 1. The department ~~of safety and professional services~~ shall review the remedial action plan for a site ~~that is classified as low or medium risk under s. 101.144~~ and shall determine the least costly method of complying with par. (c) 3. and with enforcement standards. The department shall notify the owner or operator of its determination of the least costly method and shall notify the owner or operator that reimbursement for remedial action under this section is limited to the amount necessary to implement that method.

***–1092/2.50*SECTION 1673.** 101.143 (3) (cs) 2. of the statutes is repealed.

***–1092/2.51*SECTION 1674.** 101.143 (3) (cs) 3. of the statutes is renumbered 292.63 (3) (cs) 3. and amended to read:

292.63 **(3)** (cs) 3. In making determinations under ~~subds.~~ subd. 1. ~~and 2.~~, the department ~~of natural resources and the department of safety and professional services~~ shall determine whether natural attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

***–1092/2.52*SECTION 1675.** 101.143 (3) (cs) 4. of the statutes is renumbered 292.63 (3) (cs) 4. and amended to read:

292.63 **(3)** (cs) 4. The department ~~of safety and professional services~~ may review and modify an amount established under subd. 1. if the department determines that new circumstances, including newly discovered contamination at a

site, warrant those actions. ~~The department of safety and professional services and the department of natural resources may review and modify an amount established under subd. 2. if the departments determine that new circumstances, including newly discovered contamination at a site, warrant those actions.~~

***–1092/2.53*SECTION 1676.** 101.143 (3) (cw) (title) of the statutes is renumbered 292.63 (3) (cw) (title).

***–1092/2.54*SECTION 1677.** 101.143 (3) (cw) 1. of the statutes is renumbered 292.63 (3) (cw) 1. and amended to read:

292.63 **(3)** (cw) 1. The department ~~of safety and professional services~~ shall conduct the annual review required under sub. (2) (i) **1.** for a site ~~that is classified as low or medium risk under s. 101.144~~ and shall determine the least costly method of completing remedial action at the site in order to comply with par. (c) 3. and with enforcement standards. The department shall notify the owner or operator of its determination of the least costly method and shall notify the owner or operator that reimbursement under this section for any remedial action conducted after the date of the notice is limited to the amount necessary to implement that method.

***–1092/2.55*SECTION 1678.** 101.143 (3) (cw) 2. of the statutes is repealed.

***–1092/2.56*SECTION 1679.** 101.143 (3) (cw) 3. of the statutes is renumbered 292.63 (3) (cw) 3. and amended to read:

292.63 **(3)** (cw) 3. In making determinations under ~~subds.~~ subd. 1. ~~and 2.~~, the department ~~of natural resources and the department of safety and professional services~~ shall determine whether natural attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

***–1092/2.57*SECTION 1680.** 101.143 (3) (cw) 4. of the statutes is renumbered 292.63 (3) (cw) 4. and amended to read: