

**SENATE BILL 55****SECTION 2288**

1 (f) "Standardized valuation" means the product of the standardized valuation  
2 per person times the population of a municipality in the preceding year.

3 (g) "Standardized valuation per person" is that number that when used in the  
4 computation under sub. (2) most nearly approximates the sum of entitlements for all  
5 municipalities to the funds distributable under sub. (2).

6 (h) "Tax base weight" means one minus the decimal obtained by dividing the  
7 full valuation by the standardized valuation, except that "tax base weight" shall be  
8 a decimal of at least 0.0.

9 (2) AIDABLE EXPENDITURES ENTITLEMENTS. (a) Beginning in 2002, the amount  
10 in the municipal services aid account for municipalities, less the payments under s.  
11 79.04 (1) and (4) (a), shall be allocated to each municipality in proportion to its  
12 entitlement.

13 (b) Annually, the department of revenue shall determine the amount of each  
14 municipality's aidable expenditures. For purposes of calculating a municipality's  
15 entitlement, the amount of a municipality's aidable expenditures in a year is the  
16 lesser of the following:

17 1. The amount of the municipality's aidable expenditures in the year prior to  
18 the year in which the municipality receives the statement under s. 79.015.

19 2. The average of the amount of the municipality's aidable expenditures in  
20 1998, 1999, and 2000, increased by the cumulative percentage under s. 79.05 (2) (c)  
21 by which the municipality could have increased its budget and still be eligible for a  
22 payment under s. 79.05, regardless of whether the municipality was eligible for a  
23 payment under s. 79.05. The cumulative percentage shall be calculated from 1999  
24 to the year prior to the year of the statement under s. 79.015.

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1           **(3) GROWTH-SHARING REGIONS ENTITLEMENT.** (a) Except for payments made in  
2 2002, a municipality in a growth-sharing region shall receive a payment under par.

3 (b) if the following applies:

4           1. The municipality limits the growth in its municipal budget to the increase  
5 specified under s. 79.05 (2) (c) for the year of the statement under s. 79.015.

6           2. The municipality enters into an area cooperation compact under sub. (4) for  
7 the year of the statement under s. 79.015.

8           (b) In 2002, a municipality in a growth-sharing region, and in 2003 and  
9 subsequent years, a municipality in a growth-sharing region that fulfills the  
10 requirements under par. (a), shall receive a payment that is equal to the total amount  
11 allocated to the growth-sharing region, as determined under par. (c), multiplied by  
12 a fraction the numerator of which is the municipality's current population in the  
13 growth-sharing region, and the denominator of which is the current population in  
14 the growth-sharing region of all the municipalities that are eligible for payments  
15 under this subsection that are located in the growth-sharing region.

16           (c) The total amount allocated to a growth-sharing region shall be equal to the  
17 total amount to be distributed under s. 20.835 (1) (dd) multiplied by a fraction the  
18 numerator of which is the amount of sales tax collected in the growth-sharing region,  
19 as determined by the department of revenue, in the fiscal year prior to the fiscal year  
20 in which any municipality receives the statement under s. 79.015, and the  
21 denominator of which is the total amount of sales tax collected in this state, as  
22 determined by the department of revenue, in the fiscal year prior to the fiscal year  
23 in which any municipality receives the statement under s. 79.015.

24           **(4) AREA COOPERATION COMPACTS.** (a) 1. Except as provided in subd. 3., beginning  
25 in 2003 and ending in 2005, to receive payments under sub. (3), a municipality shall

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1 enter into an area cooperation compact with at least 2 municipalities or counties, or  
2 with any combination of at least 2 such entities, to perform at least 2 of the functions  
3 listed in par. (b).

4 2. Except as provided in subd. 3., beginning in 2006 and in each subsequent  
5 year, to receive payments under sub. (3), a municipality shall enter into an area  
6 cooperation compact with at least 4 municipalities or counties, or with any  
7 combination of at least 4 such entities, to provide law enforcement and to perform  
8 at least 5 of the other functions listed in par. (b).

9 3. A municipality that is not adjacent to at least 2 other municipalities may  
10 enter into a cooperation compact with any adjacent municipality or with the county  
11 in which the municipality is located to perform the number and type of functions as  
12 specified under subds. 1. or 2., as applicable to the year of the payment.

13 (b) An area cooperation compact may involve the following functions:

- 14 2. Housing.
- 15 3. Emergency services.
- 16 4. Fire protection.
- 17 5. Solid waste collection and disposal.
- 18 6. Recycling.
- 19 7. Public health.
- 20 8. Animal control.
- 21 10. Transportation.
- 22 11. Mass transit.
- 23 12. Land use planning.
- 24 13. Boundary agreements.
- 25 14. Libraries.

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1 15. Parks and recreation.

2 16. Culture.

3 17. Purchasing.

4 18. Electronic government.

5 (c) An area cooperation compact shall provide a plan for any municipalities or  
6 counties that enter into the compact to collaborate to provide any functions under  
7 par. (b), as selected under par. (a). The compact shall provide benchmarks to measure  
8 the plan's progress and provide outcome-based performance measures to evaluate  
9 the plan's success. Municipalities and counties that enter into the compact shall  
10 structure the compact in a way that results in significant tax savings to taxpayers  
11 within those municipalities and counties.

12 (d) Annually, beginning in 2002, to receive a payment under sub. (3), a  
13 municipality shall certify to the department of revenue, in a manner prescribed by  
14 the department, by May 1 of the year of the statement under s. 79.015, that the  
15 municipality complied with pars. (a) to (c) for the year of the statement under s.  
16 79.015.

17 (e) Annually, beginning in 2004, the legislative audit bureau shall prepare a  
18 report on the performance of area cooperation compacts and shall submit copies of  
19 the report to the chief clerk of each house of the legislature for distribution to the  
20 appropriate standing committees under s. 13.172 (3) by June 30.

21 (5) MINIMUM PAYMENTS. (a) In 2002, if the combined payments to a municipality  
22 under subs. (2) and (3) are less than 95% of the combined payments to the  
23 municipality under s. 79.06, 1999 stats., and s. 79.03 (3), 1999 stats., excluding  
24 payments under s. 79.03 (3c), 1999 stats., for 2001, the municipality has an aids  
25 deficiency. The amount of the aids deficiency is the amount by which 95% of the

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1 amount of the combined payments to the municipality under s. 79.06, 1999 stats.,  
2 and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999 stats., for  
3 2001 exceeds the payments to the municipality under subs. (2) and (3) in 2002. A  
4 municipality that has an aids deficiency under this paragraph shall receive a  
5 payment from the amounts withheld under sub. (6) (a) that is equal to its proportion  
6 of all the aids deficiencies of municipalities under this paragraph in 2002.

7 (b) Except as provided in par. (c), in 2003 and subsequent years, if the combined  
8 payments to a municipality under subs. (2) and (3) are less than 95% of the combined  
9 payments to the municipality under this subsection and subs. (2), (3), and (6) for the  
10 previous year, the municipality has an aids deficiency. The amount of the aids  
11 deficiency is the amount by which 95% of the amount of the combined payments to  
12 the municipality under this subsection and subs. (2), (3), and (6) in the previous year  
13 exceeds the combined payments to the municipality under subs. (2) and (3) in the  
14 current year. A municipality that has an aids deficiency under this paragraph shall  
15 receive a payment from the amounts withheld under sub. (6) (b) that is equal to its  
16 proportion of all the aids deficiencies of municipalities under this paragraph for the  
17 current year.

18 (c) In 2003 and subsequent years, if a municipality receives a payment under  
19 sub. (3) in the year following the year of the statement under s. 79.015 but did not  
20 receive a payment in the year of the statement, or if a municipality does not receive  
21 a payment under sub. (3) in the year following the year of the statement under s.  
22 79.015 but received a payment in the year of the statement, the payment under sub.  
23 (3) shall be excluded from the calculation for determining the minimum payment  
24 under par. (b).

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1           (6) MAXIMUM PAYMENTS. (a) In 2002, if the combined payments to a municipality  
2 under subs. (2) and (3) exceed combined payments to the municipality under s. 79.06,  
3 1999 stats., and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999  
4 stats., for 2001 by more than the maximum allowable increase, the excess shall be  
5 withheld to fund minimum payments in 2002 under sub. (5) (a). In this paragraph,  
6 “maximum allowable increase” means a percentage such that the sum for all  
7 municipalities of the excess of payments in 2002 under subs. (2) and (3) over the  
8 payment as limited by the maximum allowable increase is equal to the sum of the  
9 aids deficiencies under sub. (5) (a) in 2002.

10           (b) In 2003 and subsequent years, if the combined payments to a municipality  
11 under subs. (2) and (3) exceed the combined payments to the municipality under this  
12 subsection and subs. (2), (3), and (5) for the previous year by more than the maximum  
13 allowable increase, the excess shall be withheld to fund minimum payments in the  
14 current year under sub. (5) (b). In this paragraph, “maximum allowable increase”  
15 in any year means a percentage such that the sum for all municipalities of the excess  
16 of payments in that year under subs. (2) and (3) over the payment as limited by the  
17 maximum allowable increase is equal to the sum of the aids deficiencies under sub.  
18 (5) (b) in that year.

19           (c) In 2003 and subsequent years, if a municipality receives a payment under  
20 sub. (3) in the year following the year of the statement under s. 79.015 but did not  
21 receive a payment in the year of the statement, or if a municipality does not receive  
22 a payment under sub. (3) in the year following the year of the statement under s.  
23 79.015 but received a payment in the year of the statement, the payment under sub.  
24 (3) shall be excluded from the calculation for determining the maximum payment  
25 under par. (b).

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1           \***-2118/3.1\*** **SECTION 2289.** 79.085 of the statutes is created to read:

2           **79.085 Use of county payments.** A county shall use the payments that it  
3 receives under ss. 79.03, 79.04, 79.058, and 79.06 to pay the following expenses in  
4 the following sequence:

5           (1) The expenses that are not otherwise funded by state or federal aid or by any  
6 designated revenue source and that are for probation and parole holds in county jails,  
7 for circuit courts under s. 753.19, and for which community youth and family aids are  
8 paid under s. 301.26.

9           (2) The costs for which the county would otherwise levy a property tax, as  
10 reflected under s. 74.09 (3) (b) 1.

11           \***-1341/4.27\*** **SECTION 2290.** 79.095 (1) (c) of the statutes is amended to read:

12           79.095 (1) (c) “Taxing jurisdiction” means a municipality, county, school  
13 district, special purpose district, tax incremental district, environmental  
14 remediation tax incremental district, or technical college district.

15           \***-1341/4.28\*** **SECTION 2291.** 79.095 (2) (b) of the statutes is amended to read:

16           79.095 (2) (b) On or before December 31, the tax rate used for each tax  
17 incremental district for which the municipality assesses property and for each  
18 environmental remediation tax incremental district for which the municipality  
19 assesses property.

20           \***-0923/4.2\*** **SECTION 2292.** 79.10 (6m) of the statutes is renumbered 79.10 (6m)

21 (a) and amended to read:

22           79.10 (6m) (a) If Except as provided in pars. (b) and (c), if the department of  
23 administration or the department of revenue determines by October 1 of the year of  
24 any distribution under subs. (4) and (5) that there was an overpayment or  
25 underpayment made in that year’s distribution by the department of administration

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1 to municipalities, as determined under subs. (4) and (5), because of an error by the  
2 department of administration, the department of revenue or any municipality, the  
3 overpayment or underpayment shall be corrected as provided in this subsection  
4 paragraph. Any overpayment shall be corrected by reducing the subsequent year's  
5 distribution, as determined under subs. (4) and (5), by an amount equal to the  
6 amount of the overpayment. Any underpayment shall be corrected by increasing the  
7 subsequent year's distribution, as determined under subs. (4) and (5), by an amount  
8 equal to the amount of the underpayment. Corrections shall be made in the  
9 distributions to all municipalities affected by the error. Corrections shall be without  
10 interest.

11 \*~~0923/4.3~~\* **SECTION 2293.** 79.10 (6m) (b) of the statutes is created to read:

12 79.10 (6m) (b) If, after March 1 of the year of any distribution under sub. (5),  
13 a municipality discovers an error in the notice that the municipality furnished under  
14 sub. (1m) that resulted in an overpayment of that year's distribution to the  
15 municipality, as determined under sub. (5), the municipality shall correct the error  
16 and notify the department of revenue of the correction on a form that the department  
17 prescribes. If, after March 1 of the year of any distribution under sub. (5), the  
18 department of administration or the department of revenue discovers an error in the  
19 notice that the municipality furnished under sub. (1m) that resulted in an  
20 overpayment of that year's distribution to the municipality, as determined under  
21 sub. (5), the department of administration or the department of revenue shall notify  
22 the municipality and the municipality shall correct the error. The municipality may  
23 pay the amount of the overpayment to the department of revenue and, if the  
24 municipality chooses to make such a payment, shall submit the payment with the  
25 form prescribed under this paragraph. If the municipality does not pay the amount



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1 of the overpayment, the department of administration may collect the amount of the  
2 overpayment as a special charge to the municipality or may correct the overpayment  
3 as provided under par. (a). Payments under this paragraph shall be without interest  
4 and shall be deposited in the lottery fund.

5 \***-0923/4.4\*** SECTION 2294. 79.10 (6m) (c) of the statutes is created to read:

6 79.10 (6m) (c) If, after March 1 of the year of any distribution under sub. (5),  
7 a municipality discovers an error in the notice that the municipality furnished under  
8 sub. (1m) that resulted in an underpayment of that year's distribution to the  
9 municipality, as determined under sub. (5), the municipality shall correct the error  
10 and notify the department of revenue on a form that the department prescribes. If,  
11 after March 1 of the year of any distribution under sub. (5), the department of  
12 administration or the department of revenue discovers an error in the notice that the  
13 municipality furnished under sub. (1m) that resulted in an underpayment of that  
14 year's distribution to the municipality, as determined under sub. (5), the department  
15 of administration or the department of revenue shall notify the municipality and the  
16 municipality shall correct the error. The department of revenue may either pay the  
17 amount of the underpayment to the municipality, from the appropriation under s.  
18 20.835 (3) (q), or correct the underpayment as provided under par. (a). Payments  
19 under this paragraph shall be without interest.

20 \***-0578/2.4\*** SECTION 2295. 84.01 (31) of the statutes is created to read:

21 84.01 (31) ACCOMMODATION OF UTILITY FACILITIES WITHIN HIGHWAY RIGHTS-OF-WAY.  
22 Notwithstanding ss. 84.06 (4), 84.063, 84.065, and 84.093, the department may, upon  
23 finding that it is feasible and advantageous to the state, negotiate and enter into an  
24 agreement to accept any plant or equipment used for the conveyance, by wire, optics,  
25 radio signal, or other means, of voice, data, or other information at any frequency

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1 over any part of the electromagnetic spectrum, or to accept any services associated  
2 with the collection, storage, forwarding, switching, and delivery incidental to such  
3 communication, as payment for the accommodation of a utility facility, as defined in  
4 s. 84.063 (1) (b), within a highway right-of-way. Any agreement under this  
5 subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but  
6 ss. 16.528, 16.752, and 16.754 apply to such agreement.

7 **\*-0579/1.1\* SECTION 2296.** 84.01 (32) of the statutes is created to read:

8 84.01 (32) CONFIDENTIALITY OF BIDDER INFORMATION. (a) The department may  
9 not disclose to any person any information requested by the department for the  
10 purpose of complying with 49 CFR 26, as that section existed on October 1, 1999, that  
11 relates to an individual's statement of net worth, a statement of experience, or a  
12 company's financial statement, including the gross receipts of a bidder.

13 (b) This subsection does not prohibit the department from disclosing  
14 information to any of the following persons:

15 1. The person to whom the information relates.

16 2. Any person who has the written consent of the person to whom the  
17 information relates to receive such information.

18 3. Any person to whom 49 CFR 26, as that section existed on October 1, 1999,  
19 requires or specifically authorizes the department to disclose such information.

20 **\*-1798/2.1\* SECTION 2297.** 84.013 (2) (a) of the statutes is amended to read:

21 84.013 (2) (a) Subject to ~~ss. 84.59 (1) and~~ 86.255, major highway projects shall  
22 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and  
23 20.866 (2) (ur) to (uu).

24 **\*-2228/4.4\* SECTION 2298.** 84.013 (2) (b) of the statutes is amended to read:

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1           84.013 (2) (b) ~~Subject~~ Except as provided in ss. 84.014 and 84.03 (3) and subject  
2 to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be  
3 funded from the appropriations under s. 20.395 (3) (cq) to (cx).

\*\*\*\*NOTE: This is reconciled s. 84.013 (2) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB–1817, LRB–1965, and LRB–2228.

4           \*–0081/1.1\* SECTION 2299. 84.013 (3) (a), (b), (c), (d), (e), (em), (f), (g), (h), (i),  
5 (j), (k), (L), (m), (n), (o), (p), (q), (r), (s), (t), (tj), (u), (v), (vc), (vg), (vL), (vp), (vt), (vx),  
6 (w), (wr), (x), (xf), (xo), (xs), (xw), (xy), (y), (yb), (yf), (yk), (yo), (ys), (yw), (yy) and (z)  
7 of the statutes are repealed.

8           \*–1685/1.1\* SECTION 2300. 84.013 (3) (pe) of the statutes is created to read:  
9           84.013 (3) (pe) STH 17 extending approximately 3.25 miles from the  
10 intersection of STH 17 and Birchwood Drive to USH 8 approximately 0.16 miles east  
11 of Germond Road, designated as the Rhinclander relocation, in Oneida County.

12           \*–1685/1.2\* SECTION 2301. 84.013 (3) (pm) of the statutes is created to read:  
13           84.013 (3) (pm) STH 26 extending approximately 48 miles between I 90 in  
14 Janesville and STH 60 north of Watertown in Rock, Jefferson, and Dodge counties.

15           \*–1685/1.3\* SECTION 2302. 84.013 (3) (ps) of the statutes is created to read:  
16           84.013 (3) (ps) I 39/USH 51 extending approximately 8 miles from south of Fox  
17 Glove Road to north of Bridge Street, designated as the Wausau beltline, in  
18 Marathon County.

19           \*–2228/4.5\* SECTION 2303. 84.014 of the statutes is created to read:  
20           **84.014 Marquette interchange reconstruction project.** Notwithstanding  
21 s. 84.013 and subject to s. 86.225, reconstruction of the interchange at the junction  
22 of I 94, I 43, and I 794, known as the Marquette interchange, in Milwaukee County  
23 shall be funded from appropriations under s. 20.395 (3) (ck) to (cy) and (4) (jr).

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\*\*\*\*NOTE: This is reconciled s. 84.014. This SECTION has been affected by drafts with the following LRB numbers: LRB-1817, LRB-1965, and LRB-2228.

1           \*~~2095/1.1~~\* **SECTION 2304.** 84.016 of the statutes is created to read:

2           **84.016 Intelligent transportation systems. (1)** In this section, “intelligent  
3 transportation system” means a specialized computer or other technical system,  
4 including roadway detector loops, closed circuit television, variable message signs,  
5 ramp meters, or an integrated traffic signal system, that is used for the purposes of  
6 traffic flow measurement and management, congestion avoidance, incident  
7 management, travel time information, or other similar purposes.

8           **(2)** The department may fund the installation, maintenance, and replacement  
9 of intelligent transportation systems.

10          \*~~0081/1.2~~\* **SECTION 2305.** 84.02 (8) (d) of the statutes is repealed.

11          \*~~1965/7.5~~\* **SECTION 2306.** 84.03 (3) of the statutes is created to read:

12           84.03 **(3) WEST CANAL STREET RECONSTRUCTION PROJECT.** (a) Subject to par. (b),  
13 from federal interstate cost estimate funds received by the state, the department  
14 shall award a grant of not more than \$5,000,000 from the appropriation under s.  
15 20.395 (3) (cy) to the city of Milwaukee for reconstruction of West Canal Street in the  
16 city of Milwaukee to serve as a transportation corridor for the purpose of mitigating  
17 traffic associated with the reconstruction of the Marquette interchange.

18           (b) No grant may be awarded under par. (a) unless all of the following occur:

19           1. The city of Milwaukee makes a matching contribution of federal interstate  
20 cost estimate funds received by the city equal to the amount of the grant awarded  
21 under par. (a) to be used for the West Canal Street reconstruction project.

22           2. Notwithstanding subd. 1., the city of Milwaukee contributes \$10,000,000  
23 toward the West Canal Street reconstruction project.

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1           3. The federal department of transportation approves the use of federal  
2 interstate cost estimate funds under subd. 1. and par. (a) for the project.

3           (c) Notwithstanding pars. (a) and (b), the department shall award grants  
4 totaling \$5,000,000 from the appropriation under s. 20.395 (3) (ck) to the city of  
5 Milwaukee for reconstruction of West Canal Street in the city of Milwaukee if the city  
6 of Milwaukee makes the contribution of \$10,000,000 specified in par. (b) 2.

7           (d) This subsection does not apply after December 31, 2005.

8           \*–2387/3.1\* **SECTION 2307.** 84.03 (4) of the statutes is created to read:

9           84.03 (4) **PARK EAST FREEWAY CORRIDOR COST SHARING.** (a) The maximum state  
10 share of costs for the project for the demolition of the Park East Freeway corridor in  
11 Milwaukee County, as provided in an agreement entered into on April 20, 1999,  
12 between the city of Milwaukee, Milwaukee County, and the state, shall be  
13 \$8,000,000, of which \$6,800,000 shall be federal interstate cost estimate funds  
14 received by the state.

15           (b) The local share of costs of the project described in par. (a) shall be not less  
16 than the amount of \$17,000,000 provided for in the agreement specified under par.  
17 (a), of which \$14,500,000 shall be federal interstate cost estimate funds received by  
18 the city or county.

          \*\*\*\*NOTE: This is reconciled s. 84.03 (4). This SECTION has been affected by drafts  
with the following LRB numbers: LRB–1965/6.

19           \*–1814/2.4\* **SECTION 2308.** 84.185 (title) of the statutes is amended to read:

20           **84.185 (title) Transportation Tommy G. Thompson transportation**  
21 **facilities economic assistance and development program.**

22           \*–2228/4.6\* **SECTION 2309.** 84.59 (1) of the statutes is amended to read:

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1           84.59 (1) Transportation facilities under s. 84.01 (28) and, major highway  
2 projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09,  
3 and the Marquette interchange reconstruction project under s. 84.014 for the  
4 purposes under ss. 84.06 and 84.09 may be funded with the proceeds of revenue  
5 obligations issued subject to and in accordance with subch. II of ch. 18, except that  
6 funding for major highway projects with such proceeds may not exceed 53% of the  
7 total funds expended in each fiscal year, beginning with fiscal year 2002–03, for  
8 major highway projects.

      \*\*\*NOTE: This is reconciled s. 84.59 (1). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1798 and LRB-2228.

9           \*~~2228~~/4.7\* **SECTION 2310.** 84.59 (6) of the statutes is amended to read:

10           84.59 (6) The building commission may contract revenue obligations when it  
11 reasonably appears to the building commission that all obligations incurred under  
12 this section can be fully paid from moneys received or anticipated and pledged to be  
13 received on a timely basis. Except as provided in this subsection, the principal  
14 amount of revenue obligations issued under this section may not exceed  
15 ~~\$1,447,085,500~~ and may \$1,743,570,900 to be used for transportation facilities under  
16 s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09  
17 and may not exceed \$6,996,600 to be used for the Marquette interchange  
18 reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09.  
19 In addition to the foregoing ~~limit~~ limits, in the aggregate, on principal amount, the  
20 building commission may contract revenue obligations under this section as the  
21 building commission determines is desirable to refund outstanding revenue  
22 obligations contracted under this section and to pay expenses associated with  
23 revenue obligations contracted under this section.

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\*\*\*\*NOTE: This is reconciled s. 84.59 (6), stats. This SECTION has been affected by drafts with the following LRB numbers: LRB-1635 and LRB-2228.

1           \*~~1813/4.12~~\* **SECTION 2311.** 85.037 of the statutes is repealed.

2           \*~~0082/2.1~~\* **SECTION 2312.** 85.107 (title) of the statutes is amended to read:

3           **85.107 (title) ~~Minority civil engineer scholarship~~ Scholarship and loan**  
4 **repayment incentive grant program.**

5           \*~~0082/2.2~~\* **SECTION 2313.** 85.107 (1) of the statutes is amended to read:

6           85.107 (1) PURPOSE. The ~~minority civil engineer~~ scholarship and loan  
7 repayment incentive grant program is created to assist in improving the  
8 representation of ~~minorities among employees of targeted group members within job~~  
9 classifications in which targeted group members are underutilized in the  
10 department ~~who are classified as civil engineers.~~

11          \*~~0082/2.3~~\* **SECTION 2314.** 85.107 (2) of the statutes is repealed.

12          \*~~0082/2.4~~\* **SECTION 2315.** 85.107 (2m) (intro.) of the statutes is created to  
13 read:

14          85.107 (2m) DEFINITIONS. (intro.) In this section:

15          \*~~0082/2.5~~\* **SECTION 2316.** 85.107 (2m) (am) of the statutes is created to read:

16          85.107 (2m) (am) “Person with a disability” means any person who has a  
17 physical or mental disability that constitutes or results in a substantial barrier to  
18 employment.

19          \*~~0082/2.6~~\* **SECTION 2317.** 85.107 (2m) (b) of the statutes is created to read:

20          85.107 (2m) (b) “Targeted group member” means a person with disabilities, or  
21 a person who belongs to a class of race, color, or sex, whose percent of the workforce  
22 within any job classification in the department is less than that class’s percent of the  
23 statewide labor market for such job activities.

**SENATE BILL 55****SECTION 2318**

1           \*~~0082/2.7~~\* **SECTION 2318.** 85.107 (3) (a) (intro.) of the statutes is amended to  
2 read:

3           85.107 (3) (a) (intro.) Award scholarships to ~~resident minority students~~  
4 targeted group members who are enrolled fulltime full time and registered as  
5 sophomores, juniors or seniors in a ~~civil engineering bachelor of science degree~~  
6 program offered by an accredited institution of higher education in this state.  
7 Scholarships under this paragraph shall not exceed the following amounts:

8           \*~~0082/2.8~~\* **SECTION 2319.** 85.107 (3) (am) of the statutes is created to read:

9           85.107 (3) (am) Award scholarships of not more than \$2,000 each to any  
10 targeted group member who is registered in his or her 2nd year of full-time  
11 enrollment in an associate degree program, as defined in s. 38.01 (1), or vocational  
12 diploma program, as defined in s. 38.01 (11), at a technical college in this state.

13           \*~~0082/2.9~~\* **SECTION 2320.** 85.107 (3) (b) 1. (intro.) of the statutes is amended  
14 to read:

15           85.107 (3) (b) 1. (intro.) Make loan repayment grants to ~~minority civil engineers~~  
16 targeted group members who are employed by the department and have education  
17 loans outstanding. Subject to subd. 2., loan repayment grants under this subdivision  
18 shall not exceed the following amounts:

19           \*~~1857/5.111~~\* **SECTION 2321.** 85.12 (3) of the statutes is amended to read:

20           85.12 (3) The department may contract with any local governmental unit, as  
21 defined in s. ~~16.07~~ 22.01 (7), to provide that local governmental unit with services  
22 under this section.

23           \*~~0559/1.1~~\* **SECTION 2322.** 85.20 (4m) (a) (intro.) of the statutes is amended  
24 to read:



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1           85.20 (4m) (a) (intro.) The department shall pay annually to the eligible  
2 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The  
3 department shall pay annually to the eligible applicant described in subd. 6. d. the  
4 amount of aid specified in subd. 6. d. The department shall allocate an amount to  
5 each eligible applicant described in subd. 7. or 8. to ensure that the sum of state and  
6 federal aids for the projected operating expenses of each eligible applicant's urban  
7 mass transit system is equal to a uniform percentage, established by the department,  
8 of the projected operating expenses of the mass transit system for the calendar year.  
9 ~~For calendar year 1999, the operating expenses used to establish the uniform~~  
10 ~~percentage shall be the projected operating expenses of an urban mass transit~~  
11 ~~system. Subject to sub. (4r), for calendar year 2000 and thereafter the operating~~  
12 ~~expenses used to establish the uniform percentage shall be the operating expenses~~  
13 ~~incurred during the 2nd calendar year preceding the calendar year for which aid is~~  
14 ~~paid under this section.~~ The department shall make allocations as follows:

15           \*~~2161/1.1~~\* **SECTION 2323.** 85.20 (4m) (a) 6. a. and b. of the statutes are  
16 repealed.

17           \*~~2161/1.2~~\* **SECTION 2324.** 85.20 (4m) (a) 6. cm. of the statutes is amended to  
18 read:

19           85.20 (4m) (a) 6. cm. Beginning with aid payable for calendar year ~~2000~~ 2001  
20 and for each calendar year thereafter, from the appropriation under s. 20.395 (1) (ht),  
21 the department shall pay ~~\$53,555,600~~ \$54,894,500 to the eligible applicant that pays  
22 the local contribution required under par. (b) 1. for an urban mass transit system that  
23 has annual operating expenses in excess of \$80,000,000. If the eligible applicant that  
24 receives aid under this subd. 6. cm. is served by more than one urban mass transit

**SENATE BILL 55****SECTION 2324**

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

3 **\*-2161/1.3\* SECTION 2325.** 85.20 (4m) (a) 6. d. of the statutes is amended to  
4 read:

5 85.20 (4m) (a) 6. d. Beginning with aid payable for calendar year ~~2000~~ 2001 and  
6 for each calendar year thereafter, from the appropriation under s. 20.395 (1) (hu), the  
7 department shall pay ~~\$14,297,600~~ \$14,655,000 to the eligible applicant that pays the  
8 local contribution required under par. (b) 1. for an urban mass transit system that  
9 has annual operating expenses in excess of \$20,000,000 but less than \$80,000,000.  
10 If the eligible applicant that receives aid under this subd. 6. d. is served by more than  
11 one urban mass transit system, the eligible applicant may allocate the aid between  
12 the urban mass transit systems in any manner the eligible applicant considers  
13 desirable.

14 **\*-2161/1.4\* SECTION 2326.** 85.20 (4m) (a) 7. of the statutes is amended to read:

15 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform  
16 percentage for each eligible applicant served by an urban mass transit system  
17 operating within an urbanized area having a population as shown in the ~~1990~~ 2000  
18 federal decennial census of at least 50,000 or receiving federal mass transit aid for  
19 such area, and not specified in subd. 6.

20 b. For the purpose of making allocations under subd. 7. a., the amounts for aids  
21 are ~~\$18,422,500 in calendar year 1999 and \$19,804,200 in calendar year 2000 and~~  
22 \$20,299,300 in calendar year 2001 and in each calendar year thereafter. These  
23 amounts, to the extent practicable, shall be used to determine the uniform  
24 percentage in the particular calendar year.

25 **\*-2161/1.5\* SECTION 2327.** 85.20 (4m) (a) 8. of the statutes is amended to read:

**SENATE BILL 55****SECTION 2327**

1           85.20 (4m) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform  
2 percentage for each eligible applicant served by an urban mass transit system  
3 operating within an area having a population as shown in the ~~1990~~ 2000 federal  
4 decennial census of less than 50,000 or receiving federal mass transit aid for such  
5 area.

6           b. For the purpose of making allocations under subd. 8. a., the amounts for aids  
7 are ~~\$4,975,900 in calendar year 1999 and \$5,349,100 in calendar year 2000 and~~  
8 \$5,482,800 in calendar year 2001 and in each calendar year thereafter. These  
9 amounts, to the extent practicable, shall be used to determine the uniform  
10 percentage in the particular calendar year.

11           \*~~1863/3.5~~\* **SECTION 2328.** 85.20 (4m) (b) 1. of the statutes is amended to read:

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

16           \*~~1863/3.6~~\* **SECTION 2329.** 85.20 (4p) of the statutes is created to read:

17           85.20 (4p) SUPPLEMENTAL MASS TRANSIT AIDS. (a) From the appropriation under  
18 s. 20.395 (1) (jq), the department shall make supplemental payments of mass transit  
19 aid in calendar year 2003 and in each calendar year thereafter to each eligible  
20 applicant specified in sub. (4m) (a) 6. cm. or d. for whom the percentage increase in  
21 the average cost per one-way passenger trip taken on the eligible applicant's urban  
22 mass transit system in the preceding calendar year did not exceed the percentage  
23 increase in the U.S. consumer price index reported for the 12-month period ending  
24 on December 31 of that calendar year. If all eligible applicants under this paragraph  
25 are eligible to receive payments in a calendar year, the department shall distribute

**SENATE BILL 55****SECTION 2329**

1 funds in proportion to the number of one-way passenger trips taken on each eligible  
2 applicant's urban mass transit system during the preceding calendar year.

3 (b) From the appropriation under s. 20.395 (1) (jr), the department shall make  
4 supplemental payments of mass transit aid in calendar year 2003 and in each  
5 calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 7. for  
6 whom the percentage increase in the average cost per one-way passenger trip taken  
7 on the eligible applicant's urban mass transit system in the preceding calendar year  
8 did not exceed the percentage increase in the U.S. consumer price index reported for  
9 the 12-month period ending on December 31 of that calendar year. If 2 or more  
10 eligible applicants under this paragraph are eligible to receive payments in a  
11 calendar year, the department shall distribute funds in proportion to the number of  
12 one-way passenger trips taken on each eligible applicant's urban mass transit  
13 system during the preceding calendar year. This paragraph does not apply to an  
14 eligible applicant that is served exclusively by a shared-ride taxicab system.

15 (c) From the appropriation under s. 20.395 (1) (js), the department shall make  
16 supplemental payments of mass transit aid in calendar year 2003 and in each  
17 calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 8. for  
18 whom the percentage increase in the average cost per one-way passenger trip taken  
19 on the eligible applicant's urban mass transit system in the preceding calendar year  
20 did not exceed the percentage increase in the U.S. consumer price index reported for  
21 the 12-month period ending on December 31 of that calendar year. If 2 or more  
22 eligible applicants under this paragraph are eligible to receive payments in a  
23 calendar year, the department shall distribute funds in proportion to the number of  
24 one-way passenger trips taken on each eligible applicant's urban mass transit

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1 system during the preceding calendar year. This paragraph does not apply to an  
2 eligible applicant that is served exclusively by a shared-ride taxicab system.

3 (d) From the appropriation under s. 20.395 (1) (jt), the department shall make  
4 supplemental payments of mass transit aid in calendar year 2003 and in each  
5 calendar year thereafter to each eligible applicant that is served exclusively by a  
6 shared-ride taxicab system for whom the percentage increase in the average cost per  
7 one-way passenger trip taken on the eligible applicant's shared-ride taxicab system  
8 in the preceding calendar year did not exceed the percentage increase in the U.S.  
9 consumer price index reported for the 12-month period ending on December 31 of  
10 that calendar year. If all eligible applicants under this paragraph are eligible to  
11 receive payments in a calendar year, the department shall distribute funds in  
12 proportion to the number of one-way passenger trips taken on each eligible  
13 applicant's shared-ride taxicab system during the preceding calendar year.

14 (e) For purposes of this subsection, the department shall determine the average  
15 cost per one-way passenger trip for an eligible applicant by dividing the total  
16 operating expenses of the eligible applicant's urban mass transit system for a  
17 calendar year by the total number of one-way passenger trips taken on the urban  
18 mass transit system during that calendar year. The department may use reasonable  
19 estimates of operating expenses or one-way passenger trips for new or expanded  
20 services if actual operating expenses or number of one-way passenger trips of the  
21 new or expanded services are not known.

22 (f) Supplemental payments of mass transit aid under this subsection are in  
23 addition to any state aid allocation under sub. (4m) (a).

**SENATE BILL 55****SECTION 2329**

1 (g) The department shall promulgate rules to implement and administer the  
2 payment of mass transit aids under this subsection. The rules shall include a  
3 definition of “one-way passenger trip” for purposes of this subsection.

4 **\*-0559/1.2\* SECTION 2330.** 85.20 (4r) of the statutes is amended to read:

5 85.20 (4r) EXPANSION OF SERVICE. An eligible applicant shall notify the  
6 department if the eligible applicant anticipates receiving new or expanded services  
7 provided by an urban mass transit system in a manner that will increase operating  
8 expenses. The eligible applicant shall provide the notice during the calendar year  
9 preceding the calendar year in which the new or expanded services will first be  
10 provided. The notice shall include an estimate of the projected annual operating  
11 expenses of the new or expanded services. ~~The department may modify the projected~~  
12 ~~annual operating expenses to an amount that the department considers reasonable.~~  
13 ~~The department shall adjust the projected annual operating expenses for inflation~~  
14 ~~and, for each calendar year for which actual operating costs of the new or expanded~~  
15 ~~services are not known, shall add the adjusted projected annual operating expenses~~  
16 ~~to the operating expenses used to determine the uniform percentage under sub. (4m)~~  
17 (a) (intro.).

18 **\*-0284/2.5\* SECTION 2331.** 85.24 (title) of the statutes is repealed and  
19 recreated to read:

20 **85.24 (title) Transportation employment and mobility program.**

21 **\*-0284/2.6\* SECTION 2332.** 85.24 (1) of the statutes is amended to read:

22 85.24 (1) PURPOSE. The purpose of this section is to promote the conservation  
23 of energy, reduce traffic congestion, improve air quality and, enhance the efficient  
24 use of existing transportation systems, and enhance the success of welfare-to-work  
25 programs by providing efficient and effective transportation services that link

**SENATE BILL 55****SECTION 2332**

1 low-income workers with jobs, training centers, and child care facilities, by planning  
2 and promoting demand management and ride-sharing programs, and by providing  
3 technical and financial assistance to public and private organizations for job access  
4 and employment transportation assistance programs and for the development and  
5 implementation of demand management and ride-sharing programs.

6 \*~~0284/2.7~~\* **SECTION 2333.** 85.24 (2) (ag) of the statutes is created to read:

7 85.24 (2) (ag) “Job access and employment transportation assistance” means  
8 policies and programs that are directed at resolving the transportation needs of  
9 low-income workers and recipients of public assistance with respect to  
10 transportation to-and-from jobs, including welfare-to-work programs, and  
11 activities related to their employment.

12 \*~~0284/2.8~~\* **SECTION 2334.** 85.24 (2) (br) of the statutes is created to read:

13 85.24 (2) (br) “Transportation employment and mobility” means policies and  
14 programs that encompass demand management, ride sharing, and job access and  
15 employment transportation assistance.

16 \*~~0284/2.9~~\* **SECTION 2335.** 85.24 (3) (a) of the statutes is amended to read:

17 85.24 (3) (a) The department of transportation shall be the lead state agency  
18 in demand management and ride-sharing activities and shall collaborate with the  
19 department of workforce development in job access and employment transportation  
20 assistance programs. The department of transportation shall have all powers  
21 necessary to develop and implement a state demand management and ride-sharing  
22 assistance program which shall include transportation employment and mobility  
23 program that includes the coordination of demand management and, ride-sharing,  
24 and job access and employment transportation assistance activities in this state; the  
25 promotion and marketing of demand management and, ride-sharing, and job access

**SENATE BILL 55****SECTION 2335**

1 and employment transportation assistance activities; the dissemination of technical  
2 information; the provision of technical and financial assistance to public and private  
3 organizations for the planning, development, and implementation of demand  
4 management and, ride-sharing, and job access and employment transportation  
5 assistance programs; and the development and distribution of computer and  
6 manual ride-matching systems.

7 **\*-0284/2.10\* SECTION 2336.** 85.24 (3) (c) of the statutes is amended to read:

8 85.24 (3) (c) The department may administer a program for the distribution of  
9 any federal funds for ride sharing and, demand management, and job access and  
10 employment transportation assistance that are made available to the state.

11 **\*-0284/2.11\* SECTION 2337.** 85.24 (3) (d) (intro.) of the statutes is amended to  
12 read:

13 85.24 (3) (d) (intro.) The department may award grants from the appropriation  
14 under s. 20.395 (1) (bs) to public and private organizations for the development and  
15 implementation of demand management and, ride-sharing, and job access and  
16 employment transportation assistance programs. As a condition of obtaining a grant  
17 under this paragraph, a public or private organization may be required to provide  
18 matching funds at any percentage. The For demand management and ride-sharing  
19 purposes, the department shall give priority in the awarding of grants to those  
20 programs that provide the greatest reduction in automobile trips, especially during  
21 peak hours of traffic congestion. The department shall have all powers necessary  
22 and convenient to implement this paragraph, including the following powers:

23 **\*-0758/2.1\* SECTION 2338.** 85.51 (title) of the statutes is amended to read:

24 **85.51 (title) State traffic patrol services; special events fee.**



**SENATE BILL 55****SECTION 2339**

1           \*~~0758/2.2~~\* **SECTION 2339.** 85.51 of the statutes is renumbered 85.51 (1) and  
2 amended to read:

3           85.51 (1) SPECIAL EVENTS FEE. The department may charge the an event  
4 sponsor, as defined by rule, a fee, in an amount calculated under a uniform method  
5 established by rule, for security and traffic enforcement services provided by the  
6 state traffic patrol at any public event for which an admission fee is charged for  
7 spectators ~~if the event is organized by a private organization.~~ The department may  
8 not impose a fee for such services except as provided in this ~~section~~ subsection.

9           (3) USE OF FEES. All moneys received under this ~~subsection~~ section shall be  
10 deposited in the general fund and credited to the appropriation account under s.  
11 20.395 (5) (dg).

12           \*~~0758/2.3~~\* **SECTION 2340.** 85.51 (2) of the statutes is created to read:

13           85.51 (2) SECURITY AND TRAFFIC ENFORCEMENT SERVICES FEE. The department  
14 may charge any person a fee, in an amount calculated under a uniform method  
15 established by rule, for security and traffic enforcement services provided by the  
16 state traffic patrol during that person's installation, inspection, removal, relocation,  
17 or repair of a utility facility, as defined in s. 30.40 (19), located on a highway, as  
18 defined in s. 340.01 (22), if that person requests such services in writing.

19           \*~~2162/1.1~~\* **SECTION 2341.** 86.30 (2) (a) 3. (intro.) of the statutes is renumbered  
20 86.30 (2) (a) 3. and amended to read:

21           86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
22 municipality as determined under s. 86.302, the mileage aid payment shall be an  
23 ~~amount equal to the following:~~ \$1,747 in calendar year 2001 and \$1,790 in calendar  
24 year 2002 and thereafter.

25           \*~~2162/1.2~~\* **SECTION 2342.** 86.30 (2) (a) 3. g. of the statutes is repealed.

**SENATE BILL 55****SECTION 2343**

1           \*~~2162/1.3~~\* **SECTION 2343.** 86.30 (2) (a) 3. h. of the statutes is repealed.

2           \*~~2162/1.4~~\* **SECTION 2344.** 86.30 (9) (b) of the statutes is amended to read:

3           86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
4 the amounts for aids to counties are ~~\$78,744,300 in calendar years 1998 and 1999,~~  
5 ~~and \$84,059,500 in calendar year years 2000 and 2001, \$88,598,700 in calendar year~~  
6 ~~2002, and \$89,239,300 in calendar year 2003~~ and thereafter. These amounts, to the  
7 extent practicable, shall be used to determine the statewide county average  
8 cost-sharing percentage in the particular calendar year.

9           \*~~2162/1.5~~\* **SECTION 2345.** 86.30 (9) (c) of the statutes is amended to read:

10          86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
11 the amounts for aids to municipalities are ~~\$247,739,100 in calendar years 1998 and~~  
12 ~~1999, and \$264,461,500 in calendar year years 2000 and 2001, \$277,684,500 in~~  
13 ~~calendar year 2002, and \$277,907,200 in calendar year 2003~~ and thereafter. These  
14 amounts, to the extent practicable, shall be used to determine the statewide  
15 municipal average cost-sharing percentage in the particular calendar year.

16          \*~~2058/2.1~~\* **SECTION 2346.** 86.31 (2) (a) of the statutes is amended to read:

17          86.31 (2) (a) The department shall administer a local roads improvement  
18 program to accclerate the improvement of seriously deteriorating local roads by  
19 reimbursing political subdivisions for improvements. The selection of improvements  
20 that may be funded under the program shall be performed by officials of each political  
21 subdivision, consistent with the requirements of subs. (3), ~~(3g), (3m) and (3r)~~ to (3t).  
22 The department shall notify each county highway commissioner of any deadline that  
23 affects eligibility for reimbursement under the program no later than 15 days before  
24 such deadline.

**SENATE BILL 55****SECTION 2347**

1           \*~~2058/2.2~~\* **SECTION 2347.** 86.31 (3) (b) (intro.) of the statutes is amended to  
2 read:

3           86.31 (3) (b) (intro.) From the appropriation under s. 20.395 (2) (fr), after first  
4 deducting the funds allocated under subs. (3g), ~~(3m)~~ and ~~(3r)~~ to (3t), the department  
5 shall allocate funds for entitlement as follows:

6           \*~~2058/2.3~~\* **SECTION 2348.** 86.31 (3t) of the statutes is created to read:

7           86.31 (3t) TOWN ROAD AND MUNICIPAL STREET IMPROVEMENTS. From the  
8 appropriation under s. 20.395 (2) (fr), the department shall allocate \$529,000 in fiscal  
9 year 2001–02 and \$1,954,200 in fiscal year 2002–03 to fund town road improvements  
10 with eligible costs totaling \$100,000 or more and to fund municipal street  
11 improvement projects having total estimated costs of \$250,000 or more. The funding  
12 of improvements under this subsection is in addition to the allocation of funds for  
13 entitlements under sub. (3) and the allocation of funds under subs. (3m) and (3r).

14           \*~~2058/2.4~~\* **SECTION 2349.** 86.31 (6) (d) of the statutes is amended to read:

15           86.31 (6) (d) Procedures for reimbursements for county trunk highway  
16 improvements under sub. (3g), for town road improvements under ~~sub.~~ subs. (3m)  
17 and (3t), and for municipal street improvements under ~~sub.~~ subs. (3r) and (3t).

18           \*~~0605/5.15~~\* **SECTION 2350.** 88.01 (8m) of the statutes is repealed.

19           \*~~0605/5.16~~\* **SECTION 2351.** 88.11 (1) (f) of the statutes is amended to read:

20           88.11 (1) (f) Assist districts in applying for permits under s. ~~88.31~~ chs. 30 and  
21 31.

22           \*~~0605/5.17~~\* **SECTION 2352.** 88.31 (title) of the statutes is amended to read:

23           88.31 (title) ~~Special procedure in cases affecting~~ Drainage work in  
24 navigable waters.

25           \*~~0605/5.18~~\* **SECTION 2353.** 88.31 (1) to (7m) of the statutes are repealed.

**SENATE BILL 55****SECTION 2354**

1           \***-0605/5.19\*** **SECTION 2354.** 88.31 (8) (intro.) of the statutes is amended to  
2 read:

3           88.31 **(8)** (intro.) Subject to other restrictions imposed by this chapter, a  
4 drainage board which has obtained all of the permits as required under ~~this chapter~~  
5 and ch. 30 may:

6           \***-0605/5.20\*** **SECTION 2355.** 88.35 (5m) of the statutes is repealed.

7           \***-0605/5.21\*** **SECTION 2356.** 88.35 (6) (intro.) of the statutes is amended to  
8 read:

9           88.35 **(6)** (intro.) Upon the completion of its duties under subs. (1) to ~~(5m)~~ (5),  
10 the board shall prepare a written report, including a copy of any maps, plans or  
11 profiles that it has prepared. The assessment of benefits and awards of damages  
12 shall be set forth in substantially the following form:

13           \***-0605/5.22\*** **SECTION 2357.** 88.62 (3) (a) of the statutes is renumbered 88.62  
14 (3) and amended to read:

15           88.62 **(3)** If drainage work is undertaken in navigable waters, the drainage  
16 board shall obtain a permit under ~~s. 30.20 or 88.31 or ch. 31, as directed by the~~  
17 ~~department of natural resources, except as provided in par. (b)~~ any permit that is  
18 required under ch. 30 or 31.

19           \***-0605/5.23\*** **SECTION 2358.** 88.62 (3) (b) of the statutes is repealed.

20           \***-0605/5.24\*** **SECTION 2359.** 88.72 (3) of the statutes is amended to read:

21           88.72 **(3)** At the hearing on the petition, any interested person may appear and  
22 contest its sufficiency and the necessity for the work. If the drainage board finds that  
23 the petition has the proper number of signers and that to afford an adequate outlet  
24 it is necessary to remove dams or other obstructions from waters and streams which  
25 may be navigable, or to straighten, clean out, deepen, or widen any waters or streams

**SENATE BILL 55****SECTION 2359**

1 either within or beyond the limits of the district, the board shall obtain any permit  
2 that is required under ~~this chapter or ch. 30 or 31.~~

3 **\*-0605/5.25\* SECTION 2360.** 88.72 (4) of the statutes is amended to read:

4 88.72 (4) Within 30 days after the department of natural resources has issued  
5 all of the permits as required under ~~this chapter and chs. 30 and 31,~~ the board shall  
6 proceed to estimate the cost of the work, including the expenses of the proceeding  
7 together with the damages that will result from the work, and shall, within a  
8 reasonable time, award damages to all lands damaged by the work and assess the  
9 cost of the work against the lands in the district in proportion to the assessment of  
10 benefits then in force.

11 **\*-1753/2.5\* SECTION 2361.** 91.13 (8) (fm) of the statutes is amended to read:

12 91.13 (8) (fm) A statement in boldface uppercase type that contains the  
13 following language: ~~“UPON RELINQUISHMENT (WITHDRAWAL OR~~  
14 ~~EXPIRATION) OF FROM THIS AGREEMENT, A PAYBACK OF CREDITS WITH~~  
15 ~~INTEREST PAYMENT TO THE STATE MAY BE REQUIRED.”~~

16 **\*-1753/2.6\* SECTION 2362.** 91.17 (1) of the statutes is amended to read:

17 91.17 (1) Land subject to a farmland preservation agreement may be sold  
18 without ~~a lien being filed~~ payment being made under s. 91.19 (7m), subject to the  
19 reservation of rights contained in the agreement. The seller shall notify the  
20 department of any such transfer. ~~The purchaser shall be liable under any~~  
21 ~~subsequent lien under s. 91.19 only for the amount of tax credits paid on that portion~~  
22 ~~of the land purchased.~~

23 **\*-1753/2.7\* SECTION 2363.** 91.17 (2) of the statutes is amended to read:

24 91.17 (2) When the owner of land subject to a farmland preservation agreement  
25 dies or is certified by a physician to be totally and permanently disabled, the land

**SENATE BILL 55****SECTION 2363**

1 may be released from the program under this chapter and shall not be subject to a  
2 ~~lien payment~~ under s. 91.19 (8) (7m).

3 \*–1753/2.8\* **SECTION 2364.** 91.17 (3) of the statutes is repealed.

4 \*–1753/2.9\* **SECTION 2365.** 91.19 (2) (intro.) of the statutes is amended to read:

5 91.19 (2) (intro.) ~~The Subject to sub. (7m), the~~ department may relinquish the  
6 farmland preservation agreement or may release part of the land from a farmland  
7 preservation agreement prior to the termination date contained in the instrument  
8 as follows:

9 \*–1753/2.10\* **SECTION 2366.** 91.19 (3) of the statutes is amended to read:

10 91.19 (3) If the request for relinquishment of the farmland preservation  
11 agreement or release of part of the land from the agreement is approved by the local  
12 governing body having jurisdiction, a copy of the application, along with the  
13 comments and recommendations of the reviewing agencies, shall be forwarded to the  
14 board. The board shall, within 60 days, upon consideration of the factors in sub. (2)  
15 (b) and (c) 2., approve or reject the application for relinquishment or release. If the  
16 board approves the application it shall notify the local governing body having  
17 jurisdiction, ~~the department of agriculture, trade and consumer protection, and the~~  
18 ~~department of revenue, prepare an instrument under sub. (7) and record it with the~~  
19 ~~register of deeds of the county in which the land is located.~~

20 \*–1753/2.11\* **SECTION 2367.** 91.19 (5) of the statutes is amended to read:

21 91.19 (5) If the application for relinquishment of the agreement or release of  
22 part of the land from the agreement is rejected by the local governing body having  
23 jurisdiction, the application shall be returned to the applicant with a written  
24 statement regarding the reasons for rejection. Within 30 days after receipt of the  
25 rejected application, the applicant may appeal the rejection to the board. The board

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1 shall, within 60 days after the appeal has been received, upon consideration of the  
2 factors listed in sub. (2) (b) and (c) 2., approve or reject the request for relinquishment  
3 or release. If the board approves the application it shall notify the local governing  
4 body having jurisdiction, the department of agriculture, trade and consumer  
5 protection, and the department of revenue, ~~prepare an instrument under sub. (7) and~~  
6 ~~record it with the register of deeds of the county in which the land is located.~~

7 \*~~1753/2.12~~\* **SECTION 2368.** 91.19 (6p) of the statutes is repealed.

8 \*~~1753/2.13~~\* **SECTION 2369.** 91.19 (6t) of the statutes is amended to read:

9 91.19 (6t) The Subject to sub. (7m), the department shall relinquish from a  
10 farmland preservation agreement land that has been subject to a farmland  
11 preservation agreement for at least 10 years if the owner of the land so requests.

12 \*~~1753/2.14~~\* **SECTION 2370.** 91.19 (7) of the statutes is repealed.

13 \*~~1753/2.15~~\* **SECTION 2371.** 91.19 (7m) of the statutes is created to read:

14 91.19 (7m) (a) Except as provided in par. (b), the department may not  
15 relinquish a farmland preservation agreement under sub. (2) or (6t) or release land  
16 from a farmland preservation agreement under sub. (2) until the owner pays to the  
17 department \$50 per acre of land that is no longer covered by the farmland  
18 preservation agreement.

19 (b) The payment under par. (a) does not apply to land that is zoned for  
20 exclusively agricultural use under an ordinance certified under subch. V.

21 \*~~1753/2.16~~\* **SECTION 2372.** 91.19 (8) to (13) of the statutes are repealed.

22 \*~~1753/2.17~~\* **SECTION 2373.** 91.21 (1) of the statutes is amended to read:

23 91.21 (1) If the owner or a successor in title of the land upon which a farmland  
24 preservation agreement has been recorded under this chapter changes the use of the  
25 land to a prohibited use without first acting under ss. 91.17 and 91.19 and the land

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1 is not relinquished under s. 91.19 (6p) or (6t), the owner or successor in title may be  
2 enjoined by the state, acting through the attorney general, or by the local governing  
3 body having jurisdiction, acting through its attorney, and is subject to a civil penalty  
4 for actual damages, but in no case to exceed double the value of the land as  
5 established at the time the application for the agreement was approved.

6 **\*-1753/2.18\* SECTION 2374.** 91.23 of the statutes is amended to read:

7 **91.23 Conversion.** An owner under a farmland preservation agreement may  
8 at any time apply for a transition area agreement, and an owner under a transition  
9 area agreement may at any time apply for a farmland preservation agreement. If  
10 such an application is approved, the prior agreement shall be relinquished without  
11 ~~a lien being filed~~ payment being made under s. 91.19 (7m).

12 **\*-1753/2.19\* SECTION 2375.** Subchapter III of chapter 91 [precedes 91.31] of  
13 the statutes is repealed.

14 **\*-1753/2.20\* SECTION 2376.** 91.75 (6) of the statutes is amended to read:

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

21 **\*-1753/2.21\* SECTION 2377.** 91.77 (2) of the statutes is amended to read:

22 91.77 (2) ~~Land which is rezoned~~ Rezoning under this section shall be subject  
23 ~~to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the~~  
24 land rezoned conditioned on the payment, to the county, city, village, or town that  
25 approves the petition, of \$60 per acre of land that is rezoned. A county, city, village,



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1 or town that receives payment under this subsection shall pay to the state the  
2 amount received. If the rezoning occurs solely as a result of action initiated by a  
3 governmental unit, ~~any lien required under s. 91.19 (8) to (10) the payment shall be~~  
4 ~~paid~~ made to the state by the governmental unit initiating the action.

5 \*~~1753/2.22~~\* SECTION 2378. 91.79 of the statutes is amended to read:

6 **91.79 Conditional uses; lien payment.** Any land ~~zoned under this~~  
7 ~~subchapter which is granted a special exception or conditional use permit for a use~~  
8 ~~which that is not an agricultural use that is granted for land zoned under this~~  
9 ~~subchapter shall be subject to the lien provided under s. 91.19 (8) to (10) for the~~  
10 ~~amount of tax credits paid on the land granted such a permit conditioned on the~~  
11 ~~payment, to the county, city, village, or town that grants the special exception or~~  
12 ~~conditional use permit, of \$60 per acre of land for which the special exception or~~  
13 ~~conditional use permit is granted.~~ A county, city, village, or town that receives  
14 payment under this section shall pay to the state the amount received.

15 \*~~1634/P6.42~~\* SECTION 2379. 92.10 (4) (a) of the statutes, as affected by 1997  
16 Wisconsin Act 27, is repealed and recreated to read:

17 92.10 (4) (a) *Data.* The department shall develop a systematic method of  
18 collecting and organizing data related to soil erosion. The department shall  
19 cooperate with the department of administration under s. 16.967 and consider any  
20 recommendations of the Wisconsin land council in developing this methodology or  
21 any related activities related to land information collection.

22 \*~~1813/4.13~~\* SECTION 2380. 92.14 (3) (intro.) of the statutes is amended to  
23 read:

24 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their  
25 land and water conservation activities, the department shall award an annual grant

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1 from the appropriation under s. 20.115 (7) (c) ~~or (qd)~~ or under s. 20.866 (2) (we) to any  
2 county land conservation committee that has a land and water resource  
3 management plan approved by the department under s. 92.10 (4) (d), and that, by  
4 county board action, has resolved to provide any matching funds required under sub.  
5 (5g). The county may use the grant for land and water resource management  
6 planning and for any of the following purposes, consistent with the approved land  
7 and water resource management plan:

8 **\*-0601/1.1\* SECTION 2381.** 93.01 (1m) of the statutes is amended to read:

9 93.01 (1m) “Business” includes any business, except that of banks, savings  
10 banks, credit unions, savings and loan associations, and insurance companies.  
11 “Business” includes public utilities and telecommunications carriers to the extent  
12 that their activities, beyond registration, notice, and reporting activities, are not  
13 regulated by the public service commission and includes public utility and  
14 telecommunications carrier methods of competition or trade and advertising  
15 practices that are exempt from regulation by the public service commission under s.  
16 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the  
17 commission.

18 **\*-0392/3.12\* SECTION 2382.** 93.06 (8) of the statutes is amended to read:

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

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

3 **\*-0397/2.2\* SECTION 2383.** 93.06 (12) of the statutes is created to read:

4 93.06 (12) FEDERAL AGRICULTURAL POLICY REFORM. Provide assistance to  
5 organizations to seek the reform of federal agricultural policy for the benefit of  
6 agricultural producers in this state. This subsection does not apply after June 30,  
7 2005.

8 **\*-1462/3.4\* SECTION 2384.** 93.07 (25) of the statutes is repealed.

9 **\*-0392/3.13\* SECTION 2385.** 93.135 (1) (rm) of the statutes is amended to read:

10 93.135 (1) (rm) A registration certificate license under s. ~~100.03 (2)~~ 126.56.

11 **\*-0392/3.14\* SECTION 2386.** 93.135 (1) (s) of the statutes is amended to read:

12 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

13 **\*-0392/3.15\* SECTION 2387.** 93.135 (1) (sm) of the statutes is amended to read:

14 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

15 **\*-0392/3.16\* SECTION 2388.** 93.20 (1) of the statutes is amended to read:

16 93.20 (1) DEFINITION. In this section, “action” means an action that is  
17 commenced in court by, or on behalf of, the department of agriculture, trade and  
18 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

19 **\*-0392/3.17\* SECTION 2389.** 93.21 (5) (a) of the statutes is amended to read:

20 93.21 (5) (a) In this subsection, “license” means a permit, certificate,  
21 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.

22 **\*-0404/3.1\* SECTION 2390.** 93.23 (1) (h) of the statutes is repealed.

23 **\*-1615/3.4\* SECTION 2391.** 93.46 (3) of the statutes is created to read:

24 93.46 (3) (a) The department may make grants and provide technical  
25 assistance to agricultural producers and agricultural organizations to support

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1 preliminary research and investigations on potential business enterprises that may  
2 increase the value of raw agricultural commodities.

3 (b) The department may not provide funding under this subsection for more  
4 than 2 years for research and investigations related to a single business enterprise.  
5 The department may not award more than \$25,000 under this subsection for  
6 research and investigations related to a single business enterprise.

7 (c) The department shall promulgate rules for the administration of this  
8 subsection.

9 **\*-0394/3.18\* SECTION 2392.** 93.47 (2) of the statutes is amended to read:

10 93.47 (2) The department may award grants from the appropriation accounts  
11 under s. 20.115 (4) (c) and ~~(i)~~ (8) (g) to individuals or organizations to fund  
12 demonstration projects designed to encourage the use of sustainable agriculture.  
13 The department shall promulgate rules to govern the sustainable agriculture grant  
14 program under this section.

15 **\*-0403/1.3\* SECTION 2393.** 93.48 of the statutes is repealed.

16 **\*-0392/3.18\* SECTION 2394.** 93.50 (1) (g) of the statutes is amended to read:

17 93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable  
18 procurement contract” in s. ~~100.03 (1) (vm)~~ 126.55 (15).

19 **\*-0405/1.1\* SECTION 2395.** 94.02 (4) of the statutes is amended to read:

20 94.02 (4) ~~This section pertains to the abatement of pests on agricultural lands~~  
21 ~~and on agricultural business premises.~~ This section does not affect the authority of  
22 the department of natural resources under ch. 26.

23 **\*-0406/4\* SECTION 2396.** 94.72 (14) (a) of the statutes is amended to read:

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1           94.72 (14) (a) A person who violates this section or an order issued or a rule  
2 promulgated under this section ~~shall~~ may be fined not more than \$200 or imprisoned  
3 not more than 6 months or both.

4           \*~~0406/3.1~~\* **SECTION 2397.** 94.72 (14) (am) of the statutes is created to read:

5           94.72 (14) (am) The department or any district attorney may commence an  
6 action in the name of the state to recover a civil forfeiture to the state of not less than  
7 \$100 nor more than \$5,000 for each violation of this section, or an order issued or a  
8 rule promulgated under this section.

9           \*~~0401/1.8~~\* **SECTION 2398.** 95.15 of the statutes is repealed.

10          \*~~0399/1.2~~\* **SECTION 2399.** 95.60 (8) of the statutes is created to read:

11          95.60 (8) The department may provide training to veterinarians and other  
12 persons who issue fish health certificates for the purposes of this section. The  
13 department may charge fees to recover the cost of providing the training.

14          \*~~0392/3.19~~\* **SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

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

22          \*~~0392/3.20~~\* **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

23          97.20 (3m) **CONFIDENTIALITY.** Any information kept by the department under  
24 this section or s. 97.24 that identifies individual milk producers who deliver milk to  
25 a dairy plant licensed under this section and that is a composite list for that dairy

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1 plant is not subject to inspection under s. 19.35 unless inspection is required under  
2 s. ~~100.06 (4)~~ 126.70 or unless the department determines that inspection is necessary  
3 to protect the public health, safety or welfare.

4 **\*-0392/3.21\* SECTION 2402.** 97.22 (10) of the statutes is amended to read:

5 97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the  
6 department under this section, under s. 97.21 or 97.52, or under rules promulgated  
7 under those sections, that pertains to individual milk producer production, milk fat  
8 and other component tests and quality records is not subject to inspection under s.  
9 19.35 except as required under s. ~~100.06 (4)~~ 126.70 or except as the department  
10 determines is necessary to protect the public health, safety or welfare.

11 **\*-0392/3.22\* SECTION 2403.** 97.29 (4) of the statutes is amended to read:

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

22 **\*-0392/3.23\* SECTION 2404.** 100.03 of the statutes is repealed.

23 **\*-0392/3.24\* SECTION 2405.** 100.06 of the statutes is repealed.

24 **\*-2156/4.2\* SECTION 2406.** 100.18 (11) (d) of the statutes is amended to read:

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1           100.18 (11) (d) ~~The department or the department of justice, after consulting~~  
2 ~~with the department,~~ or any district attorney, upon informing the department, may  
3 commence an action in circuit court in the name of the state to restrain by temporary  
4 or permanent injunction any violation of this section. The court may in its discretion,  
5 prior to entry of final judgment, make such orders or judgments as may be necessary  
6 to restore to any person any pecuniary loss suffered because of the acts or practices  
7 involved in the action, provided proof thereof is submitted to the satisfaction of the  
8 court. ~~The department and the department of justice may subpoena persons and~~  
9 ~~require the production of books and other documents, and the department of justice~~  
10 ~~may request the department to exercise its authority under par. (c) to aid in the~~  
11 ~~investigation of alleged violations of this section.~~

12           \*~~2156/4.3~~\* **SECTION 2407.** 100.18 (11) (e) of the statutes is amended to read:

13           100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this  
14 section, the department ~~or the department of justice~~ may accept a written assurance  
15 of discontinuance of any act or practice alleged to be a violation of this section from  
16 the person who has engaged in such act or practice. The acceptance of such assurance  
17 by ~~either the department or the department of justice~~ shall be deemed acceptance by  
18 the other state officials enumerated in par. (d) if the terms of the assurance so  
19 provide. An assurance entered into pursuant to this section shall not be considered  
20 evidence of a violation of this section, provided that violation of such an assurance  
21 shall be treated as a violation of this section, and shall be subjected to all the  
22 penalties and remedies provided therefor.

23           \*~~2007/2.3~~\* **SECTION 2408.** 100.20 (2) (b) of the statutes is amended to read:

24           100.20 (2) (b) Notwithstanding par. (a), the department may not issue any  
25 order or promulgate any rule that regulates the provision of water or sewer service

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1 by a ~~mobile~~ manufactured home park operator, as defined in s. ~~196.01 (3t)~~ 101.91 (8),  
2 or ~~mobile~~ manufactured home park contractor, as defined in s. ~~196.01 (3q)~~ 101.91  
3 (6m), or enforce any rule to the extent that the rule regulates the provision of such  
4 water or sewer service.

5 **\*-2156/4.4\* SECTION 2409.** 100.20 (4) of the statutes is amended to read:

6 100.20 (4) The department of justice district attorney may file a written  
7 complaint with the department alleging that the person named is employing unfair  
8 methods of competition in business or unfair trade practices in business or both.  
9 Whenever such a complaint is filed it shall be the duty of the department to proceed,  
10 after proper notice and in accordance with its rules, to the hearing and adjudication  
11 of the matters alleged, and a representative of the ~~department of justice designated~~  
12 ~~by the attorney general~~ district attorney may appear before the department in such  
13 proceedings. The ~~department of justice~~ district attorney shall be entitled to judicial  
14 review of the decisions and orders of the department under ch. 227.

15 **\*-2156/4.5\* SECTION 2410.** 100.207 (6) (b) 1. of the statutes is amended to read:

16 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~  
17 ~~department of agriculture, trade and consumer protection,~~ or any district attorney  
18 upon informing the department of agriculture, trade and consumer protection, may  
19 commence an action in circuit court in the name of the state to restrain by temporary  
20 or permanent injunction any violation of this section. Injunctive relief may include  
21 an order directing telecommunications providers, as defined in s. 196.01 (8p), to  
22 discontinue telecommunications service provided to a person violating this section  
23 or ch. 196. Before entry of final judgment, the court may make such orders or  
24 judgments as may be necessary to restore to any person any pecuniary loss suffered



**SENATE BILL 55****SECTION 2410**

1 because of the acts or practices involved in the action if proof of these acts or practices  
2 is submitted to the satisfaction of the court.

3 **\*-2156/4.6\* SECTION 2411.** 100.207 (6) (b) 2. of the statutes is amended to read:

4 100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14  
5 to 93.16 and 100.18 (11) (c) to administer this section. The department ~~and the~~  
6 ~~department of justice~~ may subpoena persons and require the production of books and  
7 other documents, ~~and the department of justice may request the department of~~  
8 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~  
9 investigation of alleged violations of this section.

10 **\*-2156/4.7\* SECTION 2412.** 100.207 (6) (c) of the statutes is amended to read:

11 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to  
12 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this  
13 paragraph shall be enforced by the ~~department of justice, after consulting with the~~  
14 department of agriculture, trade and consumer protection, or, upon informing the  
15 department, by the district attorney of the county where the violation occurs.

16 **\*-2156/4.8\* SECTION 2413.** 100.207 (6) (em) 1. of the statutes is amended to  
17 read:

18 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
19 department shall form an advisory group to suggest recommendations regarding the  
20 content and scope of the proposed rule. The advisory group shall consist of one or  
21 more persons who may be affected by the proposed rule, ~~a representative from the~~  
22 ~~department of justice~~ and a representative from the public service commission.

23 **\*-0392/3.25\* SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

24 100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor”  
25 under s. ~~100.03 (1) (f)~~ 126.55 (14).

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1           \***-0392/3.26\*** **SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered  
2 100.235 (1) (dm) and amended to read:

3           100.235 (1) (dm) “~~Registration~~ License year” has the meaning given under s.  
4 100.03 (1) (y) 126.55 (10m).

5           \***-0392/3.27\*** **SECTION 2416.** 100.235 (2) of the statutes is amended to read:

6           100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR’S COST TO  
7 GROW. If a contractor and the contractor’s affiliates and subsidiaries collectively grow  
8 more than 10% of the acreage of any vegetable species grown and procured by the  
9 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for  
10 vegetables of that species tendered or delivered under a vegetable procurement  
11 contract, a price not less than the contractor’s cost to grow that vegetable species in  
12 the same growing region. For vegetables contracted on a tonnage basis and for  
13 open-market tonnage purchased, acreage under this subsection shall be determined  
14 using the state average yield per acre during the preceding ~~registration~~ license year.

15           \***-0392/3.28\*** **SECTION 2417.** 100.235 (3) of the statutes is repealed.

16           \***-0392/3.29\*** **SECTION 2418.** 100.235 (4) of the statutes is amended to read:

17           100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the  
18 department determines that a contractor and the contractor’s affiliates and  
19 subsidiaries will collectively grow more than 10% of the acreage of any vegetable  
20 species grown and procured by the contractor during a ~~registration~~ license year, the  
21 department may require the contractor to file a statement of the contractor’s cost to  
22 grow that vegetable species. The contractor shall file the report with the department  
23 within 30 days after the department makes its request, unless the department  
24 grants an extension of time. The department may permit the contractor to report  
25 different costs to grow for different growing regions if the contractor can define the

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1 growing regions to the department's satisfaction, and can show to the department's  
2 satisfaction that the contractor's costs to grow are substantially different between  
3 the growing regions.

4 **\*-2156/4.9\* SECTION 2419.** 100.24 of the statutes is amended to read:

5 **100.24 Revocation of corporate authority.** Any corporation, or limited  
6 liability company, foreign or domestic, ~~which~~ that violates any order issued under s.  
7 100.20 may be enjoined from doing business in this state and its certificate of  
8 authority, incorporation, or organization may be canceled or revoked. The ~~attorney~~  
9 ~~general~~ department may bring an action for this purpose in the name of the state.  
10 In any such action judgment for injunction, cancellation, or revocation may be  
11 rendered by the court, upon such terms as it deems just and in the public interest,  
12 but only upon proof of a substantial and ~~willful~~ willful violation.

13 **\*-0392/3.30\* 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 **\*-2156/4.10\* SECTION 2421.** 100.26 (6) of the statutes is amended to read:

19 100.26 (6) The department, ~~the department of justice, after consulting with the~~  
20 ~~department,~~ or any district attorney may commence an action in the name of the  
21 state to recover a civil forfeiture to the state of not less than \$100 nor more than  
22 \$10,000 for each violation of an injunction issued under s. 100.18, 100.182, or 100.20  
23 (6). The department of agriculture, trade and consumer protection or any district  
24 attorney may commence an action in the name of the state to recover a civil forfeiture

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1 to the state of not less than \$100 nor more than \$10,000 for each violation of an order  
2 issued under s. 100.20.

3 **\*-0454/3.2\* SECTION 2422.** 100.261 (title) of the statutes is amended to read:

4 **100.261 (title) Consumer information protection assessment.**

5 **\*-0454/3.3\* SECTION 2423.** 100.261 (1) of the statutes is amended to read:

6 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,  
7 ch. 98, a rule promulgated under this chapter or ch. 98 or an ordinance enacted under  
8 this chapter or ch. 98, the court shall also impose a consumer information protection  
9 assessment in an amount equal to ~~15%~~ 25% of the fine or forfeiture imposed. If  
10 multiple violations are involved, the court shall base the consumer information  
11 protection assessment upon the the total of the fine or forfeiture amounts for all  
12 violations. If a fine or forfeiture is suspended in whole or in part, the court shall  
13 reduce the assessment in proportion to the suspension.

14 **\*-0454/3.4\* SECTION 2424.** 100.261 (2) of the statutes is amended to read:

15 100.261 (2) If any deposit is made for a violation to which this section applies,  
16 the person making the deposit shall also deposit a sufficient amount to include the  
17 consumer information protection assessment required under this section. If the  
18 deposit is forfeited, the amount of the consumer information protection assessment  
19 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,  
20 the consumer information protection assessment shall also be returned.

21 **\*-0454/3.5\* SECTION 2425.** 100.261 (3) (a) of the statutes is amended to read:

22 100.261 (3) (a) The clerk of court shall collect and transmit the consumer  
23 information protection assessment amounts to the county treasurer under s. 59.40  
24 (2) (m). The county treasurer shall then make payment to the state treasurer under  
25 s. 59.25 (3) (f) 2.

**SENATE BILL 55****SECTION 2426**

1           \*~~0454/3.6~~\* **SECTION 2426.** 100.261 (3) (b) 1. of the statutes is renumbered  
2 100.261 (3) (b) and amended to read:

3           100.261 (3) (b) The state treasurer shall deposit the consumer protection  
4 assessment amounts in the general fund and shall credit them to the appropriation  
5 account under s. 20.115 (1) (jb), subject to the limit under ~~subd. 2~~ par. (c).

6           \*~~0454/3.7~~\* **SECTION 2427.** 100.261 (3) (b) 2. of the statutes is renumbered  
7 100.261 (3) (c) and amended to read:

8           100.261 (3) (c) The amount credited to the appropriation account under s.  
9 20.115 (1) (jb) may not exceed ~~\$85,000~~ \$185,000 in each fiscal year.

10           \*~~2156/4.11~~\* **SECTION 2428.** 100.263 of the statutes is amended to read:

11           **100.263 Recovery.** In addition to other remedies available under this chapter,  
12 the court may award the department the reasonable and necessary costs of  
13 investigation and an amount reasonably necessary to remedy the harmful effects of  
14 the violation, and the court may award the department of justice the reasonable and  
15 necessary expenses of prosecution, including attorney fees, from any person who  
16 violates this chapter. ~~The department and the department of justice shall deposit in~~  
17 ~~the state treasury for deposit in the general fund all moneys that the court awards~~  
18 ~~to the department, the department of justice or the state under this section. Ten~~  
19 ~~percent of the money deposited in the general fund that was awarded under this~~  
20 ~~section for the costs of investigation and the expenses of prosecution, including~~  
21 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

22           \*~~1997/3.1~~\* **SECTION 2429.** 100.264 (2) (intro.) of the statutes is amended to  
23 read:

24           100.264 (2) **SUPPLEMENTAL FORFEITURE.** (intro.) If a fine or a forfeiture is  
25 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,

**SENATE BILL 55****SECTION 2429**

1 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 or  
2 a rule promulgated under one of those sections, the person shall be subject to a  
3 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the  
4 defendant, for which the violation was imposed, was perpetrated against an elderly  
5 person or disabled person and if the court finds that any of the following factors is  
6 present:

7 **\*-0404/3.2\* SECTION 2430.** 100.285 (6) of the statutes is repealed.

8 **\*-0406/3.2\* SECTION 2431.** 100.37 (8) of the statutes is renumbered 100.37 (8)

9 (a) and amended to read:

10 100.37 (8) (a) Whoever violates this section or an order issued or a rule  
11 promulgated under this section may be fined not more than \$5,000 or imprisoned not  
12 more than one year in the county jail or both.

13 **\*-0406/3.3\* SECTION 2432.** 100.37 (8) (b) of the statutes is created to read:

14 100.37 (8) (b) The department or any district attorney may commence an action  
15 in the name of the state to recover a civil forfeiture to the state of not less than \$100  
16 nor more than \$5,000 for each violation of this section, or an order issued or a rule  
17 promulgated under this section.

18 **\*-0406/3.4\* SECTION 2433.** 100.42 (6) of the statutes is created to read:

19 100.42 (6) PENALTIES. (a) Any person who violates this section may be fined  
20 an amount not to exceed \$200 or imprisoned in the county jail for not more than 6  
21 months or both.

22 (b) The department or any district attorney may commence an action in the  
23 name of the state to recover a civil forfeiture to the state of not less than \$100 nor  
24 more than \$5,000 for each violation of this section, or an order issued or a rule  
25 promulgated under this section.

**SENATE BILL 55****SECTION 2434**

1           \*–1335/7.56\* **SECTION 2434.** 100.45 (1) (dm) of the statutes is amended to read:

2           100.45 (1) (dm) “State agency” means any office, department, agency,  
3 institution of higher education, association, society or other body in state  
4 government created or authorized to be created by the constitution or any law which  
5 is entitled to expend moneys appropriated by law, including the legislature and the  
6 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
7 Center Sports and Entertainment Corporation, the University of Wisconsin  
8 Hospitals and Clinics Authority and, the Wisconsin Health and Educational  
9 Facilities Authority, and the Fox River Navigational System Authority.

10           \*–1997/3.2\* **SECTION 2435.** 100.52 (title) of the statutes is created to read:

11           **100.52 (title) Telephone solicitations.**

12           \*–1997/3.3\* **SECTION 2436.** 100.52 (1) (title) of the statutes is created to read:

13           100.52 (1) (title) DEFINITIONS.

14           \*–1997/3.4\* **SECTION 2437.** 100.52 (1) (a) of the statutes is created to read:

15           100.52 (1) (a) “Blocking service” means a service that allows a person who  
16 makes a telephone call to withhold the telephone number or name associated with  
17 the telephone line used to make the call from a person who receives the call and who  
18 uses a caller identification service.

19           \*–1997/3.5\* **SECTION 2438.** 100.52 (1) (b) of the statutes is created to read:

20           100.52 (1) (b) “Business entity” means any organization or enterprise that is  
21 operated for profit or that is nonprofit and nongovernmental, including a sole  
22 proprietorship, association, business trust, corporation, joint venture, limited  
23 liability company, limited liability partnership, partnership, or syndicate.

24           \*–1997/3.6\* **SECTION 2439.** 100.52 (1) (c) of the statutes is created to read:

**SENATE BILL 55****SECTION 2439**

1           100.52 (1) (c) “Caller identification service” means a service that allows a  
2 person who receives a telephone call to identify the telephone number or name  
3 associated with the telephone line used to make the call.

4           \*~~1997/3.7~~\* **SECTION 2440.** 100.52 (1) (d) of the statutes is created to read:

5           100.52 (1) (d) “Professional telemarketer” means a business entity with  
6 employees whose primary duty is to make telephone solicitations.

7           \*~~1997/3.8~~\* **SECTION 2441.** 100.52 (3) of the statutes is created to read:

8           100.52 (3) TELEPHONE SOLICITATION DISCLOSURES. An employee of a professional  
9 telemarketer may not make a telephone solicitation unless, when initiating the  
10 telephone conversation, the employee discloses to the recipient of the telephone call  
11 each of the following:

12           (a) The employee’s name.

13           (b) The identity of the person selling the property, goods, or services for whom  
14 the telephone solicitation is being made.

15           (c) The purpose of the call.

16           \*~~1997/3.9~~\* **SECTION 2442.** 100.52 (4) of the statutes is created to read:

17           100.52 (4) TELEPHONE SOLICITATION NOTICES. An employee of a professional  
18 telemarketer may not make a telephone solicitation to a person who has provided  
19 notice to the professional telemarketer that the person does not want to receive  
20 telephone solicitations.

21           \*~~1997/3.10~~\* **SECTION 2443.** 100.52 (5) of the statutes is created to read:

22           100.52 (5) BLOCKING SERVICES. An employee of a professional telemarketer may  
23 not use a blocking service when making a telephone solicitation.

24           \*~~1997/3.11~~\* **SECTION 2444.** 100.52 (6) of the statutes is created to read:



**SENATE BILL 55****SECTION 2444**

1           100.52 (6) TERRITORIAL APPLICATION. This section applies to any interstate  
2 telephone solicitation received by a person in this state and to any intrastate  
3 telephone solicitation.

4           \***-1997/3.12\*** SECTION 2445. 100.52 (7) of the statutes is created to read:

5           100.52 (7) ENFORCEMENT. The department, or any district attorney upon  
6 informing the department, may investigate violations of this section and bring an  
7 action for temporary or permanent injunctive or other relief for any violation of this  
8 section.

9           \***-1997/3.13\*** SECTION 2446. 100.52 (8) of the statutes is created to read:

10           100.52 (8) PENALTIES. If an employee of a professional telemarketer violates  
11 this section, the professional telemarketer may be required to forfeit not more than  
12 \$500 for each violation.

13           \***-0676/2.3\*** SECTION 2447. 101.01 (5m) of the statutes is created to read:

14           101.01 (5m) "Fire department" means any of the following:

15           (a) A fire company under ch. 213 that provides fire protection services to a city,  
16 village, or town.

17           (b) A department established by a city, village, or town that provides fire  
18 protection services to a city, village, or town.

19           (c) A joint fire department that provides fire protection services to a city, village,  
20 or town.

21           (d) A person that contracts to provide fire protection services to a town under  
22 s. 60.55 (1) (a) 3.

23           \***-0676/2.4\*** SECTION 2448. 101.02 (15) (am) of the statutes is created to read:

24           101.02 (15) (am) The department has jurisdiction over and supervision of all  
25 buildings, structures, premises, and public thoroughfares in this state for the

**SENATE BILL 55****SECTION 2448**

1 purpose of administering all laws of this state relating to fire inspections, fire  
2 prevention, fire detection, and fire suppression.

3 **\*-0664/2.2\* SECTION 2449.** 101.09 (3) (d) of the statutes is created to read:

4 101.09 (3) (d) The department shall promulgate a rule specifying fees for plan  
5 review and inspection of tanks for the storage, handling, or use of flammable or  
6 combustible liquids and for any certification or registration required under par. (c).

7 **\*-0676/2.5\* SECTION 2450.** 101.139 of the statutes is created to read:

8 **101.139 Fire safety and injury prevention education program.** The  
9 department may develop and administer a fire safety and injury prevention  
10 education program, designed to educate the public regarding fire prevention, fire  
11 detection, fire suppression, injury prevention, and any other related subject matter.

12 The department may make grants to support the purposes of the program.

13 **\*-0676/2.6\* SECTION 2451.** 101.14 (1) (title) of the statutes is created to read:

14 101.14 (1) (title) **AUTHORITY AND DUTIES OF DEPARTMENT; GENERALLY.**

15 **\*-0676/2.7\* SECTION 2452.** 101.14 (1) (b) and (bm) of the statutes are amended  
16 to read:

17 101.14 (1) (b) The Except as otherwise provided in this paragraph, the  
18 secretary and or any deputy may, at all any reasonable hours time, enter into and  
19 upon all buildings, premises and public thoroughfares excepting only the interior of  
20 private dwellings, any building, premises, or public thoroughfare for the purpose of  
21 ascertaining and causing to be corrected any condition liable to cause fire, or any  
22 violation of any law or order relating to ~~the~~ a fire hazard or relating to the prevention  
23 of fire. This paragraph does not provide the secretary or any deputy with authority  
24 to enter the interior of a private dwelling.