



**SENATE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 557**

November 7, 1995 – Offered by COMMITTEE ON TRANSPORTATION, AGRICULTURE AND LOCAL AFFAIRS.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 3, line 2: after the semicolon insert: “exempting certain equipment
3 from the utility tax on railroads; exempting certain state highway construction
4 projects from performance and payment bonding requirements;”.

5 **2.** Page 3, line 3: delete “transportation facilities economic assistance and
6 development aid;”.

7 **3.** Page 3, line 10: delete “aids for county forest roads;”.

8 **4.** Page 3, line 13: after the semicolon insert: “signs informing motorists of
9 gaming operations;”.

10 **5.** Page 3, line 16: after the semicolon insert: “creating a rail passenger service
11 grant program;”.

12 **6.** Page 10, line 11: increase the dollar amount for fiscal year 1995–96 by
13 \$1,200,000 and increase the dollar amount for fiscal year 1996–97 by \$2,400,000 to
14 increase funding for the purpose for which the appropriation is made.

1 **7.** Page 10, line 12: increase the dollar amount for fiscal year 1995–96 by
2 \$17,871,000 and increase the dollar amount for fiscal year 1996–97 by \$72,019,500
3 to increase funding for the purpose for which the appropriation is made.

4 **8.** Page 10, line 19: increase the dollar amount for fiscal year 1995–96 by
5 \$597,100 and increase the dollar amount for fiscal year 1996–97 by \$2,403,300 to
6 increase funding for the purpose for which the appropriation is made.

7 **9.** Page 11, line 13: delete lines 13 to 20.

8 **10.** Page 12, line 2: decrease the dollar amount for fiscal year 1995–96 by
9 \$180,500 and decrease the dollar amount for fiscal year 1996–97 by \$180,500 to
10 decrease funding for the purpose for which the appropriation is made.

11 **11.** Page 12, line 15: decrease the dollar amount for fiscal year 1995–96 by
12 \$9,000 and decrease the dollar amount for fiscal year 1996–97 by \$9,000 to decrease
13 funding for the purposes for which the appropriation is made.

14 **12.** Page 13, line 3: increase the dollar amount for fiscal year 1995–96 by
15 \$8,200 and increase the dollar amount for fiscal year 1996–97 by \$8,200 to increase
16 funding for the purposes for which the appropriation is made.

17 **13.** Page 13, line 4: decrease the dollar amount for fiscal year 1995–96 by
18 \$22,200 and decrease the dollar amount for fiscal year 1996–97 by \$22,200 to
19 decrease funding for the purposes for which the appropriation is made.

20 **14.** Page 13, line 10: decrease the dollar amount for fiscal year 1995–96 by
21 \$52,300 and decrease the dollar amount for fiscal year 1996–97 by \$52,300 to
22 decrease funding for the purposes for which the appropriation is made.

1 **15.** Page 14, line 4: decrease the dollar amount for fiscal year 1995-96 by
2 \$250,000 and decrease the dollar amount for fiscal year 1996-97 by \$250,000 to
3 decrease funding for the purpose for which the appropriation is made.

4 **16.** Page 14, line 10: decrease the dollar amount for fiscal year 1995-96 by
5 \$250,000 and decrease the dollar amount for fiscal year 1996-97 by \$250,000 to
6 decrease funding for the purposes for which the appropriation is made.

7 **17.** Page 15, line 10: increase the dollar amount for fiscal year 1995-96 by
8 \$112,500 and increase the dollar amount for fiscal year 1996-97 by \$112,500 to
9 increase funding for the purposes for which the appropriation is made.

10 **18.** Page 15, line 17: increase the dollar amount for fiscal year 1995-96 by
11 \$2,046,500 and increase the dollar amount for fiscal year 1996-97 by \$6,141,800 to
12 increase funding for the purposes for which the appropriation is made.

13 **19.** Page 16, line 4: decrease the dollar amount for fiscal year 1995-96 by
14 \$12,854,200 and decrease the dollar amount for fiscal year 1996-97 by \$1,390,700
15 to decrease funding for the purposes for which the appropriation is made.

16 **20.** Page 16, line 10: decrease the dollar amount for fiscal year 1995-96 by
17 \$163,900 and decrease the dollar amount for fiscal year 1996-97 by \$163,900 to
18 decrease funding for the purposes for which the appropriation is made.

19 **21.** Page 16, line 16: increase the dollar amount for fiscal year 1995-96 by
20 \$843,200 and increase the dollar amount for fiscal year 1996-97 by \$843,200 to
21 increase funding for the purpose for which the appropriation is made.

1 **22.** Page 17, line 3: decrease the dollar amount for fiscal year 1995–96 by
2 \$2,283,300 and decrease the dollar amount for fiscal year 1996–97 by \$2,259,900 to
3 decrease funding for the purposes for which the appropriation is made.

4 **23.** Page 17, line 5: decrease the dollar amount for fiscal year 1995–96 by
5 \$1,800 and decrease the dollar amount for fiscal year 1996–97 by \$1,800 to decrease
6 funding for the purpose for which the appropriation is made.

7 **24.** Page 18, line 8: decrease the dollar amount for fiscal year 1995–96 by
8 \$73,300 and decrease the dollar amount for fiscal year 1996–97 by \$96,700 to
9 decrease funding for the purposes for which the appropriation is made.

10 **25.** Page 18, line 15: increase the dollar amount for fiscal year 1995–96 by
11 \$228,600 and increase the dollar amount for fiscal year 1996–97 by \$228,600 to
12 increase funding for the purposes for which the appropriation is made.

13 **26.** Page 20, line 10: delete lines 10 and 11.

14 **27.** Page 21, line 1: delete lines 1 to 16.

15 **28.** Page 25, line 25: after that line insert:

16 “**SECTION 24m.** 20.490 (3) of the statutes is created to read:

17 20.490 (3) RAIL PASSENGER SERVICE GRANT PROGRAM. (q) *Transfer for grants.*
18 From the transportation fund, all moneys received from the appropriation account
19 under s. 20.865 (4) (u) for the purpose of making the grants under s. 234.665.”.

20 **29.** Page 26, line 19: after that line insert:

21 “**SECTION 36r.** 25.40 (2) (b) 20d. of the statutes is created to read:

22 25.40 (2) (b) 20d. Section 20.490 (3) (q).”.

23 **30.** Page 27, line 1: delete “(2) (L)”.

1 **31.** Page 27, line 2: after that line insert:

2 “**SECTION 40t.** 76.02 (10) of the statutes is amended to read:

3 76.02 (10) The property taxable under s. 76.13 shall include all franchises, and
4 all real and personal property of the company used or employed in the operation of
5 its business, except such motor vehicles as are exempt under s. 70.112 (5) and
6 treatment plant and pollution abatement equipment exempt under s. 70.11 (21) (a)
7 and, in the case of railroad companies, rolling stock. The taxable property shall
8 include all title and interest of the company referred to in such property as owner,
9 lessee or otherwise, and in case any portion of the property is jointly used by 2 or more
10 companies, the unit assessment shall include and cover a proportionate share of that
11 portion of the property jointly used so that the assessments of the property of all
12 companies having any rights, title or interest of any kind or nature whatsoever in any
13 such property jointly used shall, in the aggregate, include only one total full value
14 of such property.

15 **SECTION 40u.** 76.03 (1) of the statutes is amended to read:

16 76.03 (1) The property, both real and personal, including all rights, franchises
17 and privileges used in and necessary to the prosecution of the business of any
18 company enumerated in s. 76.02, but excluding property that is exempt under s.
19 76.02 (10), shall be deemed personal property for the purposes of taxation, and shall
20 be valued and assessed together as a unit.

21 **SECTION 40v.** 76.07 (1) of the statutes is amended to read:

22 76.07 (1) DUTY OF DEPARTMENT. The department on or before August 1 in each
23 year in the case of railroad companies and sleeping car companies, and on or before
24 September 15 in the case of air carrier companies, telephone companies,

1 conservation and regulation companies and pipeline companies, shall, according to
2 its best knowledge and judgment, ascertain and determine the full market value of
3 the property, except the property of railroad companies that is exempt under s. 76.02
4 (10), of each company within the state.

5 **SECTION 40w.** 76.07 (2) of the statutes is amended to read:

6 76.07 (2) RELATION TO STATE VALUATION; DESCRIPTION. The value of the property
7 of each of said companies for assessment shall be made on the same basis and for the
8 same period of time, as near as may be, as the value of the general property of the
9 state is ascertained and determined. The department shall prepare an assessment
10 roll and place thereon after the name of each of said companies assessed, the
11 following general description of the property of such company, to wit: "Real estate,
12 right-of-way, tracks, stations, terminals, appurtenances, ~~rolling stock~~, equipment,
13 franchises and all other real estate and personal property, except property that is
14 exempt under s. 76.02 (10), of said company," in the case of railroads, and "Real
15 estate, right-of-way, poles, wires, conduits, cables, devices, appliances,
16 instruments, franchises and all other real and personal property of said company,"
17 in the case of conservation and regulation companies, and "Real estate,
18 appurtenances, rolling stock, equipment, franchises, and all other real estate and
19 personal property of said company," in the case of sleeping car and air carrier
20 companies, and "Land and land rights, structures, improvements, mains, pumping
21 and regulation equipment, services, appliances, instruments, franchises and all
22 other real and personal property of said company," in the case of pipeline companies,
23 and "All property of the company used in the operation of the company's telephone
24 business" in the case of telephone companies, which description shall be deemed and

1 held to include the entire property and franchises of the company specified and all
2 title and interest therein.

3 **SECTION 40x.** 76.07 (4g) (a) 16. of the statutes is amended to read:

4 76.07 (4g) (a) 16. Multiply the fraction under subd. 15. by the full market value
5 of the company's property, except the property that is exempt under s. 76.02 (10),
6 everywhere.”.

7 **32.** Page 29, line 5: delete the material beginning with “the” and ending with
8 “1,” on line 6, and substitute: “any major highway project involving STH 29 from
9 Green Bay to Chippewa Falls in Brown, Shawano, Marathon, Clark and Chippewa
10 counties by December 31,”.

11 **33.** Page 29, line 21: after that line insert:

12 “**SECTION 54m.** 84.014 of the statutes is created to read:

13 **84.014 State highway construction projects.** Major highway projects
14 under s. 84.013 and all other state highway construction or improvement projects
15 funded from the appropriations under s. 20.395 (3) or (9) are exempted from s.
16 779.14.”.

17 **34.** Page 30, line 5: delete the material beginning with “From” and ending
18 with “following” on line 6 and substitute: “Except as provided in sub. (3), the
19 department may not encumber less than any of the following from the appropriations
20 under s. 20.395 (3) (cq), (cv) and (cx)”.

21 **35.** Page 30, line 11: after that line insert:

22 “(3) The department may encumber less in any fiscal year than the applicable
23 amount specified in sub. (2) if the department first notifies the joint committee on
24 finance in writing of the proposed encumbrance. If the cochairpersons of the

1 committee do not notify the department within 14 working days after the date of the
2 department's notification that the committee has scheduled a meeting to review the
3 proposed encumbrance, the department may make the proposed encumbrance. If,
4 within 14 working days after the date of the department's notification, the
5 cochairpersons of the committee notify the department that the committee has
6 scheduled a meeting to review the proposed encumbrance, the department may
7 make the proposed encumbrance only upon approval of the committee.”.

8 **36.** Page 30, line 12: delete the material beginning with that line and ending
9 with page 31, line 15.

10 **37.** Page 31, line 15: after that line insert:

11 “**SECTION 56t.** 84.41 (4) of the statutes is amended to read:

12 84.41 (4) CONTRACTOR'S LIENS; PERFORMANCE AND PAYMENT BONDS. The provisions
13 of s. 779.15 pertaining to contractor's liens and related matters, ~~and s. 779.14~~
14 ~~relating to performance and payment bonds~~, shall apply in the same manner as such
15 law applies to other state highway construction projects.”.

16 **38.** Page 34, line 8: after that line insert:

17 “**SECTION 57q.** 85.06 (4) of the statutes is created to read:

18 85.06 (4) RAIL PASSENGER SERVICE GRANTS. (a) There is established in the
19 transportation fund a reserve account consisting of \$250,000 for the purpose of
20 funding rail passenger service grants under s. 234.665. The reserve account under
21 this paragraph shall be reduced by the amount of any supplemental appropriation
22 made under s. 234.665 (3).

23 (b) This subsection does not apply after December 31, 1999.”.

1 **39.** Page 35, line 23: delete the material beginning with that line and ending
2 with page 37, line 9.

3 **40.** Page 37, line 21: after that line insert:

4 “**SECTION 75m.** 86.19 (2m) of the statutes is created to read:

5 86.19 **(2m)** Except for activities licensed by the gaming commission, the
6 department may not erect or maintain any sign informing motorists of any gaming
7 operation.”.

8 **41.** Page 38, line 4: delete lines 4 to 11.

9 **42.** Page 38, line 21: substitute “\$215,781,800” for “\$213,381,800”.

10 **43.** Page 38, line 22: substitute “\$222,255,300” for “\$219,855,300”.

11 **44.** Page 38, line 25: delete the material beginning with that line and ending
12 with page 39, line 10 and substitute:

13 “**SECTION 83m.** 86.32 (2) (am) 7. of the statutes is amended to read:

14 86.32 **(2)** (am) 7. For 1995 and thereafter, \$10,468 per lane mile for
15 municipalities having a population over 500,000; \$9,696 per lane mile for
16 municipalities having a population of 150,001 to 500,000; \$8,641 per lane mile for
17 municipalities having a population of 35,001 to 150,000; \$7,612 per lane mile for
18 municipalities having a population of 10,000 to 35,000; and \$6,558 per lane mile for
19 municipalities having a population under 10,000.”.

20 **45.** Page 49, line 8: after that line insert:

21 “**SECTION 118m.** 234.665 of the statutes is created to read:

22 **234.665 Rail passenger service grants. (1) DEFINITIONS.** In this section:

23 (a) “Amtrak” means the national railroad passenger corporation.

1 (b) "Eligible applicant" means a private entity that provides or intends to
2 provide rail passenger service.

3 (2) POWERS OF AUTHORITY. The authority shall establish and administer a rail
4 passenger service grant program to facilitate and encourage rail passenger service
5 on the route between the cities of Milwaukee and Chicago, Illinois.

6 (3) GRANT CONDITIONS. (a) The authority shall award a grant of \$50,000 to one
7 eligible applicant if all of the following apply:

8 1. The eligible applicant submits an application for the grant under this
9 paragraph. The application shall include a preliminary plan that contains all of the
10 following:

11 a. Information that specifies how the eligible applicant anticipates providing
12 rail passenger service on the route between the cities of Milwaukee and Chicago,
13 Illinois, without the need of a state subsidy.

14 b. Details on the expansion of rail passenger service to the cities of Green Bay
15 and Madison.

16 c. Information on the possible expansion of rail passenger service by the eligible
17 applicant to other locations.

18 d. If the eligible applicant is applying to operate pursuant to an agreement with
19 Amtrak, satisfactory evidence that Amtrak has agreed to negotiate with the eligible
20 applicant regarding the expansion of rail passenger service between the cities of
21 Milwaukee and Chicago, Illinois, by the eligible applicant.

22 2. The authority, after reviewing the application submitted under subd. 1.,
23 determines that a grant to the eligible applicant is likely to facilitate and encourage
24 rail passenger service on the route between the cities of Milwaukee and Chicago,
25 Illinois, and submits a request to the joint committee on finance for the joint

1 committee on finance to supplement, from the appropriation under s. 20.865 (4) (u),
2 by \$50,000 the appropriation under s. 20.490 (3) (q) for the purpose of awarding the
3 grant under this paragraph.

4 3. The joint committee on finance approves the request under subd. 2. and,
5 notwithstanding s. 13.101 (3) (a), makes the supplement specified in subd. 2. Upon
6 receipt of the supplement, the authority shall award the grant of \$50,000 to the
7 eligible applicant from the appropriation under s. 20.490 (3) (q).

8 (b) The authority shall award a grant of \$200,000 to one eligible applicant if
9 all of the following apply:

10 1. The eligible applicant submits an application for the grant under this
11 paragraph. The application shall include a plan that contains all of the following:

12 a. Information that specifies how the eligible applicant will provide rail
13 passenger service on the route between the cities of Milwaukee and Chicago, Illinois,
14 without the need of a state subsidy.

15 b. Details on the expansion of rail passenger service to the cities of Green Bay
16 and Madison.

17 c. Information on the possible expansion of rail passenger service by the eligible
18 applicant to other locations.

19 d. Model standby agreements for track rights, labor, insurance, equipment
20 leasing, dispatching, marketing, ticketing and the training and testing of railroad
21 crews.

22 e. If the eligible applicant is applying to operate pursuant to an agreement with
23 Amtrak, satisfactory evidence that Amtrak and the eligible applicant have entered
24 into a service agreement.

1 2. The authority, after reviewing the application submitted under subd. 1.,
2 determines that a grant to the eligible applicant is likely to facilitate and encourage
3 rail passenger service on the route between the cities of Milwaukee and Chicago,
4 Illinois, and submits a request to the joint committee on finance for the joint
5 committee on finance to supplement, from the appropriation under s. 20.865 (4) (u),
6 by \$200,000 the appropriation under s. 20.490 (3) (q) for the purpose of awarding the
7 grant under this paragraph.

8 3. The joint committee on finance approves the request under subd. 2. and,
9 notwithstanding s. 13.101 (3) (a), makes the supplement specified in subd. 2. Upon
10 receipt of the supplement, the authority shall award the grant of \$200,000 to the
11 eligible applicant from the appropriation under s. 20.490 (3) (q).

12 **(4) APPLICABILITY.** This section does not apply after December 31, 1999.”.

13 **46.** Page 49, line 22: delete “**dealers.** The” and substitute “**contractors.**
14 **(1m)** In this section, “contractor” means a person who has contracted with the
15 department to provide services under this section.

16 **(2)** The”.

17 **47.** Page 49, line 23: delete “a motor vehicle dealer” and substitute “any
18 person”.

19 **48.** Page 49, line 25: delete “motor vehicle dealer” and substitute “contractor”.

20 **49.** Page 50, line 1: delete “with a motor vehicle dealer” and substitute “under
21 this section”.

22 **50.** Page 50, line 3: delete “**(1)**” and substitute “(a)”; and delete “motor vehicle
23 dealer” and substitute “contractor”.

24 **51.** Page 50, line 6: delete “**(2)**” and substitute “(b)”; and delete “motor”.

1 **52.** Page 50, line 7: delete “vehicle dealer” and substitute “contractor”.

2 **53.** Page 50, line 9: delete “(3)” and substitute “(c)”; and delete “motor vehicle
3 dealer” and substitute “contractor”.

4 **54.** Page 50, line 11: delete “(4)” and substitute “(d)”.

5 **55.** Page 50, line 12: delete “motor vehicle dealer” and substitute “contractor”.

6 **56.** Page 62, line 13: after that line insert:

7 “**SECTION 172b.** 343.24 (2m) of the statutes is amended to read:

8 343.24 **(2m)** If the department, in maintaining a computerized operating
9 record system, makes copies of its operating record file data base, or a portion thereof,
10 on computer tape or other electronic media, copies of the tape or media may be
11 furnished to any person on request. The department may also furnish to any person
12 upon request records on computer tape or other electronic media that contain
13 information from files of uniform traffic citations or motor vehicle accidents and
14 which were produced for or developed by the department for purposes related to
15 maintenance of the operating record file data base. The department shall charge a
16 fee of \$3 for each file of vehicle operators’ records contained in the tape or media. The
17 department shall charge a fee of not more than \$3 for each file of uniform traffic
18 citations or motor vehicle accidents contained in the tape or media. Nothing in this
19 subsection requires the department to produce records of particular files or data in
20 a particular format except as those records or data are made by the department for
21 its purposes.”.

22 **57.** Page 76, line 9: after that line insert:

23 “**SECTION 205b.** 779.14 (1) (intro.) and (a) of the statutes are consolidated,
24 renumbered 779.14 (1) and amended to read:

1 779.14 (1) In this section, “subcontractor or supplier” means ~~the following: (a)~~
2 ~~Any any person who has a direct contractual relationship, expressed or implied, with~~
3 ~~the prime contractor or with any subcontractor of the prime contractor to perform~~
4 ~~labor or furnish materials, except as provided in par. (b).~~

5 **SECTION 205g.** 779.14 (1) (b) of the statutes is repealed.

6 **SECTION 205j.** 779.14 (2) (a) 2. of the statutes is amended to read:

7 779.14 (2) (a) 2. ~~Except as provided in subd. 3., failure~~ Failure of the prime
8 contractor or a subcontractor of the prime contractor to comply with a contract,
9 whether express or implied, with a subcontractor or supplier for the performance of
10 labor or furnishing of materials for the purpose of making the public improvement
11 or performing the public work that is the subject of the contract under sub. (1m).

12 **SECTION 205m.** 779.14 (2) (a) 3. of the statutes is repealed.

13 **SECTION 205p.** 779.14 (4) of the statutes is created to read:

14 779.14 (4) This section does not apply to any contract for a major highway
15 project under s. 84.013 or a state highway construction or improvement project
16 funded from the appropriations under s. 20.395 (3) or (9).”.

17 **58.** Page 78, line 21: delete lines 21 and 22.

18 **59.** Page 79, line 1: substitute “January 1, 1996” for “December 1, 1995”.

19 **60.** Page 79, line 10: delete lines 10 to 13.

20 **61.** Page 80, line 22: after that line insert:

21 “(4m) DEPARTMENT RECORDS.

22 (a) Notwithstanding section 343.24 (2m) of the statutes, as affected by this act,
23 the department of transportation shall contract with a person to periodically furnish
24 that person with any records on computer tape or other electronic media that contain

1 information from files of motor vehicle accidents or uniform traffic citations and
2 which were produced for or developed by the department for purposes related to
3 maintenance of the operating record file data base. The department and the person
4 desiring to contract with the department shall make a good faith effort to negotiate
5 the purchase price for the records to be provided under this paragraph. No record
6 may be furnished under this subsection after June 30, 1997.

7 (b) The department of transportation shall, no later than March 1, 1996, submit
8 a report to each member of the joint committee on finance summarizing the terms
9 and conditions of any contract entered into under paragraph (a). If the department
10 enters into a contract under paragraph (a) after March 1, 1996, the department shall,
11 prior to the next regular quarterly meeting of the joint committee on finance, submit
12 to each member of that committee a report summarizing the terms and conditions
13 of that contract.

14 (c) If, during the period of any contract entered into under paragraph (a), the
15 department determines that the cost of providing operators' records, uniform traffic
16 citations and motor vehicle accident reports under this subsection and section 343.24
17 (2m) of the statutes, as affected by this act, exceeds the total revenues received from
18 the sale of those records, the department shall submit a report to each member of the
19 joint committee on finance summarizing the expenditures and revenues related to
20 the sale of those records.

21 (d) This subsection does not apply after June 30, 1997.”.

22 **62.** Page 81, line 5: after that line insert:

23 “(5g) GAMING OPERATION SIGNS. No later than the first day of the 4th month
24 beginning after publication of this act, the department of transportation shall

1 remove any sign that is not in compliance with section 86.19 (2m) of the statutes, as
2 created by this act. Upon removal of any sign under this subsection, the department
3 may pay just compensation to the gaming operation as reimbursement for any
4 payments to the department by the gaming operation for the erection or
5 maintenance of the sign.”.

6 **63.** Page 82, line 2: after that line insert:

7 “(9xg) POSITIONS DEAUTHORIZATION. The authorized FTE positions for the
8 department of transportation for the division of highways and transportation
9 services are decreased by 18.0 SEG positions and by 22.0 FED positions. In
10 deauthorizing positions under this subsection, the department shall deauthorize
11 positions vacant on the effective date of this subsection that are directly related to
12 highway design and production functions within the division of highways and
13 transportation services.”.

14 **64.** Page 83, line 7: after that line insert:

15 “(3xg) RAILROAD ROLLING STOCK. The treatment of sections 76.02 (10), 76.03 (1),
16 and 76.07 (1), (2) and (4g) (a) 16. of the statutes first applies to taxes due on May 10,
17 1996.”.

18 **65.** Page 83, line 21: delete the material beginning with that line and ending
19 with page 84, line 2, and substitute:

20 “(9m) STATE HIGHWAY CONSTRUCTION PROJECTS. The treatment of sections
21 84.014, 84.41 (4) and 779.14 (1) (intro.), (a) and (b), (2) (a) 2. and 3. and (4) of the
22 statutes first applies to contracts entered into on February 1, 1996.”.

