

1 attributable to errors in the system's functioning. A seller that uses a certified
2 automated system is responsible and liable to this state for reporting and remitting
3 sales and use tax.

4 (5) A seller that has a proprietary system for determining the amount of tax
5 that is due on transactions and that has signed an agreement with the states that
6 are signatories to the agreement, as defined in ^{5.} 77.65 (2) (a), establishing a
7 performance standard for the system is liable for the system's failure to meet the
8 performance standard."

9 ✓ 1081. Page 847, line 15: after that line insert:

10 "SECTION 2246p. 77.65 of the statutes is created to read:

WLT PJK (F) (G)

11 77.65 Uniform sales and use tax administration. (1) SHORT TITLE. This
12 section shall be known as the "Uniform Sales and Use Tax Administration Act."

13 (2) DEFINITIONS. In this section:

14 (a) "Agreement" means the streamlined sales and use tax agreement.

15 (b) "Department" means the department of revenue.

16 (c) "Person" means an individual, trust, estate, fiduciary, partnership, limited
17 liability company, limited liability partnership, corporation, or any other legal entity.

18 (d) "Sales tax" means the tax imposed under ss. 77.52, 77.57, and 77.71 (1).

19 (e) "Seller" means any person who sells, leases, or rents personal property or
20 services.

21 (f) "State" means any state of the United States and the District of Columbia.

22 (g) "Use tax" means the tax imposed under ss. 77.53 and 77.71 (2), (3), and (4).

23 (3) DEPARTMENT AUTHORITY. The department may enter into the agreement to
24 simplify and modernize sales tax and use tax administration in order to

1 substantially reduce the tax compliance burden for all sellers and for all types of
2 commerce. The department may act jointly with other states that are signatories to
3 the agreement to establish standards for the certification of a certified service
4 provider and certified automated system and to establish performance standards for
5 multistate sellers. The department may promulgate rules to administer this section,
6 may procure jointly with other states that are signatories to the agreement goods and
7 services in furtherance of the agreement, and may take other actions reasonably
8 required to implement this section. The secretary of revenue or the secretary's
9 designee may represent this state before the states that are signatories to the
10 agreement.

11 (4) AGREEMENT REQUIREMENTS. The department may not enter into the
12 agreement unless the agreement requires that a state that is a signatory to the
13 agreement do all of the following:

14 (a) Limit the number of state sales and use tax rates.

15 (b) Limit the application of any maximums on the amount of state sales and
16 use tax that is due on a transaction.

17 (c) Limit thresholds on the application of sales and use tax.

18 (d) Establish uniform standards for the sourcing of transactions to the
19 appropriate taxing jurisdictions, for administering exempt sales, and for sales and
20 use tax returns and remittances.

21 (e) Develop and adopt uniform definitions related to sales and use tax.

22 (f) Provide, with all states that are signatories to the agreement, a central
23 electronic registration system that allows a seller to register to collect and remit sales
24 and use taxes for all states that are signatories to the agreement.

1 (g) Provide that the state shall not use a seller's registration with the central
2 electronic registration system under par. (f), and the subsequent collection and
3 remittance of sales and use taxes in the states that are signatories to the agreement,
4 to determine whether the seller has sufficient connection with the state for the
5 purpose of imposing any tax.

6 (h) Restrict variances between the state tax bases and local tax bases.

7 (i) Administer all sales and use taxes imposed by local jurisdictions within the
8 state so that sellers who collect and remit such taxes are not required to register with,
9 or submit returns or taxes to, local jurisdictions and are not subject to audits by local
10 jurisdictions.

11 (j) Restrict the frequency of changes in any local sales and use tax rates and
12 provide notice of any such changes.

13 (k) Establish effective dates for the application of local jurisdictional boundary
14 changes to local sales and use tax rates and provide notice of any such changes.

15 (L) Provide monetary allowances to sellers and certified service providers as
16 outlined in the agreement.

17 (m) Certify compliance with the agreement before entering into the agreement
18 and maintain compliance with the agreement.

19 (n) Adopt a uniform policy, with the states that are signatories to the
20 agreement, for certified service providers that protects a consumer's privacy and
21 maintains tax information confidentiality.

22 (o) Appoint, with the states that are signatories to the agreement, an advisory
23 council to consult with in administering the agreement. The advisory council shall
24 consist of private sector representatives and representatives from states that are not
25 signatories to the agreement.

1 (5) COOPERATING STATES. The agreement entered into under this section is an
2 accord among cooperating states to further their governmental functions and
3 provides a mechanism among the cooperating states to establish and maintain a
4 cooperative, simplified system for the application and administration of sales and
5 use taxes that are imposed by each state that is a signatory to the agreement.

6 (6) LIMITED BINDING AND BENEFICIAL EFFECT. (a) The agreement entered into
7 under this section binds, and inures to the benefit of, only the states that are
8 signatories to the agreement. Any benefit that a person may receive from the
9 agreement is established by this state's law and not by the terms of the agreement.

10 (b) No person shall have any cause of action or defense under the agreement
11 or because of the department entering into the agreement. No person may challenge
12 any action or inaction by any department, agency, other instrumentality of this state,
13 or any political subdivision of this state on the ground that the action or inaction is
14 inconsistent with the agreement.

15 (c) No law of this state, or the application of such law, may be declared invalid
16 on the ground that the law, or the application of such law, is inconsistent with the
17 agreement.

18 (7) RELATIONSHIP TO STATE LAW. No provision of the agreement in whole or in part
19 invalidates or amends any law of this state and the state becoming a signatory to the
20 agreement shall not amend or modify any law of this state.”.

21 ✓1082. Page 847, line 15: after that line insert:

22 “SECTION 2246n. 77.54 (46) of the statutes is created to read:

Extra line spaces?

1 77.54 (46) The gross receipts from the sale of and the storage, use, or other
2 consumption of the U.S. flag or the state flag. This subsection does not apply to a
3 representation of the U.S. flag or the state flag.”.

4 ✓**1083.** Page 847, line 15: after that line insert:

5 “SECTION 2246md. 77.54 (47) of the statutes is created to read:

6 77.54 (47) The gross receipts from the sale of and the storage, use, or other
7 consumption of water park water slides, including support structures, attachments,
8 and parts for water park water slides, but excluding underground piping,
9 foundations, and wholly or partially underground pools that are additions or
10 improvements to real property and excluding water slides; and support structures,
11 attachments, and parts for water slides; located at residential facilities, including
12 personal residences, apartments, long-time care facilities, and state institutions.”.

13 ✓**1084.** Page 848, line 9: after that line insert:

14 “SECTION 2247c. 77.81 (1) of the statutes is amended to read:

15 77.81 (1) “Department” means the department of ~~natural resources~~ forestry.”.

16 ✓**1085.** Page 848, line 25: after that line insert:

17 “SECTION 2247pg. 77.82 (2) (intro.) of the statutes is amended to read:

18 77.82 (2) PETITION. (intro.) Any owner of land may petition the department to
19 designate any eligible parcel of land as managed forest land. A petition may include
20 any number of eligible parcels under the same ownership in a single municipality.
21 Each petition shall be submitted on a form provided by the department and shall be
22 accompanied by a nonrefundable \$10 application fee unless a different amount of the
23 fee is established by the department by rule at an amount equal to the average
24 expense to the department of recording an order issued under this subchapter. The

1 fee shall be deposited in the ~~conservation forestry~~ fund and credited to the
2 appropriation under s. ~~20.370 (1) (er)~~ 20.375 (2) (qr). Each petition shall include all
3 of the following:

4 **SECTION 2247q.** 77.82 (4) of the statutes is amended to read:

5 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the
6 department to designate as managed forest land an additional parcel of land in the
7 same municipality if the additional parcel is at least 3 acres in size and is contiguous
8 to any of the owner's designated land. The petition shall be accompanied by a
9 nonrefundable \$10 application fee unless a different amount of the fee is established
10 in the same manner as the fee under sub. (2). The fee shall be deposited in the
11 ~~conservation forestry~~ fund and credited to the appropriation under s. ~~20.370 (1) (er)~~
12 20.375 (2) (qr). The petition shall be submitted on a department form and shall
13 contain any additional information required by the department.

14 **SECTION 2247r.** 77.82 (4m) (bn) of the statutes is amended to read:

15 77.82 (4m) (bn) A petition under this subsection shall be accompanied by a
16 nonrefundable \$100 application fee which shall be deposited in the ~~conservation~~
17 ~~forestry~~ fund and credited to the appropriation under s. ~~20.370 (1) (er)~~ 20.375 (2)
18 (qr).”

19 **√1086.** Page 849, line 3: after that line insert:

20 **“SECTION 2247tg.** 77.84 (3) (b) of the statutes is amended to read:

21 77.84 (3) (b) Immediately after receiving the certification of the county clerk
22 that a tax deed has been taken, the department shall issue an order withdrawing the
23 land as managed forest land. The notice requirement under s. 77.88 (1) does not
24 apply to the department's action under this paragraph. The department shall notify

1 the county treasurer of the amount of the withdrawal tax, as determined under s.
2 77.88 (5), and the amount of the tax shall be payable to the department under s. 75.36
3 (3) if the property is sold by the county. The amount shall be credited to the
4 ~~conservation~~ forestry fund.

5 **SECTION 2247tj.** 77.85 of the statutes is amended to read:

6 **77.85 State contribution.** The department shall pay before June 30 annually
7 the municipal treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ 20.375 (2)
8 (vm), 20 cents for each acre of land in the municipality that is designated as managed
9 forest land under this subchapter.

10 **SECTION 2247tk.** 77.87 (3) of the statutes is amended to read:

11 **77.87 (3) PAYMENT.** A tax assessed under sub. (1) or (2) is due and payable to
12 the department on the last day of the month following the date the certificate is
13 mailed to the owner. The department shall collect interest at the rate of 12% per year
14 on any tax that is paid later than the due date. Amounts received shall be credited
15 to the ~~conservation~~ forestry fund.

16 **SECTION 2247tm.** 77.88 (2) (d) of the statutes is amended to read:

17 **77.88 (2) (d)** Within 10 days after a transfer of ownership, the former owner
18 shall, on a form provided by the department, file with the department a report of the
19 transfer signed by the former owner and the transferee. The report shall be
20 accompanied by a \$20 fee which shall be deposited in the ~~conservation~~ forestry fund
21 and credited to the appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2) (qr). The
22 department shall immediately notify each person entitled to notice under s. 77.82 (8).

23 **SECTION 2247tn.** 77.88 (7) of the statutes is amended to read:

24 **77.88 (7) PAYMENT; DELINQUENCY.** A tax under sub. (5) is due and payable to the
25 department on the last day of the month following the effective date of the

1 withdrawal order. Amounts received shall be credited to the conservation forestry
2 fund. If the owner of the land fails to pay the tax, the department shall certify to the
3 taxation district clerk the amount due. The taxation district clerk shall enter the
4 delinquent amount on the property tax roll as a special charge.

5 **SECTION 2247tp.** 77.89 (1) of the statutes is amended to read:

6 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
7 from the appropriation under s. ~~20.370 (5) (bv)~~ 20.375 (2) (vm), shall pay 50% of each
8 payment received under s. 77.84 (3) (b), 77.87 (3) or 77.88 (7) to the treasurer of the
9 municipality in which is located the land to which the payment applies.

10 **SECTION 2247tr.** 77.89 (3) of the statutes is amended to read:

11 77.89 (3) CONSERVATION FORESTRY FUND CREDIT. The municipal treasurer shall
12 pay all amounts received under s. 77.84 (2) (b) to the county treasurer, as provided
13 under ss. 74.25 and 74.30. The county treasurer shall, by June 30 of each year, pay
14 all amounts received under this subsection to the department. All amounts received
15 by the department shall be credited to the conservation forestry fund and shall be
16 reserved for land acquisition and resource management activities relating to the
17 state forests.

18 **SECTION 2247tt.** 77.91 (4) of the statutes is amended to read:

19 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses
20 for the administration of this subchapter shall be paid from the appropriation under
21 s. ~~20.370 (1) (mu)~~ 20.375 (2) (q).

22 **SECTION 2247tu.** 77.91 (5) of the statutes is amended to read:

23 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
24 under this subchapter shall record the action as provided under s. 59.43 (1). The
25 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.

1 from the appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2) (qr). If the amount in the
2 appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2) (qr) in any fiscal year is insufficient
3 to pay the full amount required under this subsection in that fiscal year, the
4 department shall pay the balance from the appropriation under s. ~~20.370 (1) (mu)~~
5 20.375 (2) (q).”

6 ✓ **1087.** Page 850, line 2: delete the material beginning with that line and
7 ending on page 851, line 15.

8 ✓ **1088.** Page 852, line 11: after that line insert:

9 “**SECTION 2258d.** 79.01 (1) of the statutes is amended to read:

10 79.01 (1) There is established an account in the general fund entitled the
11 “Expenditure Restraint Program Account”. Account.” There shall be appropriated
12 to that account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994;
13 \$48,000,000 in each year beginning in 1995 and ending in 1999 and; \$57,000,000 in
14 the year 2000 and in the year 2001; \$57,570,000 in 2002; and \$58,145,700 in 2003
15 and in each year thereafter.

16 **SECTION 2280m.** 79.03 (3c) (f) of the statutes is amended to read:

17 79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars.
18 (c) to (e) exceed the total amount to be distributed under this subsection, the amount
19 paid to each eligible municipality shall be paid on a prorated basis. The total amount
20 to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning
21 in 1996 and ending in 1999 and; \$11,000,000 in the year 2000 and in the year 2001;
22 \$11,110,000 in 2002; and \$11,221,100 in 2003 and in each year thereafter.

23 **SECTION 2281d.** 79.03 (4) of the statutes is amended to read:

1 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
2 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
3 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
4 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
5 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
6 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
7 municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent
8 years ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04 and
9 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to
10 counties. In 2002, the total amounts to be distributed under ss. 79.03, 79.04, and
11 79.06 from s. 20.835 (1) (d) are \$769,092,800 to municipalities and \$170,671,600 to
12 counties. In 2003 and subsequent years, the total amounts to be distributed under
13 ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$776,783,700 to municipalities
14 and \$172,378,300 to counties.

15 **SECTION 2281e.** 79.03 (5) of the statutes is created to read:

16 79.03 (5) (a) In 2002 and 2003, each municipality shall receive a shared
17 revenue payment under this section that is equal to the amount of the payment it
18 received in the previous year, multiplied by 101%. In 2004 and in subsequent years,
19 each municipality shall receive a shared revenue payment under this section that is
20 equal to the amount of the payment it received in 2003.

21 (b) The department of revenue shall use the population amounts it used to
22 determine the November 2000, shared revenue payments to municipalities to
23 calculate corrections to such payments in 2001, as provided under s. 79.08. The
24 department of revenue shall use the population amounts it used to estimate

1 payments under s. 79.015 in September 2000, to calculate actual and corrected 2001
2 shared revenue payments to municipalities.”

3 ✓ **1089.** Page 852, line 11: after that line insert:

4 “SECTION 2255m. 79.03 (3) (b) 3. of the statutes is amended to read:

5 79.03 (3) (b) 3. “Full valuation” means the full value of property that is exempt
6 under s. 70.11 (39) and (39m) as determined under s. 79.095 (3) plus the full value
7 of all taxable property for the preceding year as equalized for state tax purposes,
8 except that for municipalities the value of real estate assessed under s. 70.995 is
9 excluded. Value increments under s. 66.1105 plus the full value of property that is
10 exempt under s. 70.11 (39) and (39m) that would otherwise be part of a value
11 increment are included for municipalities but excluded for counties. Environmental
12 remediation value increments under s. 66.1106 are included for municipalities and
13 counties that create the environmental remediation tax incremental district and are
14 excluded for units of government that do not create the district. If property that had
15 been assessed under s. 70.995 and that has a value exceeding 10% of a municipality’s
16 value is assessed under s. 70.10, 30% of that property’s full value is included in “full
17 valuation” for purposes of the shared revenue payments in the year after the
18 assessment under s. 70.10, 65% of that property’s full value is included in “full
19 valuation” for purposes of the shared revenue payments in the year 2 years after the
20 assessment under s. 70.10 and 100% of that property’s full value is included in “full
21 valuation” for purposes of subsequent shared revenue payments.”

22 ✓ **1090.** Page 854, line 3: after that line insert:

23 “SECTION 2285d. 79.058 (3) (c) of the statutes is amended to read:

24 79.058 (3) (c) In the year 2000 and ~~subsequent years~~ in 2001, \$20,763,800.

ATT-ED - Please include change

FOR
PACKET
"G"

1 SECTION 2285e. 79.058 (3) (d) of the statutes is created to read:

2 79.058 (3) (d) In 2002, \$20,971,400.

3 SECTION 2285f. 79.⁰⁵⁸~~057~~ (3) (e) of the statutes is created to read:

4 79.⁰⁵⁸~~057~~ (3) (e) In 2003 and subsequent years, \$21,181,100."

5 **1091.** Page 854, line 3. After that line insert:

6 "SECTION 2285m. 79.05 (2) (c) of the statutes is amended to read:

7 79.05 (2) (c) Its municipal budget,; exclusive of principal and interest on
8 long-term debt and exclusive of payments of the revenue sharing payments under
9 s. 66.0305 and recycling fee payments under s. 289.645,; for the year of the statement
10 under s. 79.015 increased over its municipal budget as adjusted under sub. (6),;
11 exclusive of principal and interest on long-term debt and exclusive of payments of
12 the revenue sharing payments under s. 66.0305 and recycling fee payments under
13 s. 289.645,; for the year before that year by less than the sum of the inflation factor
14 and the valuation factor, rounded to the nearest 0.10%."

15 **1092.** Page 854, line 3: after that line insert:

16 "SECTION 2291m. 79.095 (2) (a) of the statutes is amended to read:

17 79.095 (2) (a) On or before May 1, the value of the computers property that are
18 is exempt under s. 70.11 (39) and (39m) in each taxing jurisdiction for which the
19 municipality assesses property.

20 SECTION 2291n. 79.095 (3) of the statutes is amended to read:

21 79.095 (3) REVIEW BY DEPARTMENT. The department shall adjust each rate
22 reported under sub. (2) (b) to a full-value rate. The department shall review and
23 correct the information submitted under sub (2) (a), shall determine the full value
24 of all of the computers property reported under sub. (2) (a) and of all the computers

1 **SECTION 2285e.** 79.058 (3) (d) of the statutes is created to read:

2 79.058 (3) (d) In 2002, \$20,971,400.

3 **SECTION 2285f.** 79.085 (3) (e) of the statutes is created to read:

4 79.085 (3) (e) In 2003 and subsequent years, \$21,181,100.”

5 **1091.** Page 854, line 3: after that line insert:

6 **“SECTION 2285m.** 79.05 (2) (c) of the statutes is amended to read:

7 79.05 (2) (c) Its municipal budget,[;] exclusive of principal and interest on
8 long-term debt and exclusive of ~~payments of the revenue sharing payments under~~
9 s. 66.0305 and recycling fee payments under s. 289.645[;] for the year of the statement
10 under s. 79.015 increased over its municipal budget as adjusted under sub. (6)[;]
11 exclusive of principal and interest on long-term debt and exclusive of ~~payments of~~
12 the revenue sharing payments under s. 66.0305 and recycling fee payments under
13 s. 289.645[;] for the year before that year by less than the sum of the inflation factor
14 and the valuation factor, rounded to the nearest 0.10%.”

15 **1092.** Page 854, line 3: after that line insert:

16 **“SECTION 2291m.** 79.095 (2) (a) of the statutes is amended to read:

17 79.095 (2) (a) On or before May 1, the value of the ~~computers~~ property that are
18 is exempt under s. 70.11 (39) ~~and (39m)~~ in each taxing jurisdiction for which the
19 municipality assesses property.

20 **SECTION 2291n.** 79.095 (3) of the statutes is amended to read:

21 79.095 (3) **REVIEW BY DEPARTMENT** The department shall adjust each rate
22 reported under sub. (2) (b) to a full-value rate. The department shall review and
23 correct the information submitted under sub. (2) (a), shall determine the full value
24 of all of the ~~computers~~ property reported under sub. (2) (a) and of all the ~~computers~~

1 property under s. 70.995 (12r) and, on or before October 1, shall notify each taxing
2 jurisdiction of the full value of the ~~computers~~ property that ~~are~~ is exempt under s.
3 70.11 (39) and (39m) and that ~~are~~ is located in the jurisdiction. The department shall
4 adjust the full value that is reported to taxing jurisdictions under this subsection in
5 the year after an error occurs or a value has been changed due to an appeal. All
6 disputes between the department and municipalities about the value of the property
7 reported under sub. (2) (a) or of the property under s. 70.995 (12r) shall be resolved
8 by using the procedures under s. 70.995 (8).

9 **SECTION 2291p.** 79.095 (4) of the statutes is amended to read:

10 79.095 (4) PAYMENT. The department shall calculate the payments due each
11 taxing jurisdiction under this section by multiplying the full value as of the January
12 1 of the preceding year of the ~~computers~~ property that ~~are~~ is exempt under s. 70.11
13 (39) and (39m) and that ~~are~~ is located in the jurisdiction by the full-value gross tax
14 rate of the jurisdiction for the preceding year. The department shall certify the
15 amount of the payment due each taxing jurisdiction to the department of
16 administration, which shall make the payments on or before the first Monday in
17 May.”.

18 **1093.** Page 854, line 3: after that line insert:

19 **“SECTION 2287.** 79.06 (2) (b) of the statutes is amended to read:

20 79.06 (2) (b) If the payments to a municipality or county, except any county in
21 which there are no cities or villages, or any county created in the year 1846 or 1847,
22 with a population in the year 1990 greater than 16,000 but less than 17,000, as
23 determined by the 1990 federal decennial census, in any year exceed its combined
24 payments under this section and s. 79.03, excluding payments under s. 79.03 (3c),

1 in the previous year by more than the maximum allowable increase, the excess shall
2 be withheld to fund minimum payments in that year under sub. (1) (c).”

3 ✓ **1094.** Page 856, line 3: after that line insert:

4 “**SECTION 2294p.** 81.01 (3) (intro.) of the statutes is amended to read:

5 81.01 (**S**) (intro.) Provide machinery, implements, material, and equipment
6 needed to construct, maintain, and repair said highways and bridges, and for that
7 purpose may acquire by purchase or by condemnation in the manner provided by ch.
8 32 gravel pits and stone quarries, but the total sum spent under this subsection shall
9 ~~not exceed \$10,000 in any year for construction, maintenance, and repair of~~
10 highways and bridges may not exceed the product of \$5,000 multiplied by the miles
11 of highway under the jurisdiction of the town measured by the most recent highway
12 mileage for the town, as determined under s. 86.302, unless one of the following
13 occurs:

14 **SECTION 2294pc.** 81.01 (3) (b) of the statutes is amended to read:

15 81.01 (**S**) (b) The town board, by resolution, submits to the electors of the town
16 as a referendum at a general or special town election the question of exceeding the
17 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
18 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
19 town on the question. The question shall read as follows:

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

1 FOR SPENDING AGAINST SPENDING .

2 ✓ **1095.** Page 856, line 3: after that line insert:

3 “SECTION 2294m. 84.001 (1r) of the statutes is created to read:

4 84.001 (1r) “Intelligent transportation system” means a specialized computer
5 system or other electronic, information processing, communication, or technical
6 system, including roadway detector loops, closed circuit television, permanent
7 variable message signs, or ramp meters, that is used to improve the efficiency or
8 safety of a surface transportation system.”.

9 ✓ **1096.** Page 856, line 3: after that line insert:

10 “SECTION 2294ec. 79.10 (10) (bm) of the statutes is renumbered 79.10 (10) (bm)

11 1. and amended to read:

12 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but
13 whose property tax bill does not reflect the credit may claim the credit by applying
14 to the treasurer of the taxation district in which the property is located for the credit
15 under par. (a) by January 31 following the issuance of the person’s property tax bill.
16 The treasurer of the taxation district in which the property is located shall compute
17 the amount of the credit; subtract the amount of the credit from the person’s property
18 tax bill; notify the person of the reduced amount of the property taxes due; issue a
19 refund to the person if the person has paid the property taxes in full; and enter the
20 person’s property on the next tax roll as property that qualifies for a lottery and
21 gaming credit. Claims made under this ~~paragraph~~ subdivision become invalid when
22 claims made under par. (a) become invalid.

23 SECTION 2294ee. 79.10 (10) (bm) 2. of the statutes is created to read:

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

12 **SECTION 2294eg.** 79.10 (10) (bn) of the statutes is renumbered 79.10 (10) (bn)
13 1. and amended to read:

14 79.10 (10) (bn) 1. If a person who owns and uses property as specified under
15 sub. (1) (dm), as of the certification date under par. (a), transfers the property after
16 the certification date, the transferee may apply to the treasurer of the county in
17 which the property is located or, if the property is located in a city that collects taxes
18 under s. 74.87, to the treasurer of the city in which the property is located for the
19 credit under sub. (9) (bm) on a form prescribed by the department of revenue. The
20 transferee shall attest that, to the transferee's knowledge, the transferor used the
21 property in the manner specified under sub. (1) (dm) as of the certification date under
22 par. (a). A claim that is made under this ~~paragraph~~ subdivision is valid for the year
23 in which the property is transferred.

24 **SECTION 2294eh.** 79.10 (10) (bn) 2. of the statutes is created to read:

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

11 **1097.** Page 856, line 3: after that line insert:

12 “**SECTION 2294j.** 80.05 (2) (b) of the statutes is amended to read:

13 80.05 (2) (b) Give notice by registered mail to the department of natural
14 resources, to the department of forestry and to the county land conservation
15 committee in each county through which the highway may pass.

16 **SECTION 2294m.** 80.39 (2) of the statutes is amended to read:

17 80.39 (2) NOTICE. Upon such petition the county board or the commissioners
18 appointed by the board shall give notice of the time and place they will meet to decide
19 on the petition. The notice shall be published as a class 2 notice, under ch. 985. The
20 notice shall also be given to the ~~department~~ secretary of natural resources ~~by serving~~
21 ~~a copy upon the secretary of natural resources~~ and to the secretary of forestry either
22 by registered mail or personally. If the board appoints a committee to act, the notice
23 shall state the fact and the notice shall be signed by the commissioners, otherwise
24 by the chairperson of the board.

1 **SECTION 2294p.** 84.01 (17) of the statutes is amended to read:

2 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
3 department of transportation shall determine, as far as possible, what
4 improvements will be made during the following 6-year period, and shall notify the
5 county clerks prior to February 1 of each even-numbered year, as to the
6 improvements in their respective counties. Such notice shall also be given to the
7 department of natural resources, to the department of forestry and to the
8 department of agriculture, trade and consumer protection.”

9 ✓ **1098.** Page 857, line 13: after that line insert:

10 **SECTION 2296p.** 84.01 (34) of the statutes is created to read:

11 84.01 (34) STILLWATER BRIDGE PROJECT. (a) Not later than April 1, 2002, the
12 department shall develop and submit to the joint committee on finance a proposal
13 specifying the amount of anticipated expenditures to be made by the department for
14 mitigation in connection with the Stillwater Bridge project across the St. Croix River
15 between Houlton in St. Croix County and Stillwater, Minnesota.

16 (b) If, after submission of the proposal under par. (a), the department
17 determines that it will exceed the amount of anticipated expenditures specified in
18 the proposal under par. (a), the department shall submit to the joint committee on
19 finance a proposal for the additional amount of anticipated expenditures for
20 mitigation in connection with the project.”

21 ✓ **1099.** Page 858, line 25: after that line insert:

22 **SECTION 2302k.** 84.013 (6g) of the statutes is created to read:

23 84.013 (6g) Notwithstanding s. 13.489 (1m) the department shall conduct a
24 study of the STH 11/USH 14 transportation corridor between Janesville and I 43 in

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

10 **1100.** Page 858, line 25: after that line insert:

11 “SECTION 2302gg. 84.013 (3m) (g) of the statutes is created to read:

12 84.013 (3m) (g) The department shall complete any major highway project
13 involving USH 10 from Marshfield to Stevens Point in Portage and Wood counties
14 by December 31, 2013.”

15 **1101.** Page 859, line 10: delete “reconstruction” and substitute
16 “rehabilitation”.

17 **1102.** Page 859, line 22: after that line insert:

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

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

1 ✓ **1103.** Page 859, line 23: after “86.255,” insert “any southeast Wisconsin
2 freeway rehabilitation projects, including”.

3 ✓ **1104.** Page 859, line 24: delete “project” and substitute “project.”

4 ✓ **1105.** Page 860, line 7: on lines 7 and 13, delete “reconstruction” and
5 substitute “rehabilitation”.

6 ✓ **1106.** Page 861, line 17: after that line insert:

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

11 (7fm) Construction work on the Marquette interchange reconstruction project
12 shall be performed on a 24-hour basis.

13 (7fr) The department shall design the reconstruction of the Marquette
14 interchange and I 94 in Milwaukee and Waukesha counties to allow for expansion
15 of capacity for vehicular traffic on the Marquette interchange and I 94 in these
16 counties to meet the projected vehicular traffic capacity needs, as determined by the
17 department, for 30 years following the completion of such reconstruction.”

18 ✓ **1107.** Page 861, line 18: before that line insert:

19 “SECTION 2304p. 84.02 (5) (a) of the statutes is amended to read:

20 84.02 (5) (a) As often as it deems necessary, the department shall publish
21 highway service maps showing the state trunk highway system and such other main
22 highways and other features as may seem desirable. Such highway service maps
23 shall be sold by the department at a price to be fixed by it, which shall be not less than
24 cost. The department may permit the use of the base plates for other maps and

1 publications in consideration of a fair fee for such use. The department shall make
2 and publish or duplicate such highway service maps as are required for its use, and
3 shall publish folded highway maps of Wisconsin for free distribution to the public.
4 The department shall ensure that the folded highway maps bear information
5 regarding the requirements of s. 347.48 (4) and do not bear information regarding
6 toll-free telephone service under s. 13.205.”

7 ✓ **1108.** Page 861, line 18: before that line insert:

8 “**SECTION 2304g.** 84.02 (3) (a) of the statutes is amended to read:

9 84.02 (3) (a) Changes may be made in the state trunk system by the
10 department, if it deems that the public good is best served by making the changes.
11 The department, in making the changes, may lay out new highways by the procedure
12 under this subsection. Due notice shall be given to the localities concerned of the
13 intention to make changes or discontinuances, and if the change proposes to lay a
14 highway via a new location and the distance along such deviation from the existing
15 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the
16 proposed change shall be held prior to making the change effective. The notice shall
17 also be given to the secretary of natural resources and to the secretary of forestry
18 either by registered mail or personally. Whenever the department decides to thus
19 change more than 2 1/2 miles of the system the change shall not be effective until the
20 decision of the department has been referred to and approved by the county board
21 of each county in which any part of the proposed change is situated. A copy of the
22 decision shall be filed in the office of the clerk of each county in which a change is
23 made or proposed. Where the distance along the deviation from the existing location
24 exceeds 5 miles the change shall constitute an addition to the state trunk highway

1 system. The preexisting route shall continue to be a state trunk highway unless the
2 county board of each county in which any part of the relocation lies and the
3 department mutually agree to its discontinuance as a state trunk highway.
4 Whenever such county board or boards and the department cannot so agree the
5 department shall report the problem to the next ensuing session of the legislature
6 for determination.”.

7 **1109.** Page 861, line 19: delete the material beginning with that line and
8 ending with page 864, line 2.

9 **1110.** Page 865, line 2: after “(5w),” insert “shall award a grant of \$2,500,000
10 under s. 86.31 (3s).”.

11 **1111.** Page 865, line 3: delete “\$5,000,000” and substitute “\$2,500,000”.

12 **1112.** Page 865, line 7: after “(a)” insert “or s. 86.31 (3s).”.

13 **1113.** Page 865, line 20: after that line insert:

14 **SECTION 2307h.** 84.075 (1) of the statutes is amended to read:

15 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
16 contracts under s. 84.06, and in contracting with private contractors and agencies
17 under s. 84.07, the department of transportation shall attempt to ensure that 5% of
18 the total amount expended in each fiscal year is paid to contractors, subcontractors,
19 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1 that~~
20 are minority businesses certified by the department of commerce under s. 560.036
21 (2). In attempting to meet this goal, the department of transportation may award
22 any contract to a minority business that submits a qualified responsible bid that is
23 no more than 5% higher than the low bid.

24 **SECTION 2307i.** 84.075 (2) of the statutes is amended to read:

1 84.075 (2) The contractor shall report to the department of transportation any
2 amount of the contract paid to subcontractors and vendors ~~which that~~ are minority
3 businesses certified by the department of commerce under s. 560.036 (2).

4 **SECTION 2307j.** 84.075 (3) of the statutes is amended to read:

5 84.075 (3) The department of transportation shall at least semiannually, or
6 more often if required by the department of administration, report to the department
7 of administration the total amount of money it has paid to contractors,
8 subcontractors, and vendors ~~which that~~ are minority businesses under ss. 84.01 (13),
9 84.06, and 84.07 and the number of contacts with minority businesses in connection
10 with proposed purchases and contracts. In its reports, the department of
11 transportation shall include only amounts paid to businesses certified by the
12 department of commerce under s. 560.036 (2) as minority businesses.

13 **SECTION 2307jk.** 84.076 (1) (c) of the statutes is amended to read:

14 84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~
15 ~~(e) 1~~ means a business that is certified by the department of commerce under s.
16 560.036 (2).”.

17 ✓ **1114.** Page 865, line 20: after that line insert:

18 **“SECTION 2307f.** 84.04 (4) of the statutes is created to read:

19 84.04 (4) Notwithstanding sub. (2), after the effective date of this subsection
20 ... [revisor inserts date], the department may not construct any rest area along or
21 in close proximity with a state trunk highway at a location that is within a radius
22 of 5 miles from an exit from the highway that provides access to motorist services
23 described under s. 86.195 (3). This subsection does not apply to any rest area that

1 is located no more than 5 miles from the border of this state or to any rest area that
2 may be located near the village of Belmont in Lafayette County.”

3 **1115.** Page 865, line 20: after that line insert:

4 “SECTION 2307dc. 84.072 of the statutes is created to read:

5 **84.072 Unified disadvantaged business certification program. (1)**

6 DEFINITIONS. In this section:

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

9 (am) “Certifying authority” means the department or, if authorized under sub.
10 (5m), a municipality or county.

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

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

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

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

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

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

22 (2) CERTIFICATION. (a) Any business may apply to a certifying authority for
23 certification as a disadvantaged business. All applications shall be sworn and
24 notarized. A certifying authority shall certify as a disadvantaged business any

1 business that meets the requirements under 49 CFR 26, subpart D, for such
2 certification. A certifying authority shall follow all certification procedures and
3 standards provided in 49 CFR 26 and all certification determinations shall strictly
4 conform with 49 CFR 26 and federal guidelines established under that section. A
5 certifying authority shall complete review and issue a decision concerning an
6 application within 90 days after receiving the completed application, except that a
7 certifying authority may extend its review period to not more than 150 days if, within
8 those 90 days, the certifying authority provides written notice to the applicant
9 specifying the reasons for the extension. No person may certify a business as a
10 disadvantaged business for purposes of 49 CFR 26, except as provided in this section.
11 A certifying authority may charge and collect reasonable fees for reviewing an
12 application submitted under this paragraph.

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

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

21 a. Grant certification in reliance of the certification determination under the
22 federally approved unified certification program.

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

1 c. Require the applicant to undergo the application process without regard to
2 the other certification.

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

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

11 (d) Certification under this section is valid for 3 years, unless the department
12 removes certification under sub. (4) or the certification is removed as provided in 49
13 CFR 26.87 or 26.89. A certifying authority may not require a business that is
14 certified under this section to reapply during the 3-year period after its certification,
15 unless the factual basis on which the certification is made materially changes.

16 (e) No certification of a business as a disadvantaged business for purposes of
17 federal transportation assistance programs before the effective date of this
18 paragraph [revisor inserts date], is valid for contracts executed after the last day
19 of the 5th month beginning after the effective date of this paragraph [revisor
20 inserts date]. Beginning on the first day of the 6th month beginning after the
21 effective date of this paragraph.... [revisor inserts date], only a business certified
22 under this section qualifies as a disadvantaged business enterprise for purposes of
23 49 CFR 26.

24 **(2m) CONFIDENTIALITY.** (a) A certifying authority may not disclose to any
25 person any information that relates to an individual's statement of net worth, a

1 statement of experience, or a company's financial statement, including the gross
2 receipts of a bidder, or to any documentation submitted in support of those
3 statements, if the information was obtained for the purpose of complying with 49
4 CFR 26, as that section existed on October 1, 1999.

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

7 1. The person to whom the information relates.

8 2. If the certifying authority is a municipality or county, to the department.

9 3. If the certifying authority is the department, to a municipality or county
10 authorized under sub. (5m).

11 4. Any person who has the written consent of the person to whom the
12 information relates to receive such information.

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

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

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

1 (4) REQUIREMENTS OF CERTIFIED BUSINESSES. A business certified as a
2 disadvantaged business shall, within 30 days after a change in the business's size,
3 disadvantaged status, ownership, or control that could preclude its certification as
4 a disadvantaged business under 49 CFR 26, notify the department of such change
5 by sworn and notarized statement. A business certified as a disadvantaged business
6 shall submit annually to the department a sworn, notarized statement attesting that
7 there have been no changes to business's size, disadvantaged status, ownership, or
8 control, or gross receipts, that would preclude its certification as a disadvantaged
9 business under 49 CFR 26. The notice shall include a statement that the business
10 meets the size and gross receipts criteria for certification, and shall include
11 documentary evidence supporting that statement. The department shall remove the
12 certification of any disadvantaged business that fails to provide the statement within
13 13 months after certification under this section, or within 13 months after it last
14 submitted to the department the information required under this subsection,
15 whichever is later.

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

1 **(5m) CERTIFICATION BY A MUNICIPALITY OR COUNTY.** The department may
2 authorize any municipality or county to certify a business as a disadvantaged
3 business. The authorization shall be in writing and shall require the municipality
4 or county to conform strictly to the standards and processes provided in this section
5 and rules promulgated under this section. The authorization shall be valid for one
6 year. The authorization shall require the municipality or county to provide written
7 notice to the department of any certification decision. The written notice shall
8 include all of the information contained in the directory maintained under sub. (5).
9 The authorization shall require the municipality or county to forward applications
10 to the department under sub. (2) (b) 3. Certification by a municipality or county is
11 valid for 3 years, unless the department removes certification under sub. (4) or the
12 certification is removed as provided in 49 CFR 26.87 or 26.89. No municipality or
13 county authorized under this subsection may hear any appeals or complaints
14 regarding certification decisions.

15 **(6) RECIPROCAL CERTIFICATION AGREEMENTS.** Notwithstanding sub. (2) (a), the
16 department may enter into a reciprocal agreement with any other state establishing
17 a joint unified certification program that strictly conforms to 49 CFR 26. The
18 agreement may authorize the other state to certify as a disadvantaged business any
19 business that is based in this state, or may authorize the department to certify as a
20 disadvantaged business any business based in that other state.

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

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

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

12 **SECTION 2307de.** 84.076 (1) (a) of the statutes is amended to read:

13 84.076 (1) (a) “Disadvantaged individual” means a minority group member, a
14 woman or any other individual found by the department to be socially and
15 economically disadvantaged ~~by the department as provided~~ within the meaning
16 given in 49 CFR ~~23.62~~ 26.5, unless successfully challenged as provided in 49 CFR
17 ~~23.69~~ 26.89.

18 **SECTION 2307dg.** 84.076 (1) (b) (intro.) of the statutes is renumbered 84.076
19 (1) (b) and amended to read:

20 84.076 (1) (b) “Disadvantaged business” ~~means a sole proprietorship,~~
21 ~~partnership, limited liability company, joint venture or corporation that fulfills all~~
22 ~~of the following requirements, as certified by the department:~~ has the meaning given
23 in s. 84.072 (1) (b).

24 **SECTION 2307dh.** 84.076 (1) (b) 1., 2. and 3. of the statutes are repealed.

1 **SECTION 2307dj.** 84.076 (3) (intro.) and (a) of the statutes are consolidated,
2 renumbered 84.076 (3) and amended to read:

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

12 **SECTION 2307dk.** 84.076 (3) (b) of the statutes is repealed.

13 **SECTION 2307dm.** 84.076 (4) (b) of the statutes is amended to read:

14 84.076 (4) (b) Obtain from a subcontractor that has experience in providing
15 training to disadvantaged individuals a program of preapprenticeship training that
16 satisfies the requirements established by the secretary under sub. (2) (b), and assure
17 that the subcontractor has experience in providing a program of management and
18 technical assistance to disadvantaged business contractors, and that the
19 subcontractor's management and technical assistance program satisfies the
20 requirements established by the secretary under sub. (2) (b) and includes all of the
21 requirements of par. (a) 2. A subcontractor under this paragraph need not be a
22 disadvantaged business, but if the subcontractor is not a disadvantaged business, it
23 may not be included within the goal established under sub. (3) (b).".

24 ✓ **1116.** Page 865, line 20: after that line insert:

1 **SECTION 2307g.** 84.06 (1) of the statutes is amended to read:

2 84.06 (1) DEFINITIONS. In this section, “improvement” or “highway
3 improvement” includes construction, reconstruction, rehabilitation, and the
4 activities, operations and processes incidental to building, fabricating, or bettering
5 a highway, public mass transportation system or street, but not maintenance. The
6 terms do not include the installation, replacement, rehabilitation, or maintenance
7 of highway signs, traffic control signals, highway lighting, pavement markings, or
8 intelligent transportation systems, unless incidental to building, fabricating, or
9 bettering a highway or street.

10 **SECTION 2307h.** 84.07 (1) of the statutes is amended to read:

11 84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk
12 highway system shall be maintained by the state at state expense. The department
13 shall prescribe by rule specifications for such maintenance and may contract with
14 any county highway committee or municipality to have all or certain parts of the
15 work of maintaining the state trunk highways within or beyond the limits of the
16 county or municipality, including interstate bridges, performed by the county or
17 municipality, and any county or municipality may enter into such contract. General
18 maintenance activities include the application of protective coatings, the removal
19 and control of snow, the removal, treatment and sanding of ice, interim repair of
20 highway surfaces and adjacent structures, and all other operations, activities and
21 processes required on a continuing basis for the preservation of the highways on the
22 state trunk system, and including the care and protection of trees and other roadside
23 vegetation and suitable planting to prevent soil erosion or to beautify highways
24 pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate
25 traffic service. Special maintenance activities include the restoration,

1 reinforcement, complete repair or other activities which the department deems are
2 necessary on an individual basis for specified portions of the state trunk system.
3 Maintenance activities also include the installation, replacement, rehabilitation, or
4 maintenance of highway signs, traffic control signals, highway lighting, pavement
5 markings, and intelligent transportation systems. The department may contract
6 with a private entity for services or materials or both associated with the installation,
7 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,
8 highway lighting, pavement markings, and intelligent transportation systems.”

9 **1117.** Page 865, line 20: after that line insert:

10 “**SECTION 2307cf.** 84.09 (9) of the statutes is created to read:

11 84.09 (9) Subsections (5), (5m), and (6) do not apply to residual state property
12 subject to s. 20.9145.

13 **SECTION 2307cg.** 84.09 (9) of the statutes, as created by 2001 Wisconsin Act
14 (this act), is repealed.”.

15 **1118.** Page 866, line 2: after that line insert:

16 “**SECTION 2307m.** 84.1040 of the statutes is created to read:

17 **84.1040 Donald K. “Deke” Slayton Memorial Highway.** (1) The
18 department shall designate and, subject to sub. (2), mark STH 27 in Monroe County
19 commencing at Sparta and proceeding southerly to Cashton as the “Donald K. ‘Deke’
20 Slayton Memorial Highway” as a living memorial to and in honor of Donald K. “Deke”
21 Slayton, who brought credit to this state and, in particular, Monroe County for his
22 contribution to this country’s space program as one of the 7 original astronauts and
23 as a participant in the first joint United States–Soviet space mission.

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

8 ✓ **1119.** Page 868, line 2: after that line insert:

9 “**SECTION 2308r.** 84.30 (10m) of the statutes is renumbered 84.30 (10m) (intro.)
10 and amended to read:

11 84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. (intro.) The department may
12 promulgate a rule requiring persons specified in the rule to pay annual permit fees
13 for signs. If the department establishes an annual permit fee under this subsection,
14 failure to pay the fee within 2 months after the date on which payment is due is
15 evidence that the sign has been abandoned for the purposes of s. TRANS 201.10 (2)
16 (f), Wis. Adm. Code. This subsection does not apply to any of the following:

17 **SECTION 2308s.** 84.30 (10m) (a) and (b) of the statutes are created to read:

18 84.30 (10m) (a) An off-premises advertising sign that is owned by a religious
19 organization.

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

22 ✓ **1120.** Page 868, line 2: after that line insert:

23 “**SECTION 2308p.** 84.28 (1) of the statutes is amended to read:

1 84.28 (1) Moneys from the appropriation under s. ~~20.370 (7) (mc)~~ 20.375 (3) (b)
2 may be expended for the renovation, marking and maintenance of a town or county
3 highway located within the boundaries of any ~~state park, state forest or other~~
4 ~~property under the jurisdiction of the department of natural resources, other than~~
5 a southern state forest. Moneys from the appropriation under s. 20.370 (7) (mc) may
6 be expended for the renovation, marking and maintenance of a town or county
7 highway located within the boundaries of any state park or any southern state forest,
8 in the lower Wisconsin state riverway, as defined in s. 30.40 (15), or on other property
9 under the jurisdiction of the department of natural resources. Outside the lower
10 Wisconsin state riverway, as defined in s. 30.40 (15), or outside the boundaries of
11 these parks, forests or other property under the jurisdiction of the department of
12 natural resources, moneys from the appropriation under s. 20.370 (7) (mc) may be
13 expended for the renovation, marking and maintenance of roads which the
14 department of natural resources certifies are utilized by a substantial number of
15 visitors to these state parks, state forests or other property under the jurisdiction of
16 the department of natural resources. The department of natural resources shall
17 authorize expenditures from the appropriation under s. 20.370 (7) (mc) under this
18 subsection. The department of natural resources shall rank projects eligible for
19 assistance funding from the appropriation under s. 20.370 (7) (mc) under a priority
20 system and funding may be restricted to those projects with highest priority. Outside
21 the boundaries of the state forests under the jurisdiction of the department of
22 forestry, moneys from the appropriation under s. 20.375 (3) (b) may be expended for
23 the renovation, marking, and maintenance of roads which the department of forestry
24 certifies are utilized by a substantial number of visitors to these state forests. The
25 department of forestry shall authorize expenditures from the appropriation under

1 s. 20.375 (3) (b) under this subsection. The department of forestry shall rank projects
2 eligible for funding from the appropriation under s. 20.375 (3) (b) under a priority
3 system and funding may be restricted to those projects with the highest priority.

4 **SECTION 2308s.** 84.28 (2) of the statutes is amended to read:

5 84.28 (2) The department may administer a program for the construction,
6 maintenance, and marking of roads, including fire roads, service areas, trailer, or
7 vehicle parking stalls or parking areas and other facilities consistent with highway
8 construction and for the marking of scenic routes in the state parks, state forests, the
9 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,
10 other public used areas under the jurisdiction of the department of natural resources
11 or the department of forestry, and other public lands as defined in ch. 24, for
12 highways or fire roads leading from the most convenient state trunk highways to
13 such lands, and for the relocation and construction of state trunk highways in or near
14 state parks when required in the interests of public safety. Within the limitations
15 and for the purposes of this section, work may be performed by or under the
16 supervision or authority or with the approval of the department of transportation,
17 upon the request for such work filed by the department ~~of natural resources~~ having
18 jurisdiction as to the lower Wisconsin state riverway, as defined in s. 30.40 (15), or
19 as to state park or forest lands, or by the board of commissioners of the public lands
20 as to other classes of public lands. Outside the lower Wisconsin state riverway, as
21 defined in s. 30.40 (15), and outside the limits of the park, state forest, and public
22 land areas, direct connections to the most convenient state trunk highway may be
23 built or maintained under this section. Roads in unincorporated areas within 5 miles
24 of the boundaries of the Horicon national wildlife refuge or the Horicon marsh
25 wildlife area may be built or maintained under this section upon request of the town

1 board, if the department of transportation certifies that such roads are or will be used
2 by a substantial number of visitors to such area. Costs incurred under this section
3 shall be the responsibility of the department of natural resources, department of
4 forestry, commissioners of public lands or town board, as appropriate.”.

5 ✓ **1121.** Page 868, line 24: after that line insert:

6 “SECTION 2310m. 85.027 of the statutes is created to read:

7 **85.027 Highway corridor planning grant program. (1)** In this section:

8 (a) “Highway corridor” means the area up to 10 miles on either side of a state
9 trunk highway that is expected by the department to need additional capacity for
10 vehicular traffic or to have possible safety or operational problems resulting from
11 pressure for development adjacent to the highway.

12 (b) “Local governmental unit” means a city, village, town, county, regional
13 planning commission, or metropolitan planning organization, as defined in s. 85.243

14 (1) (c).

15 (2) The department shall administer a highway corridor planning grant
16 program. From the appropriation under s. 20.395 (3) (bq), the department shall
17 award grants to local governmental units for highway corridor planning activities.

18 In any fiscal year, the department may not expend more than \$500,000 for grants
19 under this subsection.”.

20 ✓ **1122.** *See HB 1123* Page 869, line 1: before that line insert:

21 “SECTION 2311g. 85.061 (3) (b) of the statutes is renumbered 85.061 (3) (b) 1.
22 and amended to read:

23 85.061 (3) (b) 1. The department may not use any proceeds from the bond issue
24 authorized under s. 20.866 (2) (up) unless ~~the joint committee on finance approves~~

1 the use of the proceeds and, with state funds are used for not more than 20% of the
2 cost of the project. This subdivision does not apply to the use of any bond proceeds
3 approved by the joint committee on finance before the effective date of this
4 subdivision [revisor inserts date].

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

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

11 ✓ **1123.** Page 868, line 25: delete that line.

Move to 463-19

12 ✓ **1124.** Page 870, line 22: after that line insert:

13 “SECTION 2321p. 85.12 (5) of the statutes is created to read:

14 85.12 (5) Beginning with fiscal year 2001–02, from the appropriations under
15 s. 20.395 (5) (dk) of moneys received by the department from the department and
16 under s. 20.395 (5) (dq), the amount provided by the department in any fiscal year
17 for the statewide public safety radio management program under this section may
18 not exceed 50% of the costs of the statewide public safety radio management program
19 or \$138,000, whichever is less.”.

20 ✓ **1125.** Page 873, line 18: after that line insert:

21 “SECTION 2330g. 85.205 (title) of the statutes is amended to read:

22 **85.205 (title) Prohibited expenditures and construction for light rail.**

23 SECTION 2330h. 85.205 of the statutes is renumbered 85.205 (1) and amended

24 to read:

1 85.205 (1) Notwithstanding ss. 85.022, 85.062 and 85.063, the department may
2 not encumber or expend any federal funds received under P.L. 102–240, section 1045,
3 or P.L. 105–277, section 373, or state funds for any purpose related to a light rail mass
4 transit system. ~~This section on or after the effective date of this subsection~~
5 [revisor inserts date]. This subsection does not apply to any light rail mass transit
6 system that is being constructed on October 29, 1999. ~~This section subsection~~ does
7 not apply to any funds expended or activity related to a mass transit system that is
8 done under the memorandum of agreement concerning USH 12 between Middleton
9 and Lake Delton, Wisconsin, that was executed by the governor, the secretary of
10 transportation, the secretary of natural resources, the county executive of Dane
11 County, the administrative coordinator of Sauk County, and others, and that became
12 effective on April 22, 1999. ~~This section subsection~~ does not apply after
13 June 30, ~~2001~~ 2002.

14 **SECTION 2330j.** 85.205 (2) of the statutes is created to read:

15 85.205 (2) A light rail mass transit system may not be constructed in
16 Milwaukee County after the effective date of this subsection [revisor inserts date],
17 unless the Milwaukee County board authorizes construction of the light rail mass
18 transit system by resolution and the resolution is ratified by the electors of
19 Milwaukee County at a referendum held at the next general election.”.

20 **1126.** Page 878, line 10: after that line insert:

21 **“SECTION 2340q.** 85.53 (3) of the statutes is amended to read:

22 85.53 (3) Grants under this section shall be paid from the appropriations under
23 s. 20.395 (5) (jr) and (jt). The amount of a grant may not exceed 80% of the amount
24 expended by an eligible applicant for services related to the program.”.

1 **1127.** Page 878, line 23: after that line insert:

2 "SECTION 2340vg. 86.03 (5m) of the statutes is created to read:

3 86.03 (5m) TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

4 (a) In this subsection, "vegetation" means any tree, shrub, hedge, or other foliage.

5 (b) Notwithstanding any other provision of this section, if any vegetation
6 located in the right-of-way of any highway under the jurisdiction of the department
7 prevents the operator of a vehicle traveling on a highway at the posted speed limit
8 from viewing for 6 uninterrupted seconds a business premises located adjacent to the
9 highway right-of-way, a sign located on a business premises adjacent to the highway
10 right-of-way that advertises the business to motorists on the adjacent highway, or
11 any sign erected under this chapter or s. 84.30 that is permitted to be located in or
12 adjacent to the highway right-of-way, any person who maintains a majority
13 ownership interest in the business adjacent to the highway right-of-way or in any
14 business advertised on a sign identified in this paragraph may trim or remove any
15 obstructing vegetation located in the highway right-of-way if all of the following
16 requirements are met:

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

18 2. The person pays for the cost of trimming or removing the obstructing
19 vegetation, including the cost of cleanup and disposal, and for replacing any removed
20 vegetation, including the cost of purchasing and planting the replacement
21 vegetation.

22 3. If the person has removed vegetation, the person replaces the removed
23 vegetation with comparable vegetation along the same highway right-of-way,
24 provided that the person may not locate replacement vegetation in a manner that

1 obstructs, or will obstruct in the foreseeable future, the view from the highway of
2 another existing business or sign identified in this paragraph.

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

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

7 (c) The department shall issue permits to eligible applicants for the trimming
8 or removal of vegetation located in a highway right-of-way under par. (b). Any
9 permit issued under this paragraph shall specify the vegetation or the portion of the
10 highway right-of-way to which the permit applies. The department shall grant or
11 deny an application for a permit within 30 days of receipt of the application.”.

12 ✓ **1128.** Page 878, line 24: delete that line.

13 ✓ **1129.** Page 879, line 1: delete lines 1 to 6 and substitute:

14 “**SECTION 2340y.** 86.193 of the statutes is created to read:

15 **86.193 Agricultural tourism signs.** (1) In this section, “agricultural
16 tourism facility” means a facility located in this state that is open to the public at
17 least 4 days a week for a minimum of 3 months and which does any of the following:

18 (a) Markets Wisconsin farm products.

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

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

23 (2) The department shall develop and, no later than March 1, 2002, implement
24 a plan, consistent with federal and state laws, to promote and maximize the erection

1 of agricultural tourism signs on highways in this state to identify and provide
2 directional information to any agricultural tourism facility.

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

6 (b) A local authority shall permit erection of a trailblazer sign that identifies
7 and provides directional information to an agricultural tourism facility on a highway
8 under the jurisdiction of the local authority if the facility is located more than 5 miles
9 from the highway and the local authority assesses and collects from the facility the
10 actual costs of erection of the trailblazer sign. The department shall promulgate
11 rules defining “trailblazer sign” for purposes of this paragraph.

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

14 ✓ **1130.** Page 879, line 12: delete “\$1,790” and substitute “\$1,825”.

15 ✓ **1131.** Page 879, line 19: delete “\$88,312,900” and substitute “\$90,044,600”.

16 ✓ **1132.** Page 880, line 1: delete “\$277,843,200” and substitute “\$283,291,100”.

17 ✓ **1133.** Page 880, line 3: after that line insert:

18 “**SECTION 2345m.** 86.30 (10c) of the statutes is created to read:

19 86.30 (10c) AID PAYMENTS FOR CALENDAR YEAR 2002. (a) 1. For calendar year 2002,
20 the department shall determine the percentage change between the amount of
21 moneys appropriated for distribution under this section to counties for calendar year
22 2002 and the amount of moneys appropriated for distribution under this section to
23 counties for calendar year 2001.

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

5 (b) 1. For calendar year 2002, the department shall determine the percentage
6 change between the amount of moneys appropriated for distribution under this
7 section to municipalities for calendar year 2002 and the amount of moneys
8 appropriated for distribution under this section to municipalities for calendar year
9 2001.

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

15 **SECTION 2345n.** 86.30 (10g) of the statutes is created to read:

16 **86.30 (10g) AID PAYMENTS FOR CALENDAR YEAR 2003.** (a) 1. For calendar year 2003,
17 the department shall determine the percentage change between the amount of
18 moneys appropriated for distribution under this section to counties for calendar year
19 2003 and the amount of moneys appropriated for distribution under this section to
20 counties for calendar year 2002.

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

1 (b) 1. For calendar year 2003, the department shall determine the percentage
2 change between the amount of moneys appropriated for distribution under this
3 section to municipalities for calendar year 2003 and the amount of moneys
4 appropriated for distribution under this section to municipalities for calendar year
5 2002.

6 2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),
7 the amount of aid payable to each municipality in calendar year 2003 shall be the
8 amount paid to that municipality for calendar year 2002, plus an amount equal to
9 the percentage determined under subd. 1. of the amount paid to the municipality for
10 calendar year 2002.”

11 **1134.** Page 881, line 4: after that line insert:

12 “SECTION 2348m. 86.31 (3s) of the statutes is created to read:

13 86.31 (3s) WEST CANAL STREET RECONSTRUCTION. Notwithstanding limitations
14 on the amount and use of aids provided under this section, or on eligibility
15 requirements for receiving aids under this section, and subject to s. 84.03 (3) (b), the
16 department shall award a grant of \$2,500,000 to the city of Milwaukee for the
17 purpose specified under s. 84.03 (3) (a). Notwithstanding subs. (3) (b), (3g), (3m), and
18 (3r), payment of the grant under this subsection shall be made from the
19 appropriation under s. 20.395 (2) (fr) before making any other allocation of funds
20 under subs. (3) (b), (3g), (3m), and (3r), and the allocation of funds under subs. (3) (b),
21 (3g), (3m), and (3r) shall be reduced proportionately to reflect the amount of the grant
22 made under this subsection. This subsection does not apply after December 31,
23 2005.”

24 **1135.** Page 881, line 4: after that line insert:

1 **SECTION 2349m.** 86.315 (1) of the statutes is amended to read:

2 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
3 shall annually, on March 10, pay to counties having county forests established under
4 ch. 28, for the improvement of public roads within the county forests which are open
5 and used for travel and which are not state or county trunk highways or town roads
6 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road
7 designated in the comprehensive county forest land use plan as approved by the
8 county board and the department of ~~natural resources~~ forestry. If the amount
9 appropriated under s. 20.395 (1) (fu) is insufficient to make the payments required
10 under this subsection, the department shall prorate the amount appropriated in the
11 manner it considers desirable.”.

12 ✓ **1136.** Page 881, line 11: delete lines 11 to 20.

13 ✓ **1137.** Page 881, line 25: delete “; equal to at least” and substitute “by rule,
14 equal to”.

*wrong — but auto-smoke did
it correctly!*

15 ✓ **1138.** Page 882, line 1: delete “at least”.

16 ✓ **1139.** Page 882, line 11: after that line insert:

17 **SECTION 2382.** 93.06 (8) of the statutes is amended to read:

18 93.06 (8) PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,
19 issue any permit, certificate, registration or license on a temporary or conditional
20 basis, contingent upon pertinent circumstances or acts. If the temporary or
21 conditional permit, certificate, registration or license is conditioned upon compliance
22 with chs. 93 to 100, ch. ~~127~~ 126, a rule promulgated by the department or a regulation
23 adopted under s. 97.41 (7) within a specified period of time and the condition is not

1 met within the specified period, the permit, certificate, registration or license shall
2 be void.”.

3 **1140.** Page 882, line 13: delete the material beginning with “From” and
4 ending with “provide” on line 14 and substitute “Provide”.

5 **1141.** Page 882, line 16: after that line insert:

6 **“SECTION 2385.** 93.135 (1) (rm) of the statutes is amended to read:

7 93.135 (1) (rm) A ~~registration certificate~~ license under s. ~~100.03 (2)~~ 126.56.

8 **SECTION 2386.** 93.135 (1) (s) of the statutes is amended to read:

9 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

10 **SECTION 2387.** 93.135 (1) (sm) of the statutes is amended to read:

11 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

12 **SECTION 2388.** 93.20 (1) of the statutes is amended to read:

13 93.20 (1) DEFINITION. In this section, “action” means an action that is
14 commenced in court by, or on behalf of, the department of agriculture, trade and
15 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

16 **SECTION 2389.** 93.21 (5) (a) of the statutes is amended to read:

17 93.21 (5) (a) In this subsection, “license” means a permit, certificate,
18 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.”.

19 **1142.** Page 882, line 17: after that line insert:

20 **“SECTION 2390p.** 93.32 of the statutes is created to read:

21 **93.32 Agriculture in the classroom program.** From the appropriation
22 account under s. 20.115 (4) (q), the department shall provide grants to the
23 organization that conducts an agriculture in the classroom program in cooperation

1 with the federal department of agriculture to help teachers educate students about
2 agriculture.”.

3 ✓ **1143.** Page 882, line 24: after that line insert:

4 “SECTION 2394. 93.50 (1) (g) of the statutes is amended to read:

5 93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable
6 procurement contract” in s. ~~100.03 (1) (vm)~~ 126.55 (15).”.

7 ✓ **1144.** Page 882, line 24: after that line insert:

8 “SECTION 2394p. 93.80 of the statutes is created to read:

9 **93.80 Arsenic in wood.** (1) The department, jointly with the department of
10 commerce, shall review scientific evidence to determine whether there is a
11 substantial likelihood that wood treated with copper, chromium, and arsenic is
12 harmful to the environment or to human health. The departments shall report the
13 results of their review to the legislature under s. 13.172 (2) no later than June 30,
14 2002.

15 (2) If the department and the department of commerce determine under sub.
16 (1) that there is a substantial likelihood that wood treated with copper, chromium,
17 and arsenic is harmful to the environment or to human health, the departments
18 jointly shall promulgate rules that phase in restrictions on the use of wood treated
19 with copper, chromium, and arsenic. The departments may not prohibit the use of
20 wood treated with copper, chromium, and arsenic for a purpose unless there is a
21 substitute wood preservative that may be used for that purpose and that is less
22 harmful.

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

1 ✓ **1145.** Page 883, line 11: after “other” insert “practical”.

2 ✓ **1146.** Page 886, line 22: substitute “may” for “will”.

3 ✓ **1147.** Page 888, line 10: after that line insert:

4 “**SECTION 2397e.** 94.73 (3m) (r) of the statutes is amended to read:

5 94.73 (3m) (r) The cost of providing alternative sources of drinking water,
6 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible
7 person who applies for reimbursement a total of not more than ~~\$20,000~~ \$50,000 for
8 the replacement or restoration of private wells or for connection to a public or private
9 water source if the department or the department of natural resources orders the
10 well replacement or restoration or the connection in response to a discharge.”.

11 ✓ **1148.** Page 888, line 15: after that line insert:

12 “**SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

13 97.20 (2) (d) 2. The license applicant has filed all financial information required
14 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has
15 not filed all financial information under s. 126.44 and any security required under
16 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under
17 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk
18 products from milk producers or their agents, but allows the operator to purchase
19 milk or fluid milk products from other sources.

20 **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

21 97.20 (3m) **CONFIDENTIALITY.** Any information kept by the department under
22 this section or s. 97.24 that identifies individual milk producers who deliver milk to
23 a dairy plant licensed under this section and that is a composite list for that dairy
24 plant is not subject to inspection under s. 19.35 unless inspection is required under

1 s. ~~100.06(4)~~ 126.70 or unless the department determines that inspection is necessary
2 to protect the public health, safety or welfare.

3 **SECTION 2402.** 97.22 (10) of the statutes is amended to read:

4 97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the
5 department under this section, under s. 97.24 or 97.52, or under rules promulgated
6 under those sections, that pertains to individual milk producer production, milk fat
7 and other component tests and quality records is not subject to inspection under s.
8 19.35 except as required under s. ~~100.06(4)~~ 126.70 or except as the department
9 determines is necessary to protect the public health, safety or welfare.

10 **SECTION 2403.** 97.29 (4) of the statutes is amended to read:

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

21 **1149.** Page 889, line 1: after that line insert:

22 "SECTION 2404. 100.03 of the statutes, as affected by 2001 Wisconsin Act
23 (this act), is repealed.

1 **SECTION 2405.** 100.06 of the statutes, as affected by 2001 Wisconsin Act (this
2 act), is repealed.”

3 **1150.** Page 889, line 1: after that line insert:

4 **“SECTION 2404g.** 100.03 (1) (bm) of the statutes is amended to read:

5 100.03 (1) (bm) “Audited financial statement” means a financial statement
6 that, in the accompanying opinion of an independent certified public accountant ~~or~~
7 ~~a public accountant holding a certificate of authority~~ licensed or certified under ch.
8 442, fairly and in all material respects represents the financial position of the
9 contractor, the results of the contractor’s operations and the contractor’s cash flows
10 in conformity with generally accepted accounting principles.

11 **SECTION 2404r.** 100.03 (1) (ym) 2. of the statutes is amended to read:

12 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting
13 principles by an independent certified public accountant ~~or a public accountant~~
14 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

15 **SECTION 2405m.** 100.06 (1g) (c) of the statutes is amended to read:

16 100.06 (1g) (c) The department shall require the applicant to file a financial
17 statement of his or her business operations and financial condition that meets the
18 requirements of par. (d). The licensee, during the term of his or her license, may be
19 required to file such statements periodically. All such statements shall be
20 confidential and shall not be open for public inspection, except that the department
21 shall provide the name and address of an individual, the name and address of the
22 individual’s employer and financial information related to the individual contained
23 in such statements if requested under s. 49.22 (2m) by the department of workforce
24 development or a county child support agency under s. 59.53 (5). The department

1 may require such statements to be certified by a certified public accountant licensed
2 or certified under ch. 442. Such statements and audits, when made by the
3 department, shall be paid for at cost.”.

4 **1151.** Page 889, line 8: after that line insert:

5 “SECTION 2414. 100.235 (1) (b) of the statutes is amended to read:

6 100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor”
7 under s. ~~100.03 (1) (f)~~ 126.55 (14).

8 SECTION 2415. 100.235 (1) (em) of the statutes is renumbered 100.235 (1) (dm)
9 and amended to read:

10 100.235 (1) (dm) “~~Registration~~ License year” has the meaning given under s.
11 ~~100.03 (1) (y)~~ 126.55 (10m).

12 SECTION 2416. 100.235 (2) of the statutes is amended to read:

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

22 SECTION 2417. 100.235 (3) of the statutes is repealed.

23 SECTION 2418. 100.235 (4) of the statutes is amended to read:

1 100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the
2 department determines that a contractor and the contractor's affiliates and
3 subsidiaries will collectively grow more than 10% of the acreage of any vegetable
4 species grown and procured by the contractor during a ~~registration~~ license year, the
5 department may require the contractor to file a statement of the contractor's cost to
6 grow that vegetable species. The contractor shall file the report with the department
7 within 30 days after the department makes its request, unless the department
8 grants an extension of time. The department may permit the contractor to report
9 different costs to grow for different growing regions if the contractor can define the
10 growing regions to the department's satisfaction, and can show to the department's
11 satisfaction that the contractor's costs to grow are substantially different between
12 the growing regions.

13 **SECTION 2420.** 100.26 (5) of the statutes is amended to read:

14 100.26 (5) Any person violating ~~s. 100.06 or any order or regulation of the~~
15 ~~department thereunder, or s. 100.18 (9)~~, shall be fined not less than \$100 nor more
16 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation
17 constitutes a separate offense.”.

18 ✓ **1152.** Page 890, line 16: after that line insert:

19 **SECTION 2429d.** 100.264 (2) (intro.) of the statutes is amended to read:

20 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
21 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
22 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 (10)
23 (b) or a rule promulgated under one of those sections, the person shall be subject to
24 a supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by

1 the defendant, for which the violation was imposed, was perpetrated against an
2 elderly person or disabled person and if the court finds that any of the following
3 factors is present:”

4 **1153.** Page 890, line 16: after that line insert:

5 “**SECTION 2430L.** 100.30 (5r) of the statutes is created to read:

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

16 **1154.** Page 890, line 25: after that line insert:

17 “**SECTION 2435.** 100.52 (title) of the statutes is created to read:

18 **100.52 (title) Telephone solicitations.**

19 **SECTION 2436.** 100.52 (1) (title) of the statutes is created to read:

20 100.52 (1) (title) DEFINITIONS.

21 **SECTION 2437b.** 100.52 (1) (a) of the statutes is created to read:

22 100.52 (1) (a) “Affiliate,” when used in relation to any person, means another
23 person who owns or controls, is owned or controlled by, or is under common
24 ownership or control with such person.

1 **SECTION 2438b.** 100.52 (1) (b) of the statutes is created to read:

2 100.52 (1) (b) “Basic local exchange service” has the meaning in s. 196.01 (1g).

3 **SECTION 2439b.** 100.52 (1) (c) of the statutes is created to read:

4 100.52 (1) (c) “Nonprofit organization” means a corporation, association, or
5 organization described in section 501 (c) (3), (4), (5), or (19) of the Internal Revenue
6 Code that is exempt from taxation under section 501 (a) of the Internal Revenue
7 Code.

8 **SECTION 2440b.** 100.52 (1) (d) of the statutes is created to read:

9 100.52 (1) (d) “Nonresidential customer” means a person, other than a
10 residential customer, who is furnished with telecommunications service by a
11 telecommunications utility.

12 **SECTION 2440d.** 100.52 (1) (e) of the statutes is created to read:

13 100.52 (1) (e) “Nonsolicitation directory” means the directory established in
14 rules promulgated by the department under sub. (2) (b).

15 **SECTION 2440f.** 100.52 (1) (f) of the statutes is created to read:

16 100.52 (1) (f) “Residential customer” means an individual who is furnished
17 with basic local exchange service by a telecommunications utility, but does not
18 include an individual who operates a business at his or her residence.

19 **SECTION 2440h.** 100.52 (1) (g) of the statutes is created to read:

20 100.52 (1) (g) “Telecommunications service” has the meaning given in s. 196.01
21 (9m).

22 **SECTION 2440j.** 100.52 (1) (h) of the statutes is created to read:

23 100.52 (1) (h) “Telecommunications utility” has the meaning given in s. 196.01
24 (10).

25 **SECTION 2440L.** 100.52 (1) (j) of the statutes is created to read:

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

4 **SECTION 2440n.** 100.52 (2) of the statutes is created to read:

5 100.52 (2) NONSOLICITATION DIRECTORY LISTING. (a) Upon a request by a
6 residential customer, the department shall include in the nonsolicitation directory
7 a listing indicating that the residential customer does not want to receive any
8 telephone solicitation made on behalf of a telephone solicitor.

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

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

23 (d) The department shall, on a semiannual basis, make the nonsolicitation
24 directory available by electronic transmission only to telephone solicitors who are
25 registered under sub. (3). Upon the request of a telephone solicitor registered under

1 sub. (3), the department shall also provide a printed copy of the nonsolicitation
2 directory to the telephone solicitor. A telephone solicitor who receives a copy of the
3 directory, or to whom the directory is made available by electronic transmission,
4 under this paragraph may not solicit or accept from any person, directly or indirectly,
5 anything of value in exchange for providing the person with any information
6 included in the copy.

7 **SECTION 2441b.** 100.52 (3) of the statutes is created to read:

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

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

23 1. The telephone solicitor.

24 2. If different than the telephone solicitor, the person selling the property,
25 goods, or services, or receiving the contribution, donation, grant, or pledge of money,

1 credit, property, or other thing of any kind, that is the reason for the telephone
2 solicitation.

3 **SECTION 2442b.** 100.52 (4) (title) of the statutes is created to read:

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

5 **SECTION 2442d.** 100.52 (4) (a) 2. and 3. of the statutes are created to read:

6 100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the
7 nonsolicitation directory that is provided or made available to the telephone solicitor
8 under sub. (2) (d) includes a listing for the residential customer.

9 3. Make a telephone solicitation to a nonresidential customer if the
10 nonresidential customer has provided notice by mail to the telephone solicitor that
11 the nonresidential customer does not wish to receive telephone solicitations.

12 **SECTION 2442f.** 100.52 (4) (b) of the statutes is created to read:

13 100.52 (4) (b) A telephone solicitor may not do any of the following:

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

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

19 **SECTION 2442h.** 100.52 (4) (c) of the statutes is created to read:

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

25 **SECTION 2443b.** 100.52 (5) of the statutes is created to read:

1 100.52 (5) NONPROFIT ORGANIZATION REQUIREMENTS. A nonprofit organization or
2 an employee or contractor of a nonprofit organization may not make a telephone
3 solicitation to a residential customer if the residential customer has provided notice
4 by telephone, mail, or facsimile transmission to the nonprofit organization that the
5 residential customer does not wish to receive telephone solicitations. A nonprofit
6 organization may not require an employee or contractor to make a telephone
7 solicitation that violates this subsection.

8 **SECTION 2444b.** 100.52 (6) of the statutes is created to read:

9 100.52 (6) EXCEPTIONS. Subsections (4) (a) 2. and 3. and (5) do not apply to a
10 telephone solicitation that satisfies any of the following:

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

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

19 **SECTION 2445b.** 100.52 (7) of the statutes is created to read:

20 100.52 (7) TERRITORIAL APPLICATION. This section applies to any interstate
21 telephone solicitation received by a person in this state and to any intrastate
22 telephone solicitation.

23 **SECTION 2446b.** 100.52 (8) of the statutes is created to read:

1 100.52 (8) PRIVATE CAUSE OF ACTION. Any person who suffers damages as the
2 result of another person violating this section may bring an action against the person
3 who violated this section to recover the amount of those damages.

4 **SECTION 2446d.** 100.52 (9) of the statutes is created to read:

5 100.52 (9) ENFORCEMENT. The department shall investigate violations of this
6 section and may bring an action for temporary or permanent injunctive or other relief
7 for any violation of this section.

8 **SECTION 2446f.** 100.52 (10) of the statutes is created to read:

9 100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates
10 this section may be required to forfeit not less than \$100 nor more than \$500 for each
11 violation.

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

15 ✓ **1155.** Page 890, line 25: after that line insert:

16 **“SECTION 2447x.** 101.02 (15) (a) of the statutes is amended to read:

17 101.02 (15) (a) The department has such supervision of every employment,
18 place of employment and public building in this state as is necessary adequately to
19 enforce and administer all laws and all lawful orders requiring such employment,
20 place of employment or public building to be safe, and requiring the protection of the
21 life, health, safety and welfare of every employe in such employment or place of
22 employment and every frequenter of such place of employment, and the safety of the
23 public or tenants in any such public building. This Except for the purposes of
24 enforcing and administering s. 101.22, this paragraph does not apply to occupational

1 safety and health issues covered by standards established and enforced by the
2 federal occupational safety and health administration.”

3 **1156.** Page 890, line 25: after that line insert:

4 “**SECTION 2446r.** 101.01 (11) of the statutes is amended to read:

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

1 **SECTION 2446rb.** 101.01 (11) of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

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

21 **SECTION 2447d.** 101.01 (12) of the statutes is amended to read:

22 101.01 (12) “Public building” means any structure, including exterior parts of
23 such building, such as a porch, exterior platform, or steps providing means of ingress
24 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
25 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation

1 to building codes, “public building” does not include a horse boarding facility or horse
2 training facility that does not contain an area for the public to view a horse show, the
3 initial construction of which was begun on or after August 1, 2000, or a previously
4 constructed building used as a community-based residential facility as defined in s.
5 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or
6 administrator or an adult family home, as defined in s. 50.01 (1).

7 **SECTION 2447db.** 101.01 (12) of the statutes, as affected by 2001 Wisconsin Act
8 (this act), is amended to read:

9 101.01 (12) “Public building” means any structure, including exterior parts of
10 such building, such as a porch, exterior platform, or steps providing means of ingress
11 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
12 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation
13 to building codes, “public building” does not include ~~a horse boarding facility or horse~~
14 ~~training facility that does not contain an area for the public to view a horse show, the~~
15 ~~initial construction of which was begun on or after August 1, 2000, or a previously~~
16 ~~constructed building used as a community-based residential facility as defined in s.~~
17 ~~50.01 (1g) which serves 20 or fewer residents who are not related to the operator or~~
18 ~~administrator or an adult family home, as defined in s. 50.01 (1).”.~~

19 ✓ **1157.** Page 891, line 4: after that line insert:

20 **“SECTION 2449d.** 101.10 (2) of the statutes, as created by 2001 Wisconsin Act
21 3, is amended to read:

22 101.10 (2) RULES. The department shall promulgate rules that prescribe
23 reasonable standards relating to the safe storage and handling of anhydrous
24 ammonia. The rules shall prescribe standards for the design, construction, repair,

1 alteration, location, installation, inspection, and operation of anhydrous ammonia
2 equipment. The Except as otherwise provided in this subsection, the rules
3 promulgated under this subsection do not apply to ammonia manufacturing plants,
4 refrigeration plants where ammonia is used solely as a refrigerant, facilities where
5 ammonia is used in pollution control devices or is manufactured, electric generating
6 or cogenerating facilities where ammonia is used as a refrigerant, and ammonia
7 transportation pipelines. If ammonia is used on the premises of a facility or plant
8 described under this subsection for a purpose or in a manner that is not related to
9 the applicable exemption from the rules promulgated under this subsection, the
10 exemption does not apply to that use.”.

11 **1158.** Page 898, line 25: after that line insert:

12 **“SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:

13 101.19 (1) (ig) Authorizing crane operator certification programs under s.
14 101.22 (2).

15 **SECTION 2490f.** 101.22 of the statutes is created to read:

16 **101.22 Crane operators. (1) DEFINITION.** In this section, “crane” means a
17 power-operated hoisting machine that is used in construction, demolition, or
18 excavation work, that has a power-operated winch and load line, and that has a
19 power-operated boom that moves laterally by the rotation of the machine on a
20 carrier. “Crane” does not include a forklift, a digger derrick truck, a bucket truck,
21 a boom truck used for sign erection, or a machine with a movable bridge carrying a
22 movable or fixed hoisting mechanism and traveling on an overhead, fixed, runway
23 structure.

1 (2) CERTIFICATION. (a) *Certification required.* Except as provided in sub. (5),
2 no individual may operate a crane with a lifting capacity of 15 tons or more in this
3 state without a valid crane operator certificate, received from a crane operator
4 certification program authorized by the department under sub. (3).

5 (b) *Employer liability.* No employer may permit an employee to perform work
6 in violation of par. (a).

7 (c) *Contractor and subcontractor liability.* No person who is under a contract
8 to construct an improvement to land may permit an agent of the person, or an
9 independent contractor under contract with the person, to perform work on the
10 improvement in violation of par. (a).

11 (3) CERTIFICATION PROGRAMS. (a) *Generally.* Except as provided in sub. (4), the
12 department shall administer a program under which the department authorizes
13 crane operator certification programs to grant certificates that satisfy sub. (2) (a).

14 (b) *Required components of certification programs.* The department may
15 authorize a crane operator certification program only if all of the following are
16 satisfied:

17 1. The program requires an individual who is applying for a certificate to
18 satisfactorily complete a written examination regarding safe crane operation.

19 2. The program requires an individual who is applying for a certificate to meet
20 physical standards necessary for safe crane operation, consistent with any national
21 standard that the department determines is appropriate.

22 3. The program requires an individual who is applying for a certificate to
23 satisfactorily complete a practical examination regarding safe crane operation,
24 unless the individual is applying for recertification and provides sufficient evidence

1 that the individual has safely completed at least 1,000 hours of crane operation
2 during the 5-year period before the date of the application for recertification.

3 4. The program is consistent with any applicable certification and
4 recertification requirements established by the federal occupational safety and
5 health administration and, to the extent feasible, the National Commission for the
6 Certification of Crane Operators.

7 5. The program issues a crane operator certificate that has a term of 5 years.

8 (c) *Rules*. The department shall promulgate rules to administer the program
9 established under par. (a).

10 (d) *List*. The department shall maintain a list of crane operator certification
11 programs authorized by the department.

12 (4) FEDERAL APPROVAL. The department shall submit to the federal secretary
13 of labor a plan for the certification of crane operators under this section, if required
14 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to
15 approve the plan. The plan submitted by the department shall be consistent with
16 all of the provisions of this section. If no approval is required under 29 USC 667 (b)
17 or if an approval that is consistent with all of the provisions of this section is granted
18 and in effect, the department shall implement the program under this section. If
19 approval is required under 29 USC 667 (b), the department may not implement the
20 program under this section unless an approval that is consistent with all of the
21 provisions of this section is granted and in effect.

22 (5) EXCEPTIONS (a) *Lack of federal approval*. Subsection (2) (a) does not apply
23 if approval of the department's plan for the certification of crane operators is required
24 under 29 USC 667 (b) but is not granted and in effect.

25 (b) *Other exceptions*. Subsection (2) (a) does not apply to any of the following:

1 1. An individual who is receiving training as a crane operator, if the individual
2 is under the direct supervision of a crane operator who holds a valid crane operator
3 certificate, received from a crane operator certification program authorized by the
4 department under sub. (3).

5 2. An individual who is a member of a uniformed service, as defined in s. 6.22
6 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
7 performing work for the uniformed service of which the individual is a member or for
8 the U.S. merchant marine, respectively.

9 3. An individual who is operating a crane for personal use on a premises that
10 is owned or leased by the individual.

11 4. An individual who is operating a crane in an attempt to remedy an
12 emergency.

13 5. An individual who is an employee or subcontractor of a public utility, as
14 defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the
15 purpose of producing or furnishing heat, light, power, or water to its members only,
16 a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio
17 service provider, as defined in s. 196.01 (2g), or an alternative telecommunications
18 utility under s. 196.01 (1d) (f), and who is operating a crane within the scope of his
19 or her employment or contract.

20 6. An individual who is operating a crane in the construction, operation, or
21 maintenance of an electric substation.

22 7. An individual who is affected by a collective bargaining agreement that
23 contains provisions that are inconsistent with sub. (2) (a).

24 **(6) PENALTIES.** Any person who violates sub. (2) may be fined not more than
25 \$500 or imprisoned for not more than 3 months or both.”

1 ✓ **1159.** Page 901, line 22: after that line insert:

2 “SECTION 2539c. 101.9203 (1) of the statutes is amended to read:

3 101.9203 (1) The Except as provided in subs. (3) and (4), the owner of a
4 manufactured home situated in this state or intended to be situated in this state
5 shall make application for certificate of title under s. 101.9209 for the manufactured
6 home if the owner has newly acquired the manufactured home.

7 SECTION 2539d. 101.9203 (4) of the statutes is created to read:

8 101.9203 (4) The owner of a manufactured home that is situated in this state
9 or intended to be situated in this state is not required to make application for a
10 certificate of title under s. 101.9209 if the owner of the manufactured home intends,
11 upon acquiring the manufactured home, to permanently affix the manufactured
12 home to land that the owner of the manufactured home owns.”

13 ✓ **1160.** Page 902, line 5: after that line insert:

14 “SECTION 2539n. 101.9209 (1) (a) of the statutes is amended to read:

15 101.9209 (1) (a) If an owner transfers an interest in a manufactured home,
16 other than by the creation of a security interest, the owner shall, at the time of the
17 delivery of the manufactured home, execute an assignment and warranty of title to
18 the transferee in the space provided therefor on the certificate, and cause the
19 certificate to be mailed or delivered to the transferee. This paragraph does not apply
20 if the owner has no certificate of title as a result of the exemption under s. 101.9203
21 (4).

22 SECTION 2539nc. 101.9209 (2) of the statutes is amended to read:

23 101.9209 (2) Promptly Except as otherwise provided in this subsection,
24 promptly after delivery to him or her of the manufactured home, the transferee shall

1 execute the application for a new certificate of title in the space provided therefor on
2 the certificate or as the department prescribes, and cause the certificate and
3 application to be mailed or delivered to the department. This subsection does not
4 apply to a transferee who is exempt from making application for a certificate of title
5 under s. 101.9203 (4).

6 **SECTION 2539nf.** 101.9209 (3) of the statutes is amended to read:

7 101.9209 (3) A transfer by an owner is not effective until the applicable
8 provisions of this section have been complied with. An owner who has delivered
9 possession of the manufactured home to the transferee and has complied with the
10 provisions of this section requiring action by him or her is not liable as owner for any
11 damages thereafter resulting from use of the mobile home.

12 **SECTION 2539nh.** 101.9209 (5) (a) and (b) of the statutes are amended to read:

13 101.9209 (5) (a) Any transferee of a ~~mobile~~ manufactured home who fails to
14 make application for a new certificate of title immediately upon transfer to him or
15 her of a manufactured home as required under sub. (2) may be required to forfeit not
16 more than \$200.

17 (b) Any transferee of a manufactured home who, with intent to defraud, fails
18 to make application for a new certificate of title immediately upon transfer to him
19 or her of a manufactured home as required under sub. (2) may be fined not more than
20 \$1,000 or imprisoned for not more than 30 days or both.

21 **SECTION 2539nj.** 101.921 (1) (a) of the statutes is amended to read:

22 101.921 (1) (a) Except as provided in par. (b), if a manufactured home dealer
23 acquires a manufactured home and holds it for resale or accepts a manufactured
24 home for sale on consignment, the manufactured home dealer may not submit to the
25 department the certificate of title or application for certificate of title naming the

1 manufactured home dealer as owner of the manufactured home. Upon transferring
2 the manufactured home to another person, the manufactured home dealer shall
3 immediately give the transferee, on a form prescribed by the department, a receipt
4 for all title, security interest and sales tax moneys paid to the manufactured home
5 dealer for transmittal to the department when required. The Unless the
6 manufactured home has no certificate of title as a result of the exemption under s.
7 101.9203 (4), the manufactured home dealer shall promptly execute the assignment
8 and warranty of title, showing the name and address of the transferee and of any
9 secured party holding a security interest created or reserved at the time of the resale
10 or sale on consignment, in the spaces provided therefor on the certificate or as the
11 department prescribes. Within 7 business days following the sale or transfer, the
12 manufactured home dealer shall mail or deliver the certificate or application for
13 certificate to the department with the transferee's application for a new certificate,
14 unless the transferee is exempt from making application for a certificate of title
15 under s. 101.9203 (4). A nonresident who purchases a manufactured home from a
16 manufactured home dealer in this state may not, unless otherwise authorized by rule
17 of the department, apply for a certificate of title issued for the manufactured home
18 in this state unless the manufactured home dealer determines that a certificate of
19 title is necessary to protect the interests of a secured party. The manufactured home
20 dealer is responsible for determining whether a certificate of title and perfection of
21 security interest is required. The manufactured home dealer is liable for any
22 damages incurred by the department or any secured party for the manufactured
23 home dealer's failure to perfect a security interest that the manufactured home
24 dealer had knowledge of at the time of sale.

25 **SECTION 2539nL.** 101.9211 (1) of the statutes is amended to read:

1 101.9211 (1) If the interest of an owner in a manufactured home passes to
2 another other than by voluntary transfer, the transferee shall, except as provided in
3 sub. (2), promptly mail or deliver to the department the last certificate of title, if
4 available, and the any documents required by the department to legally effect such
5 transfer, and. The transferee shall also promptly mail or deliver to the department
6 an application for a new certificate in the form that the department prescribes,
7 unless the transferee is exempt from making application for a certificate of title
8 under s. 101.9203 (4).

9 **SECTION 2539nn.** 101.9211 (2) of the statutes is amended to read:

10 101.9211 (2) If the interest of the owner is terminated or the manufactured
11 home is sold under a security agreement by a secured party named in the certificate
12 of title, the transferee shall promptly mail or deliver to the department the last
13 certificate of title, unless there is no certificate of title as a result of the exemption
14 under s. 101.9203 (4), an application for a new certificate in the form that the
15 department prescribes, unless the transferee is exempt from making application for
16 a certificate of title under s. 101.9203 (4), and a statement made by or on behalf of
17 the secured party that the manufactured home was repossessed and that the interest
18 of the owner was lawfully terminated or sold under the terms of the security
19 agreement.

20 **SECTION 2539np.** 101.9211 (4) (a) 2. of the statutes is amended to read:

21 101.9211 (4) (a) 2. The title executed by such administrator, executor, guardian
22 or trustee, except that this subdivision does not apply if there is no certificate of title
23 as a result of the exemption under s. 101.9203 (4).

24 **SECTION 2539nr.** 101.9211 (4) (b) 1. (intro.) of the statutes is amended to read:

1 101.9211 (4) (b) 1. (intro.) The Except as provided under subd. 1m., the
2 department shall transfer the decedent's interest in any manufactured home to his
3 or her surviving spouse upon receipt of the title executed by the surviving spouse and
4 a statement by the spouse that states all of the following:

5 **SECTION 2539nt.** 101.9211 (4) (b) 1m. of the statutes is created to read:

6 101.9211 (4) (b) 1m. The department may not require a surviving spouse to
7 provide an executed title to a manufactured home under subd. 1. if the manufactured
8 home has no certificate of title as a result of the exemption under s. 101.9203 (4).

9 **SECTION 2539nv.** 101.9211 (4) (b) 2. of the statutes is amended to read:

10 101.9211 (4) (b) 2. The transfer of a manufactured home under this paragraph
11 shall not affect any liens upon the manufactured home.

12 **SECTION 2539nw.** 101.9212 (1) and (2) of the statutes are amended to read:

13 101.9212 (1) The Except as otherwise provided in this subsection, the
14 department, upon receipt of a properly assigned certificate of title, with an
15 application for a new certificate of title, the required fee and any other transfer
16 documents required by law, to support the transfer, shall issue a new certificate of
17 title in the name of the transferee as owner. The department may not require a
18 person to provide a properly assigned certificate of title if the manufactured home
19 for which the new certificate of title is requested has no certificate of title as a result
20 of the exemption under s. 101.9203 (4).

21 **SECTION 2539ny.** 101.9218 (2) of the statutes is amended to read:

22 101.9218 (2) **FIXTURES EXCLUDED.** Notwithstanding ss. 101.921 to 101.9217, the
23 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security
24 interests does not apply to a manufactured home that is a fixture to real estate or to

1 a manufactured home that the owner intends, upon acquiring, to permanently affix
2 to land that the owner of the manufactured home owns.”.

3 ✓ **1161.** Page 902, line 17: delete lines 17 to 21.

4 ✓ **1162.** Page 903, line 4: delete lines 4 to 17.

5 ✓ **1163.** Page 904, line 24: after that line insert:

6 “SECTION 2558i. 103.49 (3) (ag) of the statutes is created to read:

7 103.49 (3) (ag) In defining under par. (a) the trades or occupations that are
8 commonly employed on projects that are subject to this section, the department:

9 1. May not define swimming pool installer as a separate trade or occupation for
10 purposes of determining the prevailing wage rates for the trades or occupations that
11 are commonly employed in the construction of swimming pools.

12 2. Shall define metal building assembler as a separate trade or occupation for
13 purposes of determining the prevailing wage rates for that trade or occupation and
14 shall include among the typical duties of the trade or occupation reroofing and
15 repairing existing prefabricated, packaged metal buildings and constructing
16 prefabricated, packaged metal additions to existing prefabricated, packaged metal
17 buildings.”.

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18 **1164.** Page 907, line 14: after that line insert:

19 “SECTION 2559k. 103.67 (2) (j) of the statutes is amended to read:

20 103.67 (2) (j) Minors under 14 years of age may be employed as participants
21 in a restitution project under s. ~~938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5), or 938.345~~
22 ~~or, in~~ a supervised work program or other community service work under s. 938.245
23 (2) (a) 6., 938.32 (1t) (b), 938.34 (5g), 938.343 (3), or 938.345, or in the community
24 service component of a youth report center program under s. 938.245 (2) (a) 9m.,

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