

BILL**SECTION 1806**

1 ***-1005/1.1*** SECTION 1806. 75.17 of the statutes is created to read:

2 **75.17 Transfer of contaminated land to a municipality.** (1) In this
3 section:

4 (a) "Hazardous substance" has the meaning given in s. 292.01 (5).

5 (b) "Municipality" means a city, village or town.

6 (2) If a county does not take a tax deed for property that is subject to a tax
7 certificate and that is contaminated by a hazardous substance, within 2 years after
8 the expiration of the redemption period that is described under s. 75.14 (1) and
9 specified in s. 74.57 (2) (a) and (b) (intro.), the county shall take a tax deed for such
10 property upon receiving a written request to do so from the municipality in which the
11 property is located. The county may then retain ownership of the property or, if the
12 county does not wish to retain ownership of the property, the county shall transfer
13 ownership of the property to the municipality, for no consideration, within 180 days
14 after receiving the written request from the municipality.

15 ***-0756/3.2*** SECTION 1807. 76.025 (1) of the statutes is amended to read:

16 76.025 (1) The property taxable under s. 76.13 shall include all franchises, and
17 all real and personal property of the company used or employed in the operation of
18 its business, ~~except excluding property that is exempt from the property tax under~~
19 ~~s. 70.11 (39),~~ such motor vehicles as are exempt under s. 70.112 (5), ~~computerized~~
20 ~~equipment exempt under s. 70.11 (40)~~ and treatment plant and pollution abatement
21 equipment exempt under s. 70.11 (21) (a). The taxable property shall include all title
22 and interest of the company referred to in such property as owner, lessee or
23 otherwise, and in case any portion of the property is jointly used by 2 or more
24 companies, the unit assessment shall include and cover a proportionate share of that
25 portion of the property jointly used so that the assessments of the property of all

BILL

1 companies having any rights, title or interest of any kind or nature whatsoever in any
2 such property jointly used shall, in the aggregate, include only one total full value
3 of such property.

4 ***-0756/3.3* SECTION 1808.** 76.03 (1) of the statutes is amended to read:

5 76.03 (1) The property, both real and personal, including all rights, franchises
6 and privileges used in and necessary to the prosecution of the business ~~and including~~
7 ~~property that is exempt from the property tax under s. 70.11 (39)~~ of any company
8 enumerated in s. 76.02 shall be deemed personal property for the purposes of
9 taxation, and shall be valued and assessed together as a unit.

10 ***-0778/1.1* SECTION 1809.** 76.39 (2) of the statutes is amended to read:

11 76.39 (2) There is levied annually a gross earnings tax in lieu of all property
12 taxes on the car line equipment of a car line company equal to ~~3%~~ 2.5% of the gross
13 earnings in this state. Every railroad company operating in this state shall, upon
14 making payment to each car line company for use of its cars, withhold ~~3%~~ 2.5% of the
15 amount constituting the gross earnings in this state of such car line company.

16 ***-0756/3.4* SECTION 1810.** 76.81 of the statutes is amended to read:

17 **76.81 Imposition.** There is imposed a tax on the real property of, and the
18 tangible personal property of, every telephone company, excluding property that is
19 exempt from the property tax under s. 70.11 (39), motor vehicles that are exempt
20 under s. 70.112 (5) ~~and~~, treatment plant and pollution abatement equipment that is
21 exempt under s. 70.11 (21) (a) and computerized equipment that is exempt under s.
22 70.11 (40). Except as provided in s. 76.815, the rate for the tax imposed on each
23 description of real property and on each item of tangible personal property is the net
24 rate for the prior year for the tax under ch. 70 in the taxing jurisdictions where the
25 description or item is located.

BILL**SECTION 1811**

1 ***-0623/1.1*** **SECTION 1811.** 77.25 (21) of the statutes is created to read:

2 77.25 (21) Of a time-share property, as defined in s. 707.02 (32).

3 ***-0623/1.2*** **SECTION 1812.** 77.255 of the statutes is amended to read:

4 **77.255 Exemptions from return.** No return is required with respect to
5 conveyances exempt under s. 77.25 (1), (2r), (4) ~~or~~, (11) or (21) from the fee imposed
6 under s. 77.22. No return is required with respect to conveyances exempt under s.
7 77.25 (2) unless the transferor is also a lender for the transaction.

8 ***-0623/1.3*** **SECTION 1813.** 77.51 (4) (c) 6. of the statutes is amended to read:

9 77.51 (4) (c) 6. Charges associated with time-share property that is taxable,
10 or that at the time of the charges would be taxable, under s. 77.52 (2) (a) 1. or 2.

11 ***-0623/1.4*** **SECTION 1814.** 77.52 (2) (a) 1. of the statutes is amended to read:

12 77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,
13 motel operators and other persons furnishing accommodations that are available to
14 the public, irrespective of whether membership is required for use of the
15 accommodations, including the furnishing of rooms or lodging through the sale of a
16 all time-share property, as including that defined in s. 707.02 (32), ~~if the use of the~~
17 ~~rooms or lodging is not fixed at the time of sale as to the starting day or the lodging~~
18 ~~unit.~~ In this subdivision, “transient” means any person residing for a continuous
19 period of less than one month in a hotel, motel or other furnished accommodations
20 available to the public. In this subdivision, “hotel” or “motel” means a building or
21 group of buildings in which the public may obtain accommodations for a
22 consideration, including, without limitation, such establishments as inns, motels,
23 tourist homes, tourist houses or courts, lodging houses, rooming houses, summer
24 camps, apartment hotels, resort lodges and cabins and any other building or group
25 of buildings in which accommodations are available to the public, except

BILL

1 accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for
2 a continuous period of more than one month and accommodations furnished by any
3 hospitals, sanatoriums, or nursing homes, or by corporations or associations
4 organized and operated exclusively for religious, charitable or educational purposes
5 provided that no part of the net earnings of such corporations and associations inures
6 to the benefit of any private shareholder or individual. In this subdivision, “one
7 month” means a calendar month or 30 days, whichever is less, counting the first day
8 of the rental and not counting the last day of the rental.

9 ***-0622/1.1* SECTION 1815.** 77.60 (2) (intro.) of the statutes is amended to read:

10 77.60 (2) (intro.) Delinquent sales and use tax returns shall be subject to a \$10
11 ~~\$30~~ late filing fee unless the return was not timely filed because of the death of the
12 person required to file or unless the return was not timely filed ~~because of a~~
13 ~~reasonable~~ due to good cause and not ~~because of~~ due to neglect. The fee shall not
14 apply if the department has failed to issue a seller’s permit or a use tax registration
15 within 30 days of the receipt of an application for a seller’s permit or use tax
16 registration accompanied by the fee established under s. 73.03 (50), if the person does
17 not hold a valid certificate under s. 73.03 (50), and the security required under s.
18 77.61 (2) has not been placed with the department. Delinquent sales and use taxes
19 shall bear interest at the rate of 1.5% per month until paid. The taxes imposed by
20 this subchapter shall become delinquent if not paid:

21 ***-1672/3.2* SECTION 1816.** 77.76 (3) of the statutes is amended to read:

22 77.76 (3) From the appropriation under s. 20.835 (4) (g) the department shall
23 distribute ~~98.5%~~ 98.25% of the county taxes reported for each enacting county, minus
24 the county portion of the retailers’ discounts, to the county and shall indicate the
25 taxes reported by each taxpayer, no later than the end of the 3rd month following the

BILL

1 end of the calendar quarter in which such amounts were reported. In this subsection,
2 the “county portion of the retailers’ discount” is the amount determined by
3 multiplying the total retailers’ discount by a fraction the numerator of which is the
4 gross county sales and use taxes payable and the denominator of which is the sum
5 of the gross state and county sales and use taxes payable. The county taxes
6 distributed shall be increased or decreased to reflect subsequent refunds, audit
7 adjustments and all other adjustments of the county taxes previously distributed.
8 Interest paid on refunds of county sales and use taxes shall be paid from the
9 appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1)
10 (a). The county may retain the amount it receives or it may distribute all or a portion
11 of the amount it receives to the towns, villages, cities and school districts in the
12 county. Any county receiving a report under this subsection is subject to the duties
13 of confidentiality to which the department of revenue is subject under s. 77.61 (5).

14 ***-1672/3.3* SECTION 1817.** 77.76 (4) of the statutes is amended to read:

15 77.76 (4) There shall be retained by the state 1.5% of the taxes collected under
16 ~~this subchapter for taxes imposed by special districts under s. 77.705 and 1.75% of~~
17 the taxes collected for taxes imposed by counties under s. 77.70 to cover costs
18 incurred by the state in administering, enforcing and collecting the tax. All interest
19 and penalties collected shall be deposited and retained by this state in the general
20 fund.

21 ***-1490/2.1* SECTION 1818.** 77.996 (2) (i) of the statutes is created to read:

22 77.996 (2) (i) Formal wear rental firms.

23 ***-2157/2.1* SECTION 1819.** 84.013 (3) (zb) of the statutes is created to read:

24 84.013 (3) (zb) USH 41 extending from 1.5 miles south of Frog Pond Road in
25 Oconto County to 1.3 miles north of Schacht Road in Marinette County.

BILL

1 ***-1585/1.4*** SECTION 1820. 84.106 of the statutes is created to read:

2 **84.106 Scenic byways program.** (1) DESIGNATION. The department shall
3 develop, implement and administer a program to designate highways, as defined in
4 s. 340.01 (22), or portions of highways in this state that have outstanding scenic,
5 historic, cultural, natural, recreational or archeological qualities as scenic byways.
6 The department may seek designation by the federal government of a highway
7 designated as a scenic byway under this section as a national scenic byway or as an
8 All-American Road.

9 (2) RULES. The department shall promulgate rules under this section
10 consistent with 23 USC 162 and regulations established under that section.

11 ***-0305/1.1*** SECTION 1821. 84.30 (2m) of the statutes is created to read:

12 **84.30 (2m) CONDITIONAL USES AND SPECIAL EXCEPTIONS NOT CONSIDERED.** No uses
13 of real property that are authorized by special zoning permission, including uses by
14 conditional use, special exception, zoning variance or conditional permit, may be
15 considered when determining whether the area is a business area.

16 ***-1024/1.1*** SECTION 1822. 84.30 (3) (c) (intro.) of the statutes is amended to
17 read:

18 **84.30 (3) (c) (intro.)** Signs advertising activities conducted on the property on
19 which they are located if such on-property signs comply with applicable federal law
20 and the June 1961 agreement between the department and the federal highway
21 administrator relative to control of advertising adjacent to interstate highways.
22 ~~Additionally, any such sign located outside the incorporated area of a city or village~~
23 ~~shall comply with the following criteria~~ No on-property sign may be erected in a
24 location where it constitutes a traffic hazard. If the department issues permits for
25 outdoor advertising signs, the department is not required to issue permits for

BILL

1 on-property signs that conform to the requirements of this paragraph. On-property
2 signs may be illuminated, subject to the following restrictions:

3 ***-1024/1.2* SECTION 1823.** 84.30 (3) (c) 1. to 3. of the statutes are repealed and
4 recreated to read:

5 84.30 (3) (c) 1. Signs which contain, include or are illuminated by any flashing,
6 intermittent or moving light or lights are prohibited, except electronic signs
7 permitted by rule of the department.

8 2. Signs which are not effectively shielded as to prevent beams or rays of light
9 from being directed at any portion of the traveled ways of the interstate or
10 federal-aid primary highway and which are of such intensity or brilliance as to cause
11 glare or to impair the vision of the driver of any motor vehicle, or which otherwise
12 interfere with any driver's operation of a motor vehicle, are prohibited.

13 3. No sign may be so illuminated that it interferes with the effectiveness of or
14 obscures an official traffic sign, device or signal.

15 ***-1024/1.3* SECTION 1824.** 84.30 (3) (c) 5. of the statutes is repealed.

16 ***-1432/7.47* SECTION 1825.** 84.59 (2) of the statutes is amended to read:

17 84.59 (2) The department may, under s. ~~18.56~~ 18.561 (5) and (9) (j) or 18.562
18 (3) and (5) (e), deposit in a separate and distinct fund outside the state treasury, in
19 an account maintained by a trustee, revenues derived under s. 341.25. The revenues
20 deposited are the trustee's revenues in accordance with the agreement between this
21 state and the trustee or in accordance with the resolution pledging the revenues to
22 the repayment of revenue obligations issued under this section.

23 ***-1014/2.1* SECTION 1826.** 84.59 (6) of the statutes is amended to read:

24 84.59 (6) ~~Revenue obligations may be contracted by the~~ The building
25 commission may contract revenue obligations when it reasonably appears to the

BILL

1 building commission that all obligations incurred under this section can be fully paid
2 from moneys received or anticipated and pledged to be received on a timely basis.
3 Revenue Except as provided in this subsection, the principal amount of revenue
4 obligations issued under this section shall may not exceed \$1,348,058,900 in
5 principal amount, excluding obligations issued to refund outstanding revenue
6 obligations. Not more than \$1,255,499,900 of the \$1,348,058,900 may
7 \$1,435,165,900 and may be used for transportation facilities under s. 84.01 (28) and
8 major highway projects under ss. 84.06 and 84.09. In addition to the foregoing limit
9 on principal amount, the building commission may contract revenue obligations
10 under this section as the building commission determines is desirable to refund
11 outstanding revenue obligations contracted under this section and to pay expenses
12 associated with revenue obligations contracted under this section.

13 *-1454/1.1* SECTION 1827. 85.02 of the statutes is renumbered 85.02 (1).

14 *-1454/1.2* SECTION 1828. 85.02 (2) of the statutes is created to read:

15 85.02 (2) The department may assist or coordinate highway corridor land use
16 planning that identifies future land uses, use densities and site layouts that are
17 appropriate to land adjacent to a highway and that maintain the safety and function
18 of the highway. The department may assist or coordinate information activities
19 related to highway project development.

20 *-1454/1.3* SECTION 1829. 85.022 (1) (n) of the statutes is created to read:

21 85.022 (1) (n) Land use issues relating to transportation.

22 *-1016/1.1* SECTION 1830. 85.024 (2) of the statutes is amended to read:

23 85.024 (2) The department shall administer a bicycle and pedestrian facilities
24 program to award grants of assistance to political subdivisions for the planning,
25 development or construction of bicycle and pedestrian facilities. Annually, the The

BILL**SECTION 1830**

1 department shall award from the appropriation under s. 20.395 (2) (nx) grants to
2 political subdivisions under this section. A political subdivision that is awarded a
3 grant under this section shall contribute matching funds equal to at least 25% of the
4 amount awarded under this section. ~~The department shall select grant recipients~~
5 ~~annually beginning in 1994 from applications submitted to the department on or~~
6 ~~before April 1 of each year.~~

7 ***-1887/1.1* SECTION 1831.** 85.08 (4m) (h) of the statutes is created to read:

8 85.08 (4m) (h) *Interest rate.* The department, by rule, shall establish the rate
9 of interest applicable to loans under this subsection.

10 ***-0169/1.3* SECTION 1832.** 85.12 (3) of the statutes is created to read:

11 85.12 (3) The department may contract with any local governmental unit, as
12 defined in s. 16.97 (7), to provide that local governmental unit with services under
13 this section.

14 ***-1615/1.1* SECTION 1833.** 85.135 of the statutes is created to read:

15 **85.135 Fees for certain court orders suspending or revoking an**
16 **operating privilege.** The department shall, by rule, develop and implement a
17 system for charging circuit courts and municipal courts for each order of the court
18 suspending or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c),
19 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) solely for failure to pay a
20 forfeiture imposed for violating an ordinance that is unrelated to the violator's
21 operation of a motor vehicle. The amount of the fee may not exceed the cost of
22 processing the order. The department may not process an order of a court suspending
23 or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)
24 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) until the court has paid the fee required
25 under this section, if any, to the department.

BILL

1 *~~0887/1.2~~* **SECTION 1834.** 85.20 (1) (g) of the statutes is amended to read:

2 85.20 (1) (g) “Operating expenses” mean costs accruing to an urban mass
3 transit system by virtue of its operations, including costs to subsidize fares paid by
4 disabled persons for transportation within the urban area of the eligible applicant,
5 and maintenance. For a publicly owned system, operating expenses do not include
6 profit, return on investment or depreciation as costs. If a local public body contracts
7 for the services of a privately owned system on the basis of competitive bids,
8 operating expenses may include as costs depreciation on the facilities and equipment
9 that the privately owned system acquired without benefit of public financial
10 assistance, profit and return on investment. If a local public body contracts for the
11 services of a privately owned system on the basis of negotiated procurement,
12 operating expenses may include as costs depreciation on the facilities and equipment
13 that the privately owned system acquired without benefit of public financial
14 assistance. In an urban area which is served exclusively by shared-ride taxicab
15 systems, operating expenses may include costs to subsidize reasonable fares paid by
16 all users for transportation within the urban area of the eligible applicant.

17 *~~0887/1.3~~* **SECTION 1835.** 85.20 (3) (cr) of the statutes is amended to read:

18 85.20 (3) (cr) To conduct a management performance audit of all urban mass
19 transit systems participating in the program at least once every 5 years. If a
20 management performance audit is required of all urban mass transit systems
21 participating in the program, an eligible applicant served exclusively by a
22 shared-ride taxicab system may be exempted from an audit if the eligible applicant
23 voluntarily complies with s. 85.20 (4m) (b).

24 *~~0887/1.4~~* **SECTION 1836.** 85.20 (4m) (a) (intro.) of the statutes is amended
25 to read:

BILL**SECTION 1836**

1 85.20 (4m) (a) (intro.) ~~An amount shall be allocated~~ Except as provided in s.
2 85.20 (4m) (b) 2., the department shall allocate to each eligible applicant to ensure
3 ~~that the sum of state and federal aids for the projected operating expenses of each~~
4 ~~eligible applicant's urban mass transit system is an amount~~ equal to a uniform
5 percentage, established by the department, of the projected operating expenses of
6 the each eligible applicant's urban mass transit system for the calendar year. The
7 department shall make allocations as follows:

8 *~~-0887/1.5*~~ **SECTION 1837.** 85.20 (4m) (a) 1., 2., 3., 4. and 5. of the statutes are
9 repealed.

10 *~~-0887/1.6*~~ **SECTION 1838.** 85.20 (4m) (a) 6. b. of the statutes is amended to
11 read:

12 85.20 (4m) (a) 6. b. For the purpose of making allocations under subd. 6. a., the
13 amounts for aids are ~~\$60,984,900 in calendar year 1998 and \$63,119,300 in calendar~~
14 year 1999 and \$65,012,900 in calendar year 2000 and thereafter. These amounts,
15 to the extent practicable, shall be used to determine the uniform percentage in the
16 particular calendar year.

17 *~~-0887/1.7*~~ **SECTION 1839.** 85.20 (4m) (a) 6. c. of the statutes is created to read:

18 85.20 (4m) (a) 6. c. The sum of state aids allocated under this section and
19 federal mass transit aids provided for the projected operating expenses of an urban
20 mass transit system that has annual operating expenses in excess of \$20,000,000
21 may not exceed 50% of the sum of the projected operating expenses of the urban mass
22 transit system. Only federal mass transit aid that the federal government provides
23 directly to the eligible applicant or to the urbanized area served by the mass transit
24 system or that the department allocates under this section may be counted under
25 this subd. 6. c.

BILL

1 ***-0887/1.8*** SECTION 1840. 85.20 (4m) (a) 7. a. of the statutes is amended to
2 read:

3 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform
4 percentage for each eligible applicant served by an urban mass transit system
5 operating within an urban area having a population as shown in the 1990 federal
6 decennial census of at least 50,000 or receiving federal mass transit aid for such area,
7 and not specified in subd. 6. This subd. 7. a. does not apply after December 31, 1999.

8 ***-0887/1.9*** SECTION 1841. 85.20 (4m) (a) 7. b. of the statutes is amended to
9 read:

10 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
11 amounts for aids are \$17,799,600 in calendar year 1998 and \$18,422,500 in calendar
12 year 1999 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to
13 determine the uniform percentage in the particular calendar year.

14 ***-0887/1.10*** SECTION 1842. 85.20 (4m) (a) 7m. of the statutes is created to
15 read:

16 85.20 (4m) (a) 7m. a. Beginning on January 1, 2000, from the appropriation
17 under s. 20.395 (1) (hr), the uniform percentage determined by the department for
18 each eligible applicant not described in subd. 6. In allocating state aid under this
19 subdivision, the department shall determine the amount of federal aid available for
20 operating expenses. If the department determines that federal aid is available for
21 an eligible applicant's operating expenses, the department may require the eligible
22 applicant to accept that federal aid as a condition of receiving state aid under this
23 section.

24 b. Except as provided in subd. 7m. c., for the purpose of making allocations
25 under subd. 7m. a., the amounts for aids are \$24,100,400 in calendar year 2000 and

BILL**SECTION 1842**

1 thereafter. These amounts, to the extent practicable, shall be used to determine the
2 uniform percentage in the particular calendar year. Except as provided in subd. 7m.
3 c., the sum of state aid and federal aid allocated under this section to an eligible
4 applicant may not exceed 65% of an eligible applicant's projected operating expenses.

5 c. For an eligible applicant served by a mass transit system operating within
6 an urbanized area that has a population, as shown in the 1990 federal decennial
7 census, of 50,000 or more or that is eligible for only federal mass transit aid for such
8 areas, the sum of state aid and federal aid allocated under this section for calendar
9 years 2000 and 2001 may not exceed 60% of the projected operating expenses. For
10 an eligible applicant served by a mass transit system that operates both partly
11 within an urbanized area that has a population of 50,000 or more, as shown in the
12 1990 federal decennial census, or that is eligible for federal mass transit aid for
13 urbanized areas having that population and that operates partly in areas other than
14 urbanized areas and is eligible for federal mass transit aid for providing service to
15 those other areas, the sum of state aid and federal aid allocated under this section
16 for the portion of the projected operating expenses of the eligible applicant's mass
17 transit system associated with service within an urbanized area or eligible for
18 federal mass transit aid for service within urbanized areas may not exceed 60% of
19 the projected operating expenses of that service for calendar years 2000 and 2001.
20 This subd. 7m. c. does not apply after December 31, 2001.

21 ***-0887/1.11* SECTION 1843.** 85.20 (4m) (a) 8. a. of the statutes is amended to
22 read:

23 85.20 (4m) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform
24 percentage for each eligible applicant served by an urban mass transit system
25 operating within an area having a population as shown in the 1990 federal decennial

BILL

1 census of less than 50,000 or receiving federal mass transit aid for such area. This
2 subd. 8. a. does not apply after December 31, 1999.

3 *~~0887/1.12~~* **SECTION 1844.** 85.20 (4m) (a) 8. b. of the statutes is amended to
4 read:

5 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
6 amounts for aids are \$4,807,600 in calendar year 1998 and \$4,975,900 in calendar
7 year 1999 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to
8 determine the uniform percentage in the particular calendar year.

9 *~~0887/1.13~~* **SECTION 1845.** 85.20 (4m) (b) 1. of the statutes is amended to
10 read:

11 85.20 (4m) (b) 1. Except as provided in subd. 2., each eligible applicant shall
12 provide a local contribution, exclusive of user fees, toward operating expenses in an
13 amount equal to at least ~~20% of state aid allocations to that eligible applicant under~~
14 this section 10% of the eligible applicant's operating expenses.

15 *~~0887/1.14~~* **SECTION 1846.** 85.20 (4m) (b) 2. of the statutes is amended to
16 read:

17 85.20 (4m) (b) 2. ~~Subdivision 1. does not apply to an~~ Except as provided in this
18 subdivision, an eligible applicant that is served exclusively by a shared-ride taxicab
19 system is not required to meet the requirements of subd. 1. For calendar year 2000,
20 the department may not increase the amount of state aid allocated under this section
21 to an eligible applicant that is served exclusively by a shared-ride taxicab system
22 beyond the amount allocated to that eligible applicant for calendar year 1999, unless
23 the eligible applicant provides a local contribution, exclusive of user fees, toward
24 operating expenses in an amount equal to at least 5% of the eligible applicant's
25 operating expenses. Beginning with calendar year 2001, the department may not

BILL**SECTION 1846**

1 increase the amount of state aid allocated under this section to an eligible applicant
2 that is served exclusively by a shared-ride taxicab system beyond the amount
3 allocated to that eligible applicant during the preceding calendar year, unless the
4 eligible applicant complies with the requirements of subd. 1. This subdivision does
5 not prohibit the department from allocating aid under this section to an eligible
6 applicant served exclusively by a shared-ride taxicab system in its first year of
7 service.

8 ***-0887/1.15*** **SECTION 1847.** 85.20 (4m) (em) 3. of the statutes is amended to
9 read:

10 85.20 (4m) (em) 3. Five times the amount of an eligible applicant's required
11 local contribution under par. (b) 1. This subdivision does not apply after December
12 31, 1999.

13 ***-0887/1.16*** **SECTION 1848.** 85.20 (6) (c) of the statutes is created to read:

14 85.20 (6) (c) Disclose to the department the amount of federal aid over which
15 the eligible applicant has spending discretion and that the eligible applicant intends
16 to apply towards operating expenses for a calendar year.

17 ***-0887/1.17*** **SECTION 1849.** 85.20 (6) (d) of the statutes is created to read:

18 85.20 (6) (d) Accept federal aid, if directed by the department to accept that aid.
19 This paragraph applies only to eligible applicants described in sub. (4m) (a) 7m.

20 ***-0886/1.1*** **SECTION 1850.** 85.22 (2) (am) (intro.) of the statutes is amended
21 to read:

22 85.22 (2) (am) (intro.) "Eligible applicant" means any applicant that meets
23 eligibility requirements for federal assistance under 49 USC Appendix 1612 (b) (2)
24 and is one of the following:

BILL

1 ***-0886/1.2*** SECTION 1851. 85.22 (4) of the statutes is renumbered 85.22 (4) (a)
2 (intro.) and amended to read:

3 85.22 (4) (a) (intro.) Commencing with the highest ranked application and to
4 the extent that state moneys are available, the department shall offer to each eligible
5 applicant an amount of state aid such that the sum of federal and state aid received
6 by an applicant does not exceed 80% any of the following:

7 1. The percentage, specified by the department by rule, of the estimated capital
8 project costs.

9 (b) State aids available under this section shall not be available for operating
10 purposes.

11 ***-0886/1.3*** SECTION 1852. 85.22 (4) (a) 2. of the statutes is created to read:

12 85.22 (4) (a) 2. For the specific type or category of capital equipment for which
13 aid is paid, the percentage of the estimated capital costs that are eligible for federal
14 aid.

15 ***-1055/1.2*** SECTION 1853. 85.50 of the statutes is repealed.

16 ***-0120/1.1*** SECTION 1854. 85.515 of the statutes, as created by 1997
17 Wisconsin Act 84, is amended to read:

18 **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary
19 determines that the changes to the department's computerized information systems
20 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000
21 2001, the secretary shall publish a notice in the Wisconsin Administrative Register
22 that states the date on which the changes to the department's computerized
23 information system will begin operating, and that the clearly states which portion
24 of revisions to the operator's license suspension and revocation law made by 1997
25 Wisconsin Act 84 will become effective on that date.

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SECTION 1855

1 *~~1432/7.48~~* SECTION 1855. 85.52 (5) (c) of the statutes is amended to read:

2 85.52 (5) (c) The department of administration may, under s. ~~18.56~~ 18.561 (5)
3 and (9) (j) or 18.562 (3) and (5) (e), deposit in a separate and distinct fund in the state
4 treasury or in an account maintained by a trustee outside the state treasury, any
5 portion of the revenues derived under s. 25.405 (2). The revenues deposited with a
6 trustee outside the state treasury are the trustee's revenues in accordance with the
7 agreement between this state and the trustee or in accordance with the resolution
8 pledging the revenues to the repayment of revenue obligations issued under this
9 subsection.

10 *~~0881/1.1~~* SECTION 1856. 86.30 (2) (a) 1. of the statutes is amended to read:

11 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm) and s. 86.303, the
12 amount of transportation aids payable by the department to each county shall be the
13 aids amount calculated under subd. 2. and to each municipality shall be the aids
14 amount calculated under subd. 2. or 3., whichever is greater. If the amounts
15 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
16 to that municipality shall be paid under subd. 2.

17 *~~0881/1.2~~* SECTION 1857. 86.30 (2) (a) 3. f. of the statutes is repealed.

18 *~~0881/1.3~~* SECTION 1858. 86.30 (2) (a) 3. g. of the statutes is amended to read:

19 86.30 (2) (a) 3. g. In calendar ~~year~~ years 1998 and ~~thereafter~~ 1999, \$1,596.

20 *~~0881/1.4~~* SECTION 1859. 86.30 (2) (a) 3. h. of the statutes is created to read:

21 86.30 (2) (a) 3. h. In calendar year 2000 and thereafter, \$1,644.

22 *~~0883/1.1~~* SECTION 1860. 86.30 (2) (b) 1. of the statutes is amended to read:

23 86.30 (2) (b) 1. Except as provided under par. (d) and s. 86.303 (5), no
24 municipality whose aid is determined under par. (a) 2. may receive an increase in its
25 annual transportation aid payment in excess of 15% of its last previous calendar year

BILL

1 aid payment or a decrease in its annual transportation aid payment in excess of 5%
2 2% of its last previous calendar year transportation aid payment.

3 ***-0883/1.2* SECTION 1861.** 86.30 (2) (b) 1g. of the statutes is amended to read:

4 86.30 (2) (b) 1g. Except as provided under par. (d) and s. 86.303 (5), no
5 municipality whose aid is determined under par. (a) 3. may receive a decrease in its
6 annual transportation aid payment in excess of ~~5%~~ 2% of its last previous calendar
7 year transportation aid payment.

8 ***-0881/1.5* SECTION 1862.** 86.30 (9) (b) of the statutes is amended to read:

9 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
10 the amounts for aids to counties are ~~\$70,644,200 in calendar year 1997 and~~
11 ~~\$78,744,300 in calendar year~~ years 1998 and 1999 and \$81,106,600 in calendar year
12 2000 and thereafter. These amounts, to the extent practicable, shall be used to
13 determine the statewide county average cost-sharing percentage in the particular
14 calendar year.

15 ***-0881/1.6* SECTION 1863.** 86.30 (9) (c) of the statutes is amended to read:

16 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
17 the amounts for aids to municipalities are ~~\$222,255,300 in calendar year 1997 and~~
18 ~~\$247,739,100 in calendar year~~ years 1998 and 1999 and \$254,784,900 in calendar
19 year 2000 and thereafter. These amounts, to the extent practicable, shall be used to
20 determine the statewide municipal average cost-sharing percentage in the
21 particular calendar year.

22 ***-0884/1.1* SECTION 1864.** 86.302 (title) of the statutes is repealed and
23 recreated to read:

24 **86.302 (title) Local roads; inventory and assessment.**

BILL

SECTION 1865

1 *~~0884/1.2~~* SECTION 1865. 86.302 (1) of the statutes is renumbered 86.302 (1g)
2 and amended to read:

3 86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the
4 board of every town, village and county, and the governing body of every city, shall
5 file with the department ~~and with the county clerk~~ not later than December 15 of
6 every ~~odd-numbered~~ year, a certified plat of ~~such town, village, city~~ the municipality
7 or county showing the ~~roads and streets~~ highways under ~~their~~ its jurisdiction and the
8 mileage thereof to be open and used for travel as of the succeeding January 1, ~~which~~
9 ~~may be used by the.~~ The department may use the plats in making computations of
10 transportation aids. One-half of the mileage of ~~roads or streets~~ highways on
11 boundary lines shall be considered as lying in each ~~town, village, city~~ municipality
12 or county.

13 *~~0884/1.3~~* SECTION 1866. 86.302 (1d) of the statutes is created to read:

14 86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

15 (b) "Municipality" means a city, village or town.

16 *~~0884/1.4~~* SECTION 1867. 86.302 (1m) (a) of the statutes is renumbered
17 86.302 (1m) (a) 1. and amended to read:

18 86.302 (1m) (a) 1. ~~The board of a town, village or county and the governing body~~
19 ~~of a city need not file a certified plat under sub. (1) if the town, village,~~ In lieu of filing
20 a certified plat under sub. (1g), if a municipality or county or city has not added or
21 deleted jurisdictional mileage since filing its last preceding certified plat under sub.
22 (1) (1g), its board or governing body may file a certified statement to that effect with
23 the department.

24 *~~0884/1.5~~* SECTION 1868. 86.302 (1m) (a) 2. of the statutes is created to read:

BILL

1 86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every
2 municipality and county to file a certified plat under sub. (1g) with the department
3 in the year after the year in which a federal decennial census is conducted.

4 *~~0884/1.6~~* **SECTION 1869.** 86.302 (1m) (b) of the statutes is amended to read:

5 86.302 (1m) (b) Upon incorporation of a village or city, the board of the village
6 and the governing body of the city shall file with the department ~~and with the county~~
7 ~~elerk~~ a certified plat of the village or city showing the ~~roads and streets~~ highways
8 under its jurisdiction and the mileage thereof to be open and used for travel as of the
9 date of incorporation, which may be used by the department in making computations
10 of transportation aids. ~~One-half of the mileage of roads or streets~~ highways on
11 boundary lines shall be considered as lying in the village or city.

12 *~~0884/1.7~~* **SECTION 1870.** 86.302 (2) of the statutes is amended to read:

13 86.302 (2) Not later than December 15, 2001, and biennially thereafter, each
14 municipality and county shall assess the physical condition of highways under its
15 jurisdiction, using a pavement rating system approved by the department and report
16 the results of that assessment to the department. The department shall assess the
17 accuracy of mileage or other data concerning highways reported by municipalities
18 and counties and may use field investigations to verify a portion of the data
19 constituting a valid random sample or such specialized sample as the department
20 considers appropriate. The department shall cooperate with and provide assistance
21 to local units of government in their jurisdictional mileage determination efforts.
22 ~~The department shall inventory and verify all road mileage in a county or~~
23 ~~municipality once every 10 years under this subsection. Information collected under~~
24 this subsection is inadmissible as evidence, except to show compliance with this
25 subsection.

BILL**SECTION 1871**

1 *~~0884/1.8~~* **SECTION 1871.** 86.302 (3) of the statutes is amended to read:

2 86.302 (3) For the purposes of transportation aid determinations under s.
3 86.30, the department shall use changes in the road highway mileage of a city,
4 municipality or county, town or village indicated on the certified plat filed under sub.
5 (1) ~~shall be used by the department (1g)~~ in making computations of transportation
6 aids to be paid beginning in the ~~next odd-numbered~~ year following the
7 ~~odd-numbered~~ year in which the certified plat is filed. The department shall
8 consider the following factors shall be considered by the department:

9 (a) New roads highways.

10 (b) Abandoned roads highways.

11 (c) Changes in jurisdictional mileage responsibilities for existing roads
12 highways.

13 *~~0884/1.9~~* **SECTION 1872.** 86.303 (4) (b) of the statutes is amended to read:

14 86.303 (4) (b) In the case of municipalities formed within the previous 6 years,
15 the information needed for the determinations under this section shall be calculated
16 as follows: for those years for which the necessary data does not exist, the data for
17 the new municipality and the municipality from which it was formed shall be
18 combined and the sum shall be apportioned to each municipality in proportion to the
19 total mileage of roads and streets highways under their respective jurisdictions. In
20 making these calculations, the department shall use the certified plats filed under
21 s. 86.302 (1) (1g).

22 *~~0882/1.1~~* **SECTION 1873.** 86.303 (6) (c) (intro.) of the statutes is amended to
23 read:

24 86.303 (6) (c) (intro.) The following other costs to the extent ~~to which~~ they are
25 highway related are reportable:

BILL

1 ***-0882/1.2*** SECTION 1874. 86.303 (6) (c) 4. of the statutes is amended to read:
2 86.303 (6) (c) 4. ~~Traffic police and street~~ Street lighting costs.

3 ***-0882/1.3*** SECTION 1875. 86.303 (6) (cm) of the statutes is created to read:
4 86.303 (6) (cm) Some portion of law enforcement costs determined by the
5 department, in consultation with the representatives appointed under sub. (5) (am),
6 may be reported as eligible cost items. The department may establish different
7 portions under this paragraph for different classes of counties or municipalities.

8 ***-1065/2.3*** SECTION 1876. 87.30 (1) (d) of the statutes is created to read:
9 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
10 an activity that meets all of the requirements under s. 281.165 (1) to (5), the
11 department may not proceed under this subsection, or otherwise review the
12 amendment, to determine whether the ordinance, as amended, is insufficient.

13 ***-2070/1.2*** SECTION 1877. 88.15 of the statutes is created to read:
14 **88.15 Drainage board grants.** (1) From the appropriation under s. 20.115
15 (7) (d), the department of agriculture, trade and consumer protection shall make
16 grants to boards to assist boards to comply with this chapter and rules promulgated
17 under this chapter. A grant under this section may not exceed 60% of the costs
18 incurred by the board to comply with this chapter and rules promulgated under this
19 chapter.

20 (2) The department of agriculture, trade and consumer protection shall
21 promulgate rules for the administration of the program under this section.

22 ***-1785/1.30*** SECTION 1878. 91.01 (8) of the statutes is amended to read:

23 91.01 (8) "Local governing body having jurisdiction" means the city council,
24 village board or town board if that body has adopted a certified an ordinance under

BILL**SECTION 1878**

1 subch. V that is certified under s. 91.06, 1997 stats.; or the county board where such
2 a city, village or town zoning ordinance is not in effect.

3 ***-1785/1.31* SECTION 1879.** 91.04 of the statutes is created to read:

4 **91.04 Acquisition of development rights agreements.** The department
5 shall maintain a list of nonprofit entities with which the department has entered into
6 agreements under s. 71.605 (3). The department shall make the list available to
7 owners who are interested in transferring their development rights and to the
8 department of revenue.

9 ***-1785/1.32* SECTION 1880.** 91.06 of the statutes is repealed.

10 ***-1785/1.33* SECTION 1881.** 91.11 (1) (a) of the statutes is amended to read:

11 91.11 (1) (a) The county in which the land is located has ~~a certified~~ in effect an
12 agricultural preservation plan in effect certified under s. 91.06, 1997 stats.; or

13 ***-1785/1.34* SECTION 1882.** 91.11 (1) (b) of the statutes is amended to read:

14 91.11 (1) (b) The land is in an area zoned for exclusive agricultural use under
15 an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

16 ***-1785/1.35* SECTION 1883.** 91.11 (2) of the statutes is amended to read:

17 91.11 (2) An owner of land located in a county with a population density of less
18 than 100 persons per square mile which has adopted ~~a certified~~ an exclusive
19 agricultural use zoning ordinance certified under s. 91.06, 1997 stats., may apply
20 under this subchapter even if the town in which the land is located has not approved
21 the ordinance.

22 ***-1785/1.36* SECTION 1884.** 91.11 (3) of the statutes is amended to read:

23 91.11 (3) In any county with a population density of 100 or more persons per
24 square mile, an owner may apply for a farmland preservation agreement under this
25 subchapter only if the county in which the land is located has ~~a certified~~ an exclusive

BILL

1 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, and
2 the town in which the land is located has approved the ordinance.

3 ***-1785/1.37* SECTION 1885.** 91.11 (4) of the statutes is amended to read:

4 91.11 (4) In any city, town or village that has adopted a ~~certified~~ an exclusive
5 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, or
6 in any town that has approved a ~~certified~~ an exclusive agricultural use zoning
7 ordinance adopted by the county and certified under ~~subch. V s. 91.06, 1997 stats.~~,
8 an owner may apply for a farmland preservation agreement only if the land is in an
9 area zoned for exclusive agricultural use.

10 ***-1785/1.38* SECTION 1886.** 91.13 (4) (a) of the statutes is amended to read:

11 91.13 (4) (a) Whether the farmland is designated an agricultural preservation
12 area in a ~~certified~~ an agricultural preservation plan established certified under
13 ~~subch. IV s. 91.06, 1997 stats.~~, or is an area zoned for exclusive agricultural use under
14 an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~

15 ***-1785/1.39* SECTION 1887.** 91.13 (8) (d) of the statutes is repealed.

16 ***-1785/1.40* SECTION 1888.** 91.14 of the statutes is amended to read:

17 **91.14 Transition area agreements.** An owner may apply for a transition
18 area agreement under this subchapter if the farmland is located in an area identified
19 as a transition area under a ~~certified~~ county agricultural preservation plan certified
20 under ~~subch. IV s. 91.06, 1997 stats.~~ The provisions of this subchapter, except ss.
21 91.11 (1) (b) and (4), 91.13 (4) (a) and (10) and 91.15, apply to agreements under this
22 section. Agreements under this section shall be for not less than 5 nor more than 20
23 years, consistent with the county agricultural preservation plan.

24 ***-1785/1.41* SECTION 1889.** 91.19 (2) (c) 1. e. of the statutes is amended to
25 read:

BILL**SECTION 1889**

1 91.19 (2) (c) 1. e. The proposed development or use is consistent with the
2 county's ~~certified~~ agricultural preservation plan ~~certified under s. 91.06, 1997 stats.,~~
3 if a plan is in effect.

4 *~~-1785/1.42~~* **SECTION 1890.** 91.19 (6t) of the statutes is amended to read:

5 91.19 (6t) ~~The~~ After the effective date of this subsection ... [revisor inserts
6 date], the department shall relinquish land from a farmland preservation agreement
7 ~~land that has been subject to a farmland preservation agreement for at least 10 years~~
8 if the owner of the land so requests.

9 *~~-1785/1.43~~* **SECTION 1891.** 91.19 (7) of the statutes is amended to read:

10 91.19 (7) Whenever a farmland preservation agreement is relinquished under
11 sub. (2) or (6t) or all or part of the land is released from a farmland preservation
12 agreement under sub. (2) or (6p) or a transition area agreement is relinquished under
13 sub. (2) or, subject to subs. (12) and (13), a transition area agreement is relinquished
14 under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien
15 against the property formerly subject to the agreement for the total amount of all
16 credits received by all owners of such lands under ~~subch. IX of ch. 71 ss. 71.59 and~~
17 71.60 during the last 10 years that the land was eligible for such credit, plus interest
18 at the rate of 9.3% per year compounded annually on the credits received from the
19 time the credits were received until the lien is paid for farmland preservation
20 agreements relinquished under sub. (6t) and 6% per year compounded annually on
21 the credits received from the time the credits were received until the lien is paid for
22 other agreements. No interest shall be compounded for any period during which the
23 farmland is subject to a subsequent farmland preservation agreement or transition
24 area agreement or is zoned for exclusive agricultural use under an ordinance
25 certified under ~~subch. V s. 91.06, 1997 stats.~~

BILL

1 ***-1785/1.44*** **SECTION 1892.** 91.19 (8) of the statutes is amended to read:

2 91.19 (8) Subject to subs. (12) and (13), upon the relinquishment of a farmland
3 preservation agreement under sub. (1) or (1m), the department shall cause to be
4 prepared and recorded a lien against the property formerly subject to the farmland
5 preservation agreement for the total amount of the credits received by all owners
6 thereof under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~ during the last 10 years that the
7 land was eligible for such credit, plus 6% interest per year compounded from the time
8 of relinquishment. No interest shall be compounded for any period during which the
9 farmland is subject to a subsequent farmland preservation agreement or transition
10 area agreement or is zoned for exclusive agricultural use under an ordinance
11 certified under ~~subch. V s. 91.06, 1997 stats.~~

12 ***-1785/1.45*** **SECTION 1893.** 91.19 (10) of the statutes is amended to read:

13 91.19 (10) The lien may be paid and discharged at any time and shall become
14 payable to the state by the owner of record at the time the land or any portion of it
15 is sold by the owner of record to any person except the owner's child or if the land is
16 converted to a use prohibited by the former farmland preservation agreement. Upon
17 reentry in an agreement under this subchapter or upon zoning for exclusively
18 agricultural use under an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, the
19 portion of the lien on the land reentered or so zoned shall be discharged. The
20 discharge of a lien does not affect the calculation of any subsequent lien under sub.
21 (7) or (8). The proceeds from the payment shall be paid into the general fund.

22 ***-1785/1.46*** **SECTION 1894.** 91.19 (12) of the statutes is amended to read:

23 91.19 (12) No lien may be filed under sub. (7) or (8), on the date of
24 relinquishment, release or termination, for tax credits paid on lands or any portion

BILL

1 of them which are zoned for exclusively agricultural use under an ordinance certified
2 under ~~subch. V s. 91.06, 1997 stats.~~

3 ***-1785/1.47* SECTION 1895.** 91.19 (13) of the statutes is amended to read:

4 91.19 (13) No lien may be filed under sub. (7) or (8) for any amount of tax credits
5 paid under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~ to any owner of farmland if, up to
6 the date of relinquishment under sub. (1) or (1m) of the applicable farmland
7 preservation agreement or transition area agreement, all of the requirements under
8 this subchapter that relate to the agreement have been satisfied by the owner.

9 ***-1785/1.48* SECTION 1896.** 91.21 (3) of the statutes is amended to read:

10 91.21 (3) If the owner or a successor in title of the land upon which a farmland
11 preservation agreement has been recorded under this chapter fails to comply with
12 s. 91.13 (8) ~~(d) or~~ (dm), such person shall be given one year to restore compliance
13 before the remedies of sub. (1) shall be applicable.

14 ***-1785/1.49* SECTION 1897.** 91.25 of the statutes is created to read:

15 **91.25 Phaseout of agreements.** The department may not enter into, or
16 extend, an agreement under this subchapter after the effective date of this section
17 [revisor inserts date].

18 ***-1785/1.50* SECTION 1898.** Subchapter III of chapter 91 [precedes 91.31] of
19 the statutes is repealed.

20 ***-1785/1.51* SECTION 1899.** Subchapter IV of chapter 91 [precedes 91.51] of
21 the statutes is repealed.

22 ***-1785/1.52* SECTION 1900.** 91.71 of the statutes is repealed.

23 ***-1785/1.53* SECTION 1901.** 91.73 (2) of the statutes is repealed.

24 ***-1785/1.54* SECTION 1902.** 91.75 (intro.) of the statutes is amended to read:

BILL

1 **91.75 Ordinance standards.** (intro.) A zoning ordinance shall be deemed an
2 “exclusive agricultural use ordinance” if it includes those jurisdictional,
3 organizational or enforcement provisions necessary for its proper administration, if
4 the land in exclusive agricultural use districts is limited to agricultural use and is
5 ~~identified as an agricultural preservation area under any agricultural preservation~~
6 ~~plans adopted under subch. IV~~ and if the regulations on the use of agricultural lands
7 in such districts meet the following standards which, except for sub. (4), are
8 minimum standards:

9 *~~1785/1.55~~* **SECTION 1903.** 91.75 (1) of the statutes is repealed and recreated
10 to read:

11 91.75 (1) A minimum lot size is specified.

12 *~~1785/1.56~~* **SECTION 1904.** 91.75 (6) of the statutes is amended to read:

13 91.75 (6) For purposes of farm consolidation and if permitted by local
14 regulation, farm residences or structures which existed prior to the adoption of the
15 ordinance may be separated from a larger farm parcel. ~~Farm residences or~~
16 ~~structures with up to 5 acres of land which are separated from a larger farm parcel~~
17 ~~under this section are not subject to the lien under s. 91.19 (8) to (10), as required in~~
18 ~~s. 91.77 (2) or 91.79.~~

19 *~~1785/1.57~~* **SECTION 1905.** 91.77 (2) of the statutes is repealed.

20 *~~1785/1.58~~* **SECTION 1906.** 91.78 of the statutes is repealed.

21 *~~1785/1.59~~* **SECTION 1907.** 91.79 of the statutes is repealed.

22 *~~1785/1.60~~* **SECTION 1908.** 91.80 (1) of the statutes is amended to read:

23 91.80 (1) ORDINANCE. Any county, city, village or town may require by separate
24 ordinance that land for which an owner ~~receives a zoning certificate under s. 71.59~~
25 (1)(b) applies for a farmland preservation credit under ss. 71.59 and 71.60 be farmed

BILL**SECTION 1908**

1 in compliance with reasonable soil and water conservation standards established by
2 the county land conservation committee.

3 ***-1243/2.1* SECTION 1909.** 92.04 (2) (b) of the statutes is amended to read:

4 92.04 (2) (b) *Review and approve land and water resource management plans.*

5 The board shall review and approve or disapprove land and water resource
6 management plans prepared under s. 92.10 ~~and make recommendations to the~~
7 ~~department on approval or disapproval of those plans.~~

8 ***-1785/1.61* SECTION 1910.** 92.08 (1) of the statutes is amended to read:

9 92.08 (1) Every land conservation committee shall prepare annually for its
10 county a plan which describes the soil and water resource activities to be undertaken
11 by that county and the dollar amounts required for personnel to administer and
12 implement activities in that county related to soil conservation activities required
13 under ~~ss. 92.104 and s. 92.105~~ to claim a farmland preservation credit under ~~subch.~~
14 ~~IX of ch. 71 ss. 71.59 and 71.60~~, activities required under s. 92.17 related to shoreland
15 management or activities required under s. 281.65 (8m) related to the development
16 or implementation of animal waste or construction site erosion ordinances. The land
17 conservation committee shall submit that plan to the county board of that county and
18 to the department.

19 ***-1243/2.2* SECTION 1911.** 92.10 (4) (d) of the statutes is amended to read:

20 92.10 (4) (d) *Plan review.* The department, in consultation with the
21 department of natural resources, shall review ~~and approve or disapprove~~ land and
22 water resource management plans submitted by the land conservation committees,
23 summarize the plans and make recommendations to the board on approval or
24 disapproval of the plans. The department may require land conservation committees

BILL

1 to indicate specific projects to be funded under each plan and the related
2 cost-sharing rates.

3 ***-1243/2.3* SECTION 1912.** 92.10 (5) (a) of the statutes is amended to read:

4 92.10 (5) (a) *Plan review.* The board shall review and approve or disapprove
5 land and water resource management plans submitted by the land conservation
6 committees ~~and make recommendations to the department.~~

7 ***-1243/2.4* SECTION 1913.** 92.10 (6) (a) of the statutes is repealed and
8 recreated to read:

9 92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare
10 a land and water resource management plan that, at a minimum, does all of the
11 following:

12 1. Assesses water quality and soil erosion conditions throughout the county.

13 2. Specifies water quality and soil erosion control goals and identifies the areas
14 that may not be meeting those goals.

15 3. Identifies applicable performance standards and prohibitions related to the
16 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil
17 erosion control, including those under this chapter and chs. 281 and 283 and ss.
18 59.692 and 59.693.

19 4. Includes a multiyear description of planned county activities, and priorities
20 for those activities, related to land and water resources, including those designed to
21 meet the goals specified under subd. 2. and to ensure compliance with the standards
22 and prohibitions identified under subd. 3.

23 5. Describes a system to monitor the progress of activities described in the plan.

24 6. Includes a strategy to provide information and education related to soil and
25 water resource management.

BILL**SECTION 1913**

1 7. Describes methods for coordinating activities described in the plan with
2 programs of other local, state and federal agencies.

3 *–1785/1.62* **SECTION 1914.** 92.104 of the statutes is repealed.

4 *–1785/1.63* **SECTION 1915.** 92.105 (1) of the statutes is amended to read:

5 92.105 (1) **ESTABLISHMENT.** A land conservation committee shall establish soil
6 and water conservation standards. The standards ~~and specifications~~ for agricultural
7 facilities and practices that are constructed or begun on or after October 14, 1997,
8 and, if cost-sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or
9 from any other source, for agricultural facilities and practices that are constructed
10 or begun before that date shall be consistent with the performance standards,
11 prohibitions, conservation practices and technical standards under s. 281.16 (3). ~~It~~
12 Beginning on January 1, 2001, the standards shall be consistent with the tolerable
13 erosion level established under s. 92.04 (2) (i) and with nutrient management rules
14 promulgated under s. 92.05 (3) (k). A land conservation committee shall submit
15 these standards to the board for review.

16 *–1785/1.64* **SECTION 1916.** 92.105 (2) of the statutes is amended to read:

17 92.105 (2) **GUIDELINES; REVIEW.** The board shall develop guidelines to be used
18 for the establishment and administration of soil and water conservation standards.
19 The board shall review and shall approve or disapprove submitted soil and water
20 conservation standards based on the guidelines it develops. If the board approves
21 soil and water conservation standards, it shall notify ~~any appropriate zoning~~
22 authority the land conservation committee of its approval.

23 *–1785/1.65* **SECTION 1917.** 92.105 (3) of the statutes is amended to read:

24 92.105 (3) **APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT.**
25 A farmland preservation credit may not be allowed under ~~subch. IX of ch. 71~~ ss. 71.59

BILL

1 and 71.60 for claims relating to any land to which this section applies unless the land
2 conservation committee for the county where the property is located establishes soil
3 and water conservation standards which are approved by the board.

4 ***-1785/1.66* SECTION 1918.** 92.105 (5) of the statutes is amended to read:

5 92.105 (5) NONCOMPLIANCE. If the land conservation committee determines
6 that farming operations on land to which this section applies do not comply with soil
7 and water conservation standards, it shall issue a notice of noncompliance to the
8 farmer and send a copy of the notice to ~~any appropriate zoning authority. If no~~
9 ~~appropriate zoning authority exists, it shall send a copy to the department of~~
10 revenue. This notice of noncompliance remains in effect until canceled. If actions
11 are taken to comply with the soil and water conservation standards in a manner
12 satisfactory to the land conservation committee, it shall cancel the notice of
13 noncompliance by notifying the farmer and by sending a copy of the cancellation to
14 ~~any appropriate zoning authority. If no appropriate zoning authority exists or if the~~
15 ~~original notice was sent to the department of revenue, it shall send a copy of the~~
16 ~~cancellation to the department of revenue.~~

17 ***-1785/1.67* SECTION 1919.** 92.105 (6) of the statutes is amended to read:

18 92.105 (6) ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland
19 preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~
20 if a notice of noncompliance is in effect with respect to a claimant to which this section
21 applies at the time the claim is filed.

22 ***-1785/1.68* SECTION 1920.** 92.105 (7) (a) (title) of the statutes is repealed.

23 ***-1785/1.69* SECTION 1921.** 92.105 (7) (a) of the statutes is renumbered 92.105
24 (7) and amended to read:

BILL**SECTION 1921**

1 92.105 (7) APPLICABILITY. This section and soil and water conservation
2 standards established under this section apply only to a person claiming a farmland
3 preservation credit under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~, land related to that
4 claim and farming operations on that land ~~and apply only as provided under pars.~~
5 (b) to (d).

6 *~~-1785/1.70~~* **SECTION 1922.** 92.105 (7) (b) to (d) of the statutes are repealed.

7 *~~-1785/1.71~~* **SECTION 1923.** 92.14 (2) (e) of the statutes is amended to read:

8 92.14 (2) (e) Promoting compliance with the requirements under ~~ss. 92.104 and~~
9 s. 92.105 by persons claiming a farmland preservation credit under ~~subch. IX of ch.~~
10 71 ss. 71.59 and 71.60.

11 *~~-1785/1.72~~* **SECTION 1924.** 92.14 (3) (a) of the statutes is amended to read:

12 92.14 (3) (a) Compliance with requirements under ~~ss. 92.104 and s. 92.105~~ by
13 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~
14 and 71.60.

15 *~~-1785/1.73~~* **SECTION 1925.** 92.14 (4) (b) of the statutes is amended to read:

16 92.14 (4) (b) Implementing land and water resource management projects
17 undertaken to comply with the requirements under ~~ss. 92.104 and s. 92.105~~ by
18 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~
19 and 71.60.

20 *~~-1785/1.74~~* **SECTION 1926.** 92.14 (6) (c) 1. of the statutes is amended to read:

21 92.14 (6) (c) 1. Cost-effectiveness of an activity, including but not limited to
22 technical assistance, educational assistance, management practices, and satisfying
23 the requirements under ~~ss. 92.104 and s. 92.105~~ for claiming farmland preservation
24 credits under ~~subch. IX of ch. 71 ss. 71.59 and 71.60.~~

25 *~~-0099/1.2~~* **SECTION 1927.** 93.06 (1n) of the statutes is created to read:

BILL

1 93.06 (1n) ELECTRONIC PROCESSING. (a) Accept and process by electronic means
2 applications and payments for licenses, permits, registrations and certificates that
3 are issued by the department.

4 (b) Accept and process by electronic means requests and payments for goods
5 and services that the department is authorized to provide.

6 (c) Charge fees to cover the department's electronic processing costs under
7 pars. (a) and (b). The fees under this paragraph are in addition to any other fees
8 required to be paid to the department.

9 ***-0100/1.3*** SECTION 1928. 93.06 (12) of the statutes is created to read:

10 93.06 (12) FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations
11 to seek the reform of federal milk marketing orders and other federally authorized
12 dairy pricing policies for the benefit of milk producers in this state.

13 ***-0100/1.4*** SECTION 1929. 93.06 (12) of the statutes, as created by 1999
14 Wisconsin Act (this act), is repealed.

15 ***-0103/1.3*** SECTION 1930. 93.06 (13) of the statutes is created to read:

16 93.06 (13) PLANT PROTECTION AGREEMENTS. Enter into cooperative agreements
17 with corporations, associations, foundations and individuals to carry out plant
18 protection activities under ch. 94.

19 ***-0239/1.1*** SECTION 1931. 93.12 (9) of the statutes is amended to read:

20 93.12 (9) The department shall recognize the accreditation, certification or
21 registration of a laboratory by the department of natural resources under s. 299.11
22 and shall accept the results of any test conducted by a laboratory accredited, certified
23 or registered to conduct that category of test under that section.

24 ***-0091/5.4*** SECTION 1932. 93.135 (1) (b) of the statutes is amended to read:

25 93.135 (1) (b) A license under s. 94.10 (2) or (3) or ~~(4)~~.

BILL**SECTION 1933**

1 ***-0094/2.2*** **SECTION 1933.** 93.60 of the statutes is repealed.

2 ***-0091/5.5*** **SECTION 1934.** 94.10 of the statutes is repealed and recreated to
3 read:

4 **94.10 Nursery stock; inspection and licensing. (1) DEFINITIONS.** In this
5 section:

6 (b) “Nonprofit organization” means an organization described in section 501 (c)
7 of the Internal Revenue Code that is exempt from federal income tax under section
8 501 (a) of the Internal Revenue Code.

9 (c) “Nursery” means premises in this state on which a person propagates or
10 grows nursery stock for sale. “Nursery” does not include heeling-in grounds or other
11 premises where a person holds nursery stock for purposes other than propagation or
12 growth.

13 (d) “Nursery dealer” means a person, other than a nursery grower, who sells,
14 offers for sale or distributes nursery stock from a location in this state.

15 (e) “Nursery grower” means a person who owns or operates a nursery.

16 (f) “Nursery stock” means plants and plant parts that can be propagated or
17 grown, including rooted Christmas trees, but excluding seeds, sod, cranberry
18 cuttings and annuals.

19 (g) “Officially inspected source” means any of the following:

20 1. A nursery dealer licensed under sub. (2).

21 2. A nursery grower licensed under sub. (3).

22 3. A source outside this state that the department recognizes under sub. (10)
23 as an officially inspected source.

24 (i) “Rooted Christmas tree” means an evergreen tree that is rooted in the soil
25 and grown for eventual harvest and sale as a Christmas tree.

BILL

1 (j) "Sell" means to transfer ownership, for consideration.

2 (2) NURSERY DEALER; ANNUAL LICENSE. (a) *License required.* Except as provided
3 in par. (f), no person may operate as a nursery dealer without an annual license from
4 the department. A nursery dealer license expires on February 20. A nursery dealer
5 license may not be transferred to another person.

6 (b) *Applying for a license.* A person applying for a nursery dealer license under
7 par. (a) shall apply on a form provided by the department. An applicant shall provide
8 all of the following to the department:

9 1. The applicant's legal name and address and any other name under which the
10 applicant does business.

11 2. The address of each location at which the applicant proposes to hold nursery
12 stock for sale.

13 3. The license fee required under par. (c).

14 4. The surcharge required under par. (d), if any.

15 5. Other information reasonably required by the department for licensing
16 purposes.

17 (c) *License fee.* A nursery dealer shall pay the following annual license fee,
18 based on annual purchases calculated according to par. (e):

19 1. If the nursery dealer buys no more than \$5,000 worth of nursery stock for
20 resale, \$30.

21 2. If the nursery dealer buys more than \$5,000 but not more than \$20,000 worth
22 of nursery stock for resale, \$50.

23 3. If the nursery dealer buys more than \$20,000 but not more than \$100,000
24 worth of nursery stock for resale, \$100.

BILL**SECTION 1934**

1 4. If the nursery dealer buys more than \$100,000 but not more than \$200,000
2 worth of nursery stock for resale, \$150.

3 5. If the nursery dealer buys more than \$200,000 but not more than \$500,000
4 worth of nursery stock for resale, \$200.

5 6. If the nursery dealer buys more than \$500,000 but not more than \$2,000,000
6 worth of nursery stock for resale, \$300.

7 7. If the nursery dealer buys more than \$2,000,000 worth of nursery stock for
8 resale, \$400.

9 (d) *Surcharge for operating without a license.* In addition to the fee required
10 under par. (c), an applicant for a nursery dealer license shall pay a surcharge equal
11 to the amount of that fee if the department determines that, within 365 days before
12 submitting the application, the applicant operated as a nursery dealer without a
13 license in violation of par. (a). Payment of the surcharge does not relieve the
14 applicant of any other penalty or liability that may result from the violation, but does
15 not constitute evidence of a violation of par. (a).

16 (e) *Calculating annual purchases.* The amount of an applicant's license fee
17 under par. (c) for a license year shall be based on the applicant's purchases of nursery
18 stock during the applicant's preceding fiscal year, except that if the applicant made
19 no purchases of nursery stock during the preceding fiscal year the fee shall be based
20 on the applicant's good faith prediction of purchases during the license year for which
21 the applicant is applying.

22 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

23 1. A person whose only sales of nursery stock are retail sales totaling less than
24 \$250 annually.

BILL

1 2. A person selling or offering to sell nursery stock pursuant to a valid permit
2 under par. (g).

3 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
4 may issue a temporary permit authorizing the permit holder to sell nursery stock,
5 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
6 days. An applicant for a temporary permit shall apply on a form provided by the
7 department and shall pay a fee of \$5. The department may impose written conditions
8 on the temporary permit and may summarily suspend or revoke the permit if the
9 permit holder violates those conditions.

10 (3) NURSERY GROWER; ANNUAL LICENSE. (a) *License required.* Except as provided
11 in par. (f), no person may operate as a nursery grower without an annual license from
12 the department. A nursery grower license expires on February 20. A nursery grower
13 license may not be transferred to another person.

14 (b) *Applying for a license.* A person applying for a nursery grower license under
15 par. (a) shall apply on a form provided by the department. An applicant shall provide
16 all of the following to the department:

17 1. The applicant's legal name and address and any other name under which the
18 applicant does business.

19 2. The address of each location in this state at which the applicant operates a
20 nursery or holds nursery stock for sale.

21 3. The license fee required under par. (c) or (cm).

22 4. The surcharge required under (d), if any.

23 5. Other information reasonably required by the department for licensing
24 purposes.

BILL**SECTION 1934**

1 (c) *License fee; general.* Except as provided in par. (cm), a nursery grower shall
2 pay the following annual license fee, based on annual sales calculated according to
3 par. (e):

4 1. If the nursery grower annually sells no more than \$5,000 worth of nursery
5 stock, \$40.

6 2. If the nursery grower annually sells more than \$5,000 but not more than
7 \$20,000 worth of nursery stock, \$75.

8 3. If the nursery grower annually sells more than \$20,000 but not more than
9 \$100,000 worth of nursery stock, \$125.

10 4. If the nursery grower annually sells more than \$100,000 but not more than
11 \$200,000 worth of nursery stock, \$200.

12 5. If the nursery grower annually sells more than \$200,000 but not more than
13 \$500,000 worth of nursery stock, \$350.

14 6. If the nursery grower annually sells more than \$500,000 but not more than
15 \$2,000,000 worth of nursery stock, \$600.

16 7. If the nursery grower annually sells more than \$2,000,000 worth of nursery
17 stock, \$1,200.

18 (cm) *License fee; Christmas tree growers.* A Christmas tree grower shall pay
19 the following annual license fee, based on annual sales calculated according to par.
20 (e):

21 1. If the Christmas tree grower annually sells no more than \$5,000 worth of
22 Christmas trees, \$20.

23 2. If the Christmas tree grower annually sells more than \$5,000 but not more
24 than \$20,000 worth of Christmas trees, \$55.

BILL

1 3. If the Christmas tree grower annually sells more than \$20,000 but not more
2 than \$100,000 worth of Christmas trees, \$90.

3 4. If the Christmas tree grower annually sells more than \$100,000 but not more
4 than \$200,000 worth of Christmas trees, \$150.

5 5. If the Christmas tree grower annually sells more than \$200,000 but not more
6 than \$500,000 worth of Christmas trees, \$250.

7 6. If the Christmas tree grower annually sells more than \$500,000 but not more
8 than \$2,000,000 worth of Christmas trees, \$450.

9 7. If the Christmas tree grower annually sells more than \$2,000,000 worth of
10 Christmas trees, \$900.

11 (d) *Surcharge for operating without a license.* In addition to the fee required
12 under par. (c) or (cm), an applicant for a nursery grower license shall pay a surcharge
13 equal to the amount of that fee if the department determines that, within 365 days
14 before submitting that application, the applicant operated as a nursery grower
15 without a license in violation of par. (a). Payment of the surcharge does not relieve
16 the applicant of any other penalty or liability that may result from the violation, but
17 does not constitute evidence of a violation of par. (a).

18 (e) *Calculating annual sales.* The amount of an applicant's license fee under
19 par. (c) or (cm) for a license year shall be based on the applicant's sales of nursery
20 stock during the applicant's preceding fiscal year, except that if the applicant made
21 no sales during the preceding fiscal year the fee shall be based on the applicant's good
22 faith prediction of sales during the license year for which the applicant is applying.

23 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

24 1. A nursery grower whose only sales of nursery stock are retail sales totaling
25 less than \$250 annually.

BILL

1 2. A person growing nursery stock for sale pursuant to a valid temporary permit
2 under par. (g).

3 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
4 may issue a temporary permit authorizing the permit holder to sell nursery stock,
5 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
6 days. An applicant for a temporary permit shall apply on a form provided by the
7 department and shall pay a fee of \$5. The department may impose written conditions
8 on the temporary permit and may summarily suspend or revoke the permit if the
9 permit holder violates those conditions.

10 **(3m) NOTICE OF NEW LOCATIONS.** (a) The holder of a nursery dealer license shall
11 notify the department in writing before adding, during a license year, any new
12 location at which the license holder will hold nursery stock for sale. The license
13 holder shall specify the address of the new location in the notice.

14 (b) The holder of a nursery grower license shall notify the department in
15 writing before adding, during the license year, any new location at which the license
16 holder will operate a nursery or hold nursery stock for sale. The license holder shall
17 specify the address of the new location in the notice.

18 **(4) NURSERY GROWERS AND DEALERS; RECORDS.** (a) *Nursery dealers; records of*
19 *nursery stock received.* A nursery dealer shall keep a record of every shipment of
20 nursery stock received by the nursery dealer. The nursery dealer shall include all
21 of the following in the record:

22 1. A description of the types of nursery stock, and the quantity of nursery stock
23 of each type, included in the shipment.

24 2. The name and address of the source from which the nursery dealer received
25 the shipment.

BILL

1 (b) *Nursery growers and dealers; records of shipments to other nursery growers*
2 *and dealers.* Each nursery grower and nursery dealer shall record every shipment
3 of nursery stock that the nursery grower or nursery dealer sells or distributes to
4 another nursery grower or nursery dealer. The nursery grower or nursery dealer
5 shall include all of the following in the record:

6 1. A description of the types of nursery stock, and the quantity of nursery stock
7 of each type, included in the shipment.

8 2. The name and address of the nursery grower or nursery dealer receiving the
9 shipment.

10 (c) *Records retained and made available.* A nursery grower or nursery dealer
11 who is required to keep records under par. (a) or (b) shall retain those records for at
12 least 3 years and shall make those records available to the department for inspection
13 and copying upon request.

14 (5) LABELING NURSERY STOCK. (a) *Nursery stock shipped to dealer.* No person
15 may sell or distribute any shipment of nursery stock to a nursery dealer, and no
16 nursery dealer may accept a shipment of nursery stock, unless that shipment is
17 labeled with all of the following:

18 1. The name and address of the person selling or distributing the shipment to
19 the nursery dealer.

20 2. A certification, by the person under subd. 1., that all of the nursery stock
21 included in the shipment is from officially inspected sources.

22 (b) *Growers and dealers to report unlabeled shipments.* Whenever any person
23 tenders to a nursery grower or nursery dealer any shipment of nursery stock that is
24 not fully labeled according to par. (a), the nursery grower or nursery dealer shall
25 promptly report that unlabeled shipment to the department.

BILL**SECTION 1934**

1 (c) *Nursery stock sold at retail.* A person selling nursery stock at retail shall
2 ensure that the nursery stock is labeled with the common or botanical name of the
3 nursery stock.

4 **(6) CARE OF NURSERY STOCK.** (a) *Adequate facilities.* A nursery grower or
5 nursery dealer shall maintain facilities that are reasonably adequate for the care and
6 keeping of nursery stock held for sale, so that the nursery grower or nursery dealer
7 can keep the nursery stock in healthy condition pending sale.

8 (b) *Reasonable examinations.* Nursery growers and nursery dealers shall make
9 reasonable examinations of nursery stock held for sale to determine whether that
10 nursery stock is capable of reasonable growth, is infested with injurious pests or is
11 infected with disease.

12 **(7) PROHIBITIONS.** (a) *Nursery dealers.* No nursery dealer may do any of the
13 following:

14 1. Obtain, hold, sell, offer to sell or distribute nursery stock from any source
15 other than an officially inspected source.

16 2. Misrepresent that the nursery dealer is a nursery grower.

17 (b) *Nursery growers and dealers.* No nursery grower or nursery dealer may do
18 any of the following:

19 1. Sell, offer to sell or distribute any nursery stock that the nursery grower or
20 nursery dealer knows, or has reason to know, is infested with plant pests or infected
21 with plant diseases that may be spread by the sale or distribution of that nursery
22 stock.

23 2. Sell, offer to sell or distribute any nursery stock that the nursery grower or
24 nursery dealer knows, or has reason to know, will not survive or grow.

BILL

1 3. Misrepresent the name, origin, grade, variety, quality or hardiness of any
2 nursery stock offered for sale or make any other false or misleading representation
3 in the advertising or sale of nursery stock.

4 4. Conceal nursery stock to avoid inspection by the department, falsify any
5 record required under this section or make any false or misleading statement to the
6 department.

7 (8) DEPARTMENT INSPECTION. The department may inspect nurseries and
8 premises at which nursery stock is held for sale or distribution.

9 (9) DEPARTMENT ORDERS. (a) *Holding orders and remedial orders.* An
10 authorized employe or agent of the department may, by written notice, order a
11 nursery grower or nursery dealer to do any of the following:

12 1. Temporarily hold nursery stock pending inspection by the department.

13 2. Remedy violations of this section.

14 3. Refrain from importing weeds or pests that threaten agricultural production
15 or the environment in this state.

16 4. Permanently withhold nursery stock from sale or distribution, if the sale or
17 distribution would violate this section or an order issued under this section and the
18 violation cannot be adequately remedied in another manner.

19 5. Destroy or return, without compensation from the department, nursery
20 stock that is sold or distributed in violation of this section, or an order issued under
21 this section, if the violation cannot be adequately remedied in another manner.

22 (b) *Hearing.* If the recipient of an order under par. (a) requests a hearing on
23 that order, the department shall hold an informal hearing within 10 days unless the
24 recipient of the order consents to a later date for an informal hearing. The request
25 for a hearing is not a request under s. 227.42 (2). If a contested matter is not resolved

BILL**SECTION 1934**

1 at the informal hearing, the recipient of the order is entitled to a class 2 contested
2 case hearing under ch. 227. The department is not required to stay an order under
3 par. (a) pending the outcome of any hearing under this paragraph.

4 (10) **RECIPROCAL AGREEMENTS WITH OTHER STATES.** (a) *General.* The department
5 may enter into reciprocal agreements with other states to facilitate interstate
6 shipments of nursery stock.

7 (b) *Officially inspected sources.* As part of an agreement under par. (a), the
8 department may recognize sources of nursery stock in another state as officially
9 inspected sources.

10 (c) *Inspection and certification standards.* An agreement under par. (a) may
11 specify standards and procedures for all of the following:

12 1. Inspecting officially inspected sources of nursery stock.

13 2. Inspecting and certifying interstate shipments of nursery stock.

14 *–0096/1.2* **SECTION 1935.** 94.50 (2) of the statutes is amended to read:

15 94.50 (2) **GROWERS AND DEALERS; REGISTRATION.** No person may act as a grower
16 or a dealer unless he or she is registered with the department. Any person who acts
17 as a dealer and a grower shall register as both. Registrations shall be made annually
18 on a form provided by the department. Registrations expire on December 31 of each
19 year. A dealer shall pay to the department an annual registration fee of \$25. The
20 department shall assign a registration number to each person registered under this
21 subsection. All moneys collected under this subsection shall be credited to the
22 appropriation account under s. 20.115 (7) (ga).

23 *–0096/1.3* **SECTION 1936.** 94.50 (3) (b) of the statutes is amended to read:

24 94.50 (3) (b) The department shall upon request provide each registered grower
25 and dealer with shipment certificates and report forms required under par. (a). The

BILL

1 department shall stamp each shipment certificate and report form with the
2 registration number of the grower or dealer. A shipment certificate and report form
3 is valid only if used during the registration period for which the stamp registration
4 number of the grower or dealer was issued. The department may charge a reasonable
5 fee to recover the costs related to providing shipment certificates and report forms.
6 All moneys collected under this paragraph shall be credited to the appropriation
7 account under s. 20.115 (7) (ga).

8 ***-0095/3.3* SECTION 1937.** 94.64 (4) (a) 1. of the statutes is amended to read:

9 94.64 (4) (a) 1. A basic fee of ~~25~~ 23 cents per ton for fertilizer sold or distributed
10 from July 1, 1997, to June 30, 1999 beginning on the effective date of this subdivision
11 [revisor inserts date], and ending on June 30, 2001, and ~~32~~ 30 cents per ton for
12 fertilizer sold or distributed after June 30, ~~1999~~ 2001, with a minimum fee of \$25.

13 ***-0095/3.4* SECTION 1938.** 94.64 (4) (a) 6. of the statutes is created to read:

14 94.64 (4) (a) 6. Beginning on the effective date of this subdivision [revisor
15 inserts date], a weights and measures inspection fee of 2 cents per ton, with a
16 minimum fee of \$1.

17 ***-0095/3.5* SECTION 1939.** 94.64 (4) (c) 6. of the statutes is created to read:

18 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the
19 appropriation account under s. 20.115 (1) (j).

20 ***-0095/3.6* SECTION 1940.** 94.681 (2) (a) 1. to 3. of the statutes are amended

21 to read:

22 94.681 (2) (a) 1. If the applicant sold less than \$25,000 of the product during
23 the preceding year for use in this state, \$265, except that the fee is \$215 for the license
24 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
25 January 1, 2002.

BILL**SECTION 1940**

1 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
2 during the preceding year for use in this state, \$750, except that the fee is \$650 for
3 the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, January
4 1, 2001, and January 1, 2002.

5 3. If the applicant sold at least \$75,000 of the product during the preceding year
6 for use in this state, \$1,500, except that the fee is \$1,200 for the license years that
7 begin on January 1, 1999, ~~and on~~ January 1, 2000, January 1, 2001, and January 1,
8 2002.

9 ***-0095/3.7*** SECTION 1941. 94.681 (2) (b) 1. to 3. of the statutes are amended
10 to read:

11 94.681 (2) (b) 1. If the applicant sold less than \$25,000 of the product during
12 the preceding year for use in this state, \$315, except that the fee is \$265 for the license
13 years that begin on January 1, 1999, ~~and on~~ January 1, 2000, January 1, 2001, and
14 January 1, 2002.

15 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
16 during the preceding year for use in this state, \$860, except that the fee is \$760 for
17 the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, January
18 1, 2001, and January 1, 2002.

19 3. If the applicant sold at least \$75,000 of that product during the preceding
20 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years
21 that begin on January 1, 1999, ~~and on~~ January 1, 2000, January 1, 2001, and
22 January 1, 2002.

23 ***-0095/3.8*** SECTION 1942. 94.681 (2) (c) 1. to 3. of the statutes are amended
24 to read:

BILL

1 94.681 (2) (c) 1. If the applicant sold less than \$25,000 of that product during
2 the preceding year for use in this state, \$320, except that the fee is \$270 for the license
3 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
4 January 1, 2002.

5 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
6 during the preceding year for use in this state, \$890, except that the fee is \$790 for
7 the license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January
8 1, 2001, and January 1, 2002.

9 3. If the applicant sold at least \$75,000 of the product during the preceding year
10 for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the product
11 during the preceding year for use in this state, except that for the license years that
12 begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and January 1,
13 2002, the fee shall be \$2,760 plus 0.2% of the gross revenues from sales of the product
14 during the preceding year for use in this state.

15 *~~0095/3.9~~* **SECTION 1943.** 94.704 (3) (a) 1. of the statutes is amended to read:

16 94.704 (3) (a) 1. A license fee of \$40, except that the license fee is \$30 for the
17 license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1,
18 2001, and January 1, 2002.

19 *~~0095/3.10~~* **SECTION 1944.** 94.72 (6) (a) 1. and 2. of the statutes are amended
20 to read:

21 94.72 (6) (a) 1. For commercial feeds distributed in this state ~~during the years~~
22 ~~that begin on January 1, 1998, and on January 1, 1999,~~ beginning on the effective
23 date of this subdivision ... [revisor inserts date], and ending on December 31, 2001,
24 a feed inspection fee of 13 cents per ton.

BILL**SECTION 1944**

1 2. For commercial feeds distributed in this state on or after January 1, 2000,
2 ~~25 2002~~, a feed inspection fee of 23 cents per ton.

3 *~~0095/3.11~~* **SECTION 1945.** 94.72 (6) (a) 3. of the statutes is created to read:
4 94.72 (6) (a) 3. Beginning on the effective date of this subdivision [revisor
5 inserts date], for commercial feeds distributed in this state a weights and measures
6 inspection fee of 2 cents per ton.

7 *~~0102/1.3~~* **SECTION 1946.** 95.21 (9) (c) of the statutes is created to read:
8 95.21 (9) (c) The department may provide training to persons who administer
9 local rabies control programs or who conduct rabies examinations under those
10 programs. The department may charge fees to cover the cost of training. The fees
11 collected under this paragraph shall be credited to the appropriation under s. 20.115
12 (2) (j).

13 *~~0567/1.1~~* **SECTION 1947.** 97.30 (1) (bm) of the statutes is repealed and
14 recreated to read:

15 97.30 (1) (bm) Except as provided by the department by rule, “potentially
16 hazardous food” means a food that requires temperature control because it is in a
17 form capable of supporting any of the following:

- 18 1. Rapid and progressive growth of infectious or toxicogenic microorganisms.
- 19 2. Growth and toxin production of *Clostridium botulinum*.
- 20 3. In raw shell eggs, growth of *Salmonella enteritidis*.

21 *~~0239/1.2~~* **SECTION 1948.** 97.34 (2) (c) of the statutes is amended to read:

22 97.34 (2) (c) The department may require testing of bottled drinking water for
23 substances subject to any standard under par. (b) and for any other substance if the
24 department determines that the water system used as the source of the bottled
25 drinking water has a potential of being contaminated, based on contamination of

BILL

1 other water systems or groundwater in the vicinity. The department shall adopt by
2 rule requirements for periodic sampling and analysis for the purposes of this
3 subsection. The department shall require all analyses to be conducted by a
4 laboratory accredited or certified under s. 299.11.

5 ***-0567/1.2* SECTION 1949.** 97.42 (4) (intro.) of the statutes is amended to read:

6 97.42 (4) RULES. (intro.) The department ~~shall~~ may issue reasonable rules
7 requiring or prescribing any of the following:

8 ***-0567/1.3* SECTION 1950.** 97.42 (4m) of the statutes is created to read:

9 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
10 under sub. (4), the operator of an establishment that is required to be licensed under
11 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 416 and 417 and
12 part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
13 establishments.

14 ***-0061/4.1* SECTION 1951.** 98.04 (1) of the statutes is amended to read:

15 98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a
16 population of more than 5,000, according to the ~~latest federal census~~ most recent
17 population estimate made by the department of administration under s. 16.96, shall
18 enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it, a~~
19 municipality shall establish a municipal department of weights and measures. Each
20 municipal department of weights and measures shall have such number of qualified
21 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers
22 or inspectors shall have the same authority as sealers or inspectors of the
23 department. The selection of municipal sealers or inspectors shall be from a list of
24 applicants whose qualifications have been certified by the state or local civil service
25 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep

BILL**SECTION 1951**

1 at all times a complete set of standards of weight and measure conforming to the
2 state standards, ~~and such standards shall be submitted and shall submit the~~
3 standards for certification at regular intervals as required by the department. ~~It~~ The
4 municipality shall keep a complete record of its work and annually shall file a report
5 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances
6 ~~regulating that regulate~~ weights and measures and that are not in conflict with this
7 chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~
8 ~~that~~ do not exceed the actual cost of ~~the municipal~~ its weights and measures
9 program.

10 ***-0061/4.2*** **SECTION 1952.** 98.04 (2) of the statutes is repealed and recreated
11 to read:

12 98.04 (2) If a municipality is required to establish a department of weights and
13 measures under sub. (1), the municipality may contract with the department to
14 enforce the provisions of this chapter within the municipality's jurisdiction instead
15 of establishing its own department. The department may charge the municipality
16 fees sufficient to cover the department's costs under the contract. A municipality
17 may recover an amount not to exceed the cost of these fees by assessing fees on the
18 persons who receive services under the weights and measures program.

19 ***-0061/4.3*** **SECTION 1953.** 98.16 (2) (b) of the statutes, as affected by 1997
20 Wisconsin Act 27, section 2552f, is amended to read:

21 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the
22 department may establish a different fee by rule.

23 ***-0061/4.4*** **SECTION 1954.** 98.245 (7) (title) and (a) of the statutes are repealed
24 and recreated to read:

BILL

1 98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,
2 “meter servicer” means a person licensed under s. 98.18 to inspect and test meters
3 that are used to measure liquefied petroleum gas that is sold or delivered in a liquid
4 form and by liquid measure.

5 ***-0061/4.5*** SECTION 1955. 98.245 (7) (ag) and (ar) of the statutes are created
6 to read:

7 98.245 (7) (ag) *License required.* Beginning on the effective date of this
8 paragraph [revisor inserts date], no person may operate a meter to measure
9 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid
10 measure unless the person holds an annual license issued by the department for the
11 meter. A separate license is required for each meter. A license is not transferable
12 between persons or meters. A license expires on July 31 of each year.

13 (ar) *License application; fees.* 1. An applicant for the license required under
14 par. (ag) shall apply on a form provided by the department. The license application
15 shall be accompanied by the applicable fees under subds. 2. and 3.

16 2. Unless the department establishes a different fee by rule, the fee for an
17 annual license required under par. (ag) is \$25 for each meter.

18 3. In addition to the license fee under subd. 2., an applicant shall pay a license
19 fee surcharge of \$200 for a meter if the department determines that within one year
20 before making the application the applicant operated the meter in violation of par.
21 (ag). Payment of this surcharge does not relieve the applicant of any other civil or
22 criminal liability that the applicant may incur because of the violation of par. (ag),
23 but does not constitute evidence of a violation of a law.

24 ***-0061/4.6*** SECTION 1956. 98.245 (7) (b) 1. of the statutes is repealed and
25 recreated to read:

BILL**SECTION 1956**

1 98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for
2 a meter shall have that meter inspected and tested annually by a meter servicer. The
3 meter servicer shall inspect and test the meter for accuracy according to the
4 standards, specifications, tolerances and procedures that the department
5 establishes by rule.

6 *–0061/4.7* **SECTION 1957.** 98.245 (7) (b) 2. of the statutes is amended to read:

7 98.245 (7) (b) 2. ~~A. Within 15 days after a meter servicer inspects and tests a~~
8 ~~meter under subd. 1., the meter servicing company servicer shall file with report the~~
9 ~~results to the department a report, for each meter, containing the results of the~~
10 ~~testing under subd. 1. within 30 days after completing the testing in writing. If the~~
11 ~~meter servicer fails to file the report within the 15 days, the department may assess~~
12 ~~the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's~~
13 ~~license issued under s. 98.18.~~

14 *–0061/4.8* **SECTION 1958.** 98.245 (7) (b) 3. and 4. of the statutes are
15 consolidated, renumbered 98.245 (7) (b) 3m. and amended to read:

16 98.245 (7) (b) 3m. If the department determines that a meter has not been
17 ~~inspected and tested under subd. 1. within the last year, the department shall notify~~
18 ~~the owner. The owner shall have 30 days after being notified to have the meter~~
19 ~~tested. 4. issue a written notice to the operator of the meter. Within 30 days after~~
20 ~~the operator received the notice, the operator shall have the meter inspected and~~
21 ~~tested as required under subd. 1. If the owner operator fails to have the owner's~~
22 ~~meter tested as required under subd. 3. do so, the department may assess the owner~~
23 ~~operator a fee of not more than up to \$100 for that meter and may suspend or revoke~~
24 ~~the operator's license issued under par. (ag) for that meter.~~

25 *–0061/4.9* **SECTION 1959.** 98.245 (7) (b) 5. of the statutes is repealed.

BILL

1 ***-0063/2.12*** SECTION 1960. 100.261 of the statutes is created to read:

2 **100.261 Consumer information assessment.** (1) If a court imposes a fine
3 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this
4 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall
5 also impose a consumer information assessment in an amount equal to 15% of the
6 fine or forfeiture imposed. If multiple violations are involved, the court shall base
7 the consumer information assessment upon the the total of the fine or forfeiture
8 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the
9 court shall reduce the assessment in proportion to the suspension.

10 (2) If any deposit is made for a violation to which this section applies, the person
11 making the deposit shall also deposit a sufficient amount to include the consumer
12 information assessment required under this section. If the deposit is forfeited, the
13 amount of the consumer information assessment shall be transmitted to the state
14 treasurer under sub. (3). If the deposit is returned, the consumer information
15 assessment shall also be returned.

16 (3) The clerk of court shall collect and transmit the consumer information
17 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county
18 treasure shall then make payment to the state treasurer under s. 59.25 (3) (f) 2. The
19 state treasure shall deposit the assessment amounts in the general fund, and the
20 amounts shall be credited to appropriation account under s. 20.115 (1) (jb).

21 ***-0220/1.1*** SECTION 1961. 100.37 (2) (e) 2. e. of the statutes is created to read:
22 100.37 (2) (e) 2. e. Any fever thermometer containing elemental mercury.

23 ***-0196/7.1*** SECTION 1962. 100.48 (1) (a) of the statutes is renumbered 100.48
24 (1) (am).

25 ***-0196/7.2*** SECTION 1963. 100.48 (1) (ad) of the statutes is created to read:

BILL**SECTION 1963**

1 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

2 ***-0196/7.3* SECTION 1964.** 100.48 (1) (ag) of the statutes is created to read:

3 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

4 ***-0196/7.4* SECTION 1965.** 100.48 (1) (b) of the statutes is amended to read:

5 100.48 (1) (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~
6 that measures and records the actual hours of operation of the ~~piece of farm~~
7 equipment vehicle or device to which the instrument is attached.

8 ***-0196/7.5* SECTION 1966.** 100.48 (1) (c) of the statutes is created to read:

9 100.48 (1) (c) "Snowmobile" has the meaning given in s. 350.01 (12).

10 ***-0196/7.6* SECTION 1967.** 100.48 (2) of the statutes is amended to read:

11 100.48 (2) No person may, either personally or through an agent, remove,
12 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
13 attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the
14 intent to defraud by changing or affecting the number of hours of operation indicated
15 on the hour meter.

16 ***-0196/7.7* SECTION 1968.** 100.48 (3) (a) of the statutes is amended to read:

17 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
18 replacement of an hour meter if the number of hours of operation indicated on the
19 hour meter remains the same as before the service, repair or replacement. If an hour
20 meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is
21 incapable of registering the same number of hours of operation as before its service,
22 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
23 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
24 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
25 number of hours of operation recorded on the hour meter prior to its service, repair

BILL

1 or replacement and the date on which it was serviced, repaired or replaced. No
2 person who services, repairs or replaces an hour meter attached to farm equipment,
3 a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the
4 same number of hours of operation as before such service, repair or replacement may
5 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
6 paragraph.

7 ***-0196/7.8* SECTION 1969.** 100.48 (4) (a) of the statutes is amended to read:

8 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
9 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
10 for not more than one year in the county jail, or both, for each violation.

11 ***-0196/7.9* SECTION 1970.** 100.48 (4) (b) of the statutes is amended to read:

12 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
13 attached to farm equipment may be required to forfeit not more than \$500 for each
14 violation.

15 ***-0196/7.10* SECTION 1971.** 100.48 (4) (c) of the statutes is created to read:

16 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
17 meter attached to a snowmobile, an all-terrain vehicle or boat may be fined not more
18 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for
19 each violation.

20 ***-0030/2.113* SECTION 1972.** 101.01 (4) of the statutes is amended to read:

21 101.01 (4) “Employer” means any person, firm, corporation, state, county,
22 town, city, village, school district, sewer district, drainage district, family care
23 district and other public or quasi-public corporations as well as any agent, manager,
24 representative or other person having control or custody of any employment, place
25 of employment or of any employe.

BILL

SECTION 1973

1 *~~0423/1.1~~* SECTION 1973. 101.09 (title) of the statutes is amended to read:

2 101.09 (title) **Storage of flammable and, combustible and hazardous**
3 **liquids.**

4 *~~0423/1.2~~* SECTION 1974. 101.09 (1) (am) of the statutes is created to read:

5 101.09 (1) (am) “Federally regulated hazardous substanc~~c~~” means a hazardous
6 substance, as defined in 42 USC 9601 (14).

7 *~~0423/1.3~~* SECTION 1975. 101.09 (2) (a) of the statutes is amended to read:

8 101.09 (2) (a) Except as provided under pars. (b) to (d), every person who
9 constructs, owns or controls a tank for the storage, handling or use of flammable or
10 combustible liquid that is flammable or combustible or a federally regulated
11 hazardous substance shall comply with the standards adopted under sub. (3).

12 *~~0423/1.4~~* SECTION 1976. 101.09 (3) (a) of the statutes is amended to read:

13 101.09 (3) (a) The department shall promulgate by rule construction,
14 maintenance and abandonment standards applicable to tanks for the storage,
15 handling or use of flammable and combustible liquids that are flammable or
16 combustible or are federally regulated hazardous substances, and to the property
17 and facilities where the tanks are located, for the purpose of protecting the waters
18 of the state from harm due to contamination by flammable and combustible liquids
19 that are flammable or combustible or are federally regulated hazardous substances.

20 The rule shall comply with ch. 160. The rule may include different standards for new
21 and existing tanks, but all standards shall provide substantially similar protection
22 for the waters of the state. The rule shall include maintenance requirements related
23 to the detection and prevention of leaks. The rule may require any person supplying
24 heating oil to any noncommercial storage tank for consumptive use on the premises

BILL

1 to submit to the department, within 30 days after the department requests, the
2 location, contents and size of any such tank.

3 ***-0422/1.1* SECTION 1977.** 101.09 (3) (b) of the statutes is repealed.

4 ***-0183/2.14* SECTION 1978.** 101.123 (1) (b) of the statutes is amended to read:

5 101.123 (1) (b) “Inpatient health care facility” means a county home
6 established under s. 49.70, a county infirmary established under s. 49.72, or a
7 community-based residential facility or a nursing home licensed under s. 50.03 or
8 a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.

9 ***-0423/1.5* SECTION 1979.** 101.14 (5) of the statutes is amended to read:

10 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
11 department by rule for plan review and approval for the construction of a new or
12 additional installation or change in operation of a previously approved installation
13 for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is
14 flammable or combustible or a federally regulated hazardous substance, as defined
15 in s. 101.09 (1) (am), the department shall collect a groundwater fee of \$100 for each
16 plan review submittal. The moneys collected under this subsection shall be credited
17 to the environmental fund for environmental management.

18 (b) Notwithstanding par. (a), an installation for the storage, handling or use of
19 ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a
20 federally regulated hazardous substance, as defined in s. 101.09 (1) (am), that has
21 a capacity of less than 1,000 gallons is not subject to the groundwater fee under par.
22 (a).

23 ***-1359/3.1* SECTION 1980.** 101.143 (2) (h) of the statutes is created to read:

24 101.143 (2) (h) The department may promulgate a rule specifying information
25 and audit requirements to implement sub. (4) (c) 8.

BILL**SECTION 1981**

1 ***-1668/1.2* SECTION 1981.** 101.143 (2) (i) of the statutes is created to read:

2 101.143 (2) (i) 1. The department may promulgate rules that specify a fee that
3 must be paid by a service provider as a condition of submitting a bid to conduct an
4 activity under sub. (3) (c) for which a claim for reimbursement under this section will
5 be submitted. Any fees collected under the rules shall be deposited in the petroleum
6 inspection fund.

7 2. If the department promulgates rules under subd. 1., the department may
8 purchase, or provide funding for the purchase of, insurance to cover the amount by
9 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to
10 conduct those activities.

11 ***-1358/4.1* SECTION 1982.** 101.143 (2e) of the statutes is created to read:

12 101.143 (2e) AWARD PRIORITIES. (a) The department may promulgate rules for
13 assigning an award priority to each occurrence that the department determines may
14 result in an award under sub. (4), except for occurrences resulting from discharges
15 from home oil tank systems, petroleum product storage systems that are described
16 in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school
17 districts and that are used for storing heating oil for consumptive use on the premises
18 where stored. If the department promulgates rules under this paragraph, it shall
19 base the award priorities on environmental factors and any other factors that the
20 department considers appropriate. The rules may only apply to occurrences for
21 which remedial action plans are approved under sub. (3) (cs) after the effective date
22 of the rules.

23 (b) If the department promulgates rules under par. (a), the department shall
24 pay awards under sub. (4) for occurrences to which the rules apply in order of the
25 award priorities under those rules.

BILL

1 (c) If the department promulgates rules under par. (a), the department shall
2 notify an owner or operator of a petroleum product storage system to which the rules
3 apply of the date on which the department determines that it is appropriate to begin
4 activities under sub. (3) (c) 3. or (g) with respect to a discharge from that system,
5 based on the department's estimate of when funds will be available to pay an award
6 to the owner or operator under the award priorities. Notwithstanding s. 292.11 (3)
7 and (7) (c), an owner or operator to whom rules under par. (a) apply is not required
8 to begin activities under sub. (3) (c) 3. or (g) until the date on which the department
9 determines it is appropriate to begin those activities. If an owner or operator begins
10 activities under sub. (3) (c) 3. or (g) before the date when the department determines
11 it is appropriate to begin those activities, the department may deny the payment of
12 interest costs to the owner or operator, as provided in the rules promulgated by the
13 department.

14 ***-1669/5.1* SECTION 1983.** 101.143 (3) (c) 2. of the statutes is amended to read:

15 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific
16 remedial action activities proposed to be conducted under subd. 3. and submit the
17 remedial action plan to the department for approval.

18 ***-1669/5.2* SECTION 1984.** 101.143 (3) (cs) of the statutes is created to read:

19 101.143 (3) (cs) *Review of remedial action plans.* The department shall review
20 and approve or disapprove remedial action plans submitted under par. (c) 2.

21 ***-1669/5.3* SECTION 1985.** 101.143 (3) (d) of the statutes is amended to read:

22 101.143 (3) (d) *Review of site investigations, remedial action plans and*
23 *remedial action activities.* ~~The department of natural resources or, if the discharge~~
24 ~~is covered under s. 101.144 (2) (b), the department of commerce shall, at the request~~
25 ~~of the claimant, review the site investigation and the remedial action plan and advise~~

BILL**SECTION 1985**

1 ~~the claimant on the adequacy of proposed remedial action activities in meeting the~~
2 ~~requirements of s. 292.11. The advice is not an approval of the remedial action~~
3 ~~activities.~~ The department of natural resources or, if the discharge is covered under
4 s. 101.144 (2) (b), the department of commerce shall complete a final review of the
5 remedial action activities within 60 days after the claimant notifies the appropriate
6 department that the remedial action activities are completed.

7 ***-1359/3.2* SECTION 1986.** 101.143 (4) (c) 8. of the statutes is amended to read:

8 101.143 (4) (c) 8. Interest Any interest costs incurred by an applicant with gross
9 revenues that exceed \$20,000,000 in the most recent tax year before the applicant
10 submits a claim. For any other applicant, interest costs that exceed interest at 1%
11 over the prime rate, as determined under rules promulgated by the department 5%.

12 ***-1388/6.1* SECTION 1987.** 101.143 (4) (d) 2. (intro.) of the statutes is amended
13 to read:

14 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
15 paragraph without regard to fault in an amount equal to the amount of the eligible
16 costs that exceeds ~~a the deductible amount of \$2,500 plus 5% of the eligible costs, but~~
17 ~~not more than \$7,500 per occurrence, except that the deductible amount for a~~
18 ~~petroleum product storage system that is owned by a school district or a technical~~
19 ~~college district and that is used for storing heating oil for consumptive use on the~~
20 ~~premises is 25% of eligible costs~~ under par. (dg). An award issued under this
21 paragraph may not exceed the following for each occurrence:

22 ***-1669/5.4* SECTION 1988.** 101.143 (4) (d) 2. a. of the statutes is amended to
23 read:

24 101.143 (4) (d) 2. a. For an owner or operator of an underground petroleum
25 product storage tank system that is located at a facility at which petroleum is stored

BILL

1 for resale or an owner or operator of an underground petroleum product storage tank
2 system that handles an annual average of more than 10,000 gallons of petroleum per
3 month, \$1,000,000, except that, if the site is classified as medium priority or low
4 priority under s. 101.144 (3g) (a), an award issued under this paragraph may not
5 exceed \$100,000 for each occurrence.

6 ***-1669/5.5*** SECTION 1989. 101.143 (4) (d) 2. b. of the statutes is amended to
7 read:

8 101.143 (4) (d) 2. b. For an owner or operator other than an owner or operator
9 under subd. 2. a., c. or d., \$500,000, except that, if the site is classified as medium
10 priority or low priority under s. 101.144 (3g) (a), an award issued under this
11 paragraph may not exceed \$100,000 for each occurrence.

12 ***-1669/5.6*** SECTION 1990. 101.143 (4) (d) 2. d. of the statutes is amended to
13 read:

14 101.143 (4) (d) 2. d. For a school district or a technical college district with
15 respect to a discharge from a petroleum product storage system that is used for
16 storing heating oil for consumptive use on the premises where stored, \$190,000,
17 except that, if the site is classified as medium priority or low priority under s. 101.144
18 (3g) (a), an award issued under this paragraph may not exceed \$100,000 for each
19 occurrence.

20 ***-1388/6.2*** SECTION 1991. 101.143 (4) (dg) of the statutes is created to read:

21 101.143 (4) (dg) *Deductible; underground systems.* The amount of the
22 deductible for an award under par. (d) is as follows for each occurrence:

23 1. Except as provided under par. (di), for an owner or operator of an
24 underground petroleum product storage tank system that is located at a facility at
25 which petroleum is stored for resale or an owner or operator of an underground

BILL**SECTION 1991**

1 petroleum product storage tank system that handles an annual average of more than
2 10,000 gallons of petroleum per month, \$10,000, plus \$2,500 if the eligible costs
3 exceed \$50,000, plus \$2,500 if the eligible costs exceed \$80,000, plus \$10,000 for each
4 whole \$100,000 by which eligible costs exceed \$150,000.

5 2. For a school district or a technical college district with respect to a discharge
6 from an underground petroleum product storage tank system that is used for storing
7 heating oil for consumptive use on the premises, 25% of eligible costs.

8 3. For an owner or operator other than an owner or operator described in subd.
9 1. or 2., \$2,500, plus 5% of eligible costs, but not more than \$7,500.

10 ***-1388/6.3* SECTION 1992.** 101.143 (4) (di) of the statutes is created to read:

11 101.143 (4) (di) *Rules concerning deductible for underground systems.* The
12 department may promulgate rules describing a class of owners and operators of
13 underground petroleum product storage tanks otherwise subject to par. (dg) 1. for
14 whom the deductible is the amount under par. (dg) 3. rather than the amount under
15 par. (dg) 1.

16 ***-1388/6.4* SECTION 1993.** 101.143 (4) (dm) 2. a. of the statutes is amended
17 to read:

18 101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%
19 15% of the amount by which eligible costs exceed \$200,000.

20 ***-1432/7.49* SECTION 1994.** 101.143 (9m) of the statutes is created to read:

21 101.143 (9m) REVENUE OBLIGATIONS. (a) For purposes of subch. II of ch. 18, the
22 petroleum storage remedial action program is a special fund program, and the
23 petroleum inspection fund is a special fund. The petroleum inspection fund is a
24 segregated fund created by the imposition of fees, penalties or excise taxes. The
25 legislature finds and determines that a nexus exists between the petroleum storage

BILL

1 remedial action program and the petroleum inspection fund in that fees imposed on
2 users of petroleum are used to remedy environmental damage caused by petroleum
3 storage.

4 (b) Deposits, appropriations or transfers to the petroleum inspection fund for
5 the purposes of the petroleum storage remedial action program may be funded with
6 the proceeds of revenue obligations issued subject to and in accordance with subch.
7 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV
8 of ch. 18.

9 (e) The department shall have all other powers necessary and convenient to
10 distribute the special fund revenues and to distribute the proceeds of the revenue
11 obligations in accordance with subch. II of ch. 18 and, if designated a higher
12 education bond, in accordance with subch. IV of ch. 18.

13 (f) The department may enter into agreements with the federal government or
14 its agencies, political subdivisions of this state, individuals or private entities to
15 insure or in any other manner provide additional security for the revenue obligations
16 issued under this subsection.

17 (g) Revenue obligations may be contracted by the building commission when
18 it reasonably appears to the building commission that all obligations incurred under
19 this subsection can be fully paid on a timely basis from moneys received or
20 anticipated to be received. Revenue obligations issued under this subsection may not
21 exceed \$450,000,000 in principal amount. In addition to this limit on principal
22 amount, the building commission may contract revenue obligations under this
23 subsection as the building commission determines is desirable to fund or refund
24 outstanding revenue obligations, to pay issuance or administrative expenses, to
25 make deposits to reserve funds or to pay accrued or capitalized interest.

BILL**SECTION 1994**

1 (h) Unless otherwise expressly provided in resolutions authorizing the
2 issuance of revenue obligations or in other agreements with the owners of revenue
3 obligations, each issue of revenue obligations under this subsection shall be on a
4 parity with every other revenue obligation issued under this subsection and in
5 accordance with subch. II of ch. 18 and, if designated a higher education bond, in
6 accordance with subch. IV of ch. 18.

7 (i) Recognizing its moral obligation to do so, the legislature expresses its
8 expectation and aspiration that, if the legislature reduces the rate of the petroleum
9 inspection fee and if the funds in the petroleum inspection fund are insufficient to
10 pay the principal and interest on the revenue obligations issued under subch. II or
11 IV of ch. 18 pursuant to this subsection, the legislature shall make an appropriation
12 from the general fund sufficient to pay the principal and interest on the obligations.

13 ***-1417/3.1* SECTION 1995.** 101.143 (12) of the statutes is created to read:

14 101.143 (12) REPORT. No later than each January 1 and July 1, the department
15 of commerce and the department of natural resources shall submit to the governor
16 and to the appropriate standing committees of the legislature, under s. 13.172 (3),
17 a report concerning petroleum product storage systems and home oil tank systems
18 from which discharges have occurred for which remedial action activities are being
19 conducted. The departments shall provide all of the following information for each
20 petroleum product storage system and home oil tank system:

21 (a) The date on which the record of the site investigation was received.

22 (b) The environmental risk factors, as defined by the department of commerce
23 by rule, identified at the site.

24 (c) The year in which the approval under sub. (3) (c) 4. is expected to be issued.

25 ***-1669/5.7* SECTION 1996.** 101.144 (2) (b) 1. of the statutes is amended to read:

BILL

1 101.144 (2) (b) 1. The site of the discharge is classified, as provided in rules
2 promulgated under sub. ~~(3m)(a) 3.~~ (3g)(a), as medium priority or low priority, based
3 on the threat that the discharge poses to public health, safety and welfare and to the
4 environment, subject to sub. (3g)(b).

5 ***-1669/5.8*** **SECTION 1997.** 101.144 (3g) of the statutes is created to read:

6 101.144 (3g) (a) The department of commerce and the department of natural
7 resources, shall attempt to reach an agreement that is consistent with par. (b) and
8 that specifies procedures and standards for determining whether the site of a
9 discharge of a petroleum product from a petroleum storage tank is classified as high
10 priority, medium priority or low priority. If the department of commerce and the
11 department of natural resources are unable to reach an agreement, they shall refer
12 the matters on which they are unable to agree to the secretary of administration for
13 resolution. The secretary of administration shall resolve any matters on which the
14 departments disagree in a manner that is consistent with par. (b). The department
15 of commerce shall promulgate rules incorporating any agreement between the
16 department of commerce and the department of natural resources under this
17 paragraph and any resolution of disagreements between the departments by the
18 secretary of administration under this paragraph.

19 (b) The department of commerce may not provide, in the rules under par. (a),
20 that all sites at which an enforcement standard, as defined in s. 160.01 (2), is
21 exceeded are classified as high priority. The department shall design the rules under
22 par. (a) to classify no more than 50% of sites as high priority. If 6 months after the
23 rules under par. (a) are in effect more than 50% of sites are classified as high priority,
24 the department shall revise the rules.

BILL**SECTION 1998**

1 ***-1669/5.9*** **SECTION 1998.** 101.144 (3m) (a) 3. of the statutes is amended to
2 read:

3 101.144 **(3m)** (a) 3. Establishes ~~procedures, standards and~~ schedules for
4 determining whether the site of a discharge of a petroleum product from a petroleum
5 storage tank is classified as high priority, medium priority or low priority.

6 ***-0030/2.114*** **SECTION 1999.** 102.01 (2) (d) of the statutes is amended to read:

7 102.01 **(2)** (d) "Municipality" includes a county, city, town, village, school
8 district, sewer district, drainage district and family care district and other public or
9 quasi-public corporations.

10 ***-0030/2.115*** **SECTION 2000.** 102.04 (1) (a) of the statutes is amended to read:

11 102.04 **(1)** (a) The state, each county, city, town, village, school district, sewer
12 district, drainage district, family care district and other public or quasi-public
13 corporations therein.

14 ***-0183/2.15*** **SECTION 2001.** 102.26 (2m) of the statutes is repealed.

15 ***-0536/1.2*** **SECTION 2002.** 102.27 (2) (a) of the statutes is amended to read:

16 102.27 **(2)** (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
17 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or
18 767.62 (4) (b) 3.

19 ***-1186/4.37*** **SECTION 2003.** 102.29 (9) of the statutes is amended to read:

20 102.29 **(9)** No participant in a work experience component of a job opportunities
21 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered
22 to be an employe of the agency administering that program, or who, under s. 49.193
23 (6) (a), is 1997 stats., was provided worker's compensation coverage by the person
24 administering the work experience component, and who makes a claim for
25 compensation under this chapter may make a claim or maintain an action in tort

BILL

1 against the employer who provided the work experience from which the claim arose.

2 This subsection does not apply to injuries occurring after February 28, 1998.

3 ***-0183/2.16* SECTION 2004.** 102.42 (6) of the statutes is amended to read:

4 102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have
5 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
6 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
7 disability of an employe, if the death be caused, or insofar as the disability may be
8 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
9 or follow any competent and reasonable medical, surgical or dental treatment or, in
10 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
11 ~~sanatorium~~ or medical treatment when found by the department to be necessary.
12 The right to compensation accruing during a period of refusal or neglect to submit
13 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
14 department to be necessary in the case of tuberculosis shall be barred, irrespective
15 of whether disability was aggravated, caused or continued thereby.

16 ***-0030/2.116* SECTION 2005.** 103.001 (6) of the statutes is amended to read:

17 103.001 (6) “Employer” means any person, firm, corporation, state, county,
18 town, city, village, school district, sewer district, drainage district, family care
19 district and other public or quasi–public corporations as well as any agent, manager,
20 representative or other person having control or custody of any employment, place
21 of employment or of any employe.

22 ***-1186/4.38* SECTION 2006.** 106.115 (1) (b) of the statutes is repealed.

23 ***-1922/5.13* SECTION 2007.** 106.115 (1) (f) of the statutes is repealed.

24 ***-1922/5.14* SECTION 2008.** 106.115 (1) (g) of the statutes is repealed.

25 ***-0400/7.18* SECTION 2009.** 106.115 (1) (i) of the statutes is amended to read:

BILL**SECTION 2009**

1 106.115 (1) (i) The national and community service corps under 42 USC 12501
2 to 12682 and s. ~~16.22~~ 46.78.

3 *~~1922/5.15~~* **SECTION 2010.** 106.115 (2) (e) of the statutes is repealed.

4 *~~1922/5.16~~* **SECTION 2011.** 106.115 (2) (em) of the statutes is repealed.

5 *~~1922/5.17~~* **SECTION 2012.** 106.12 (title) of the statutes is amended to read:

6 **106.12 (title) ~~Division of connecting education and work~~ Governor's**
7 **work-based learning board.**

8 *~~1922/5.18~~* **SECTION 2013.** 106.12 of the statutes is renumbered 106.12 (2)
9 and amended to read:

10 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~Based on the~~
11 ~~recommendations of the governor's council on workforce excellence, the division of~~
12 ~~connecting education and work~~ The board shall plan, coordinate, administer and
13 ~~implement the department's workforce excellence initiatives, programs, policies and~~
14 ~~funding, the youth apprenticeship and, school-to-work, technical college study~~
15 ~~grant and work-based learning~~ programs under s. 106.13 (1) and such other
16 employment and education programs as the governor may by executive order assign
17 to the ~~division~~ board. Notwithstanding any limitations placed on the use of state
18 employment and education funds under this section or s. 106.13, ~~or 106.14, 106.15,~~
19 ~~106.20 or 106.21~~ or under an executive order assigning an employment and
20 education program to the ~~division~~ board, the ~~secretary~~ board may issue a general or
21 special order waiving any of those limitations on finding that the waiver will promote
22 the coordination of employment and education services.

23 *~~1922/5.19~~* **SECTION 2014.** 106.12 (1) of the statutes is created to read:

24 **106.12 (1) DEFINITION.** In this section and ss. 106.13 and 106.14, "board" means
25 the governor's work-based learning board.