

1 (b) No grant may be awarded under par. (a) or s. 86.31 (3s) unless the city of
2 Milwaukee contributes \$10,000,000 toward the West Canal Street reconstruction
3 and extension project.

4 *-1712/5.27* SECTION 1609. 84.04 (3) of the statutes is repealed.

5 *-1187/4.17* SECTION 1610. 84.05 of the statutes is amended to read:

6 **84.05 Railroad crossing improvements.** On a highway which the
7 department has authority to construct and which crosses a railroad, if the
8 department determines that the construction or reconstruction of a grade separation
9 or the rearrangement or elimination of a grade crossing or other rearrangement of
10 the highway or tracks is necessary in the interest of public safety or for convenience
11 of public travel, the department shall make a plan of the construction proposed and
12 an estimate of the cost thereof, including the cost of needed right-of-way; and shall
13 endeavor to make an arrangement with all persons concerned as to all matters
14 involved in the plan, including the portion of the cost of the contemplated work which
15 the persons shall defray. If the department is unable to contract with the persons
16 concerned as to the distribution and payment of the cost of the work or the
17 maintenance thereof, the department shall ~~lay the matter before the office of the~~
18 ~~commissioner of railroads, and the office of the commissioner of railroads shall~~
19 ~~review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and~~
20 ~~195.29, and shall fix the portion of the cost of the construction and of the maintenance~~
21 which is to be paid by the persons or corporations concerned, and the portion of the
22 cost, if any, to be paid by the public, which portion shall be paid from the
23 transportation fund, and issue an appropriate order. ~~The office of the commissioner~~
24 ~~of railroads~~ department shall determine the benefits, if any, which will inure to other
25 highways, and apportion and charge to the units of government responsible for the

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1 construction of such other highways a fair portion of the cost. The department shall
2 promulgate a rule establishing criteria with respect to the allocation of costs under
3 this section. A person who is aggrieved by an order of the department under this
4 section may, within 20 days after the date that the order is issued, request review of
5 the order by the division of hearings and appeals. The division of hearings and
6 appeals shall review the order in the manner provided in s. 195.325.

7 ***-1640/1.4* SECTION 1611.** 84.06 (1) of the statutes is amended to read:

8 84.06 (1) DEFINITIONS. In this section, “improvement” or “highway
9 improvement” includes construction, reconstruction, rehabilitation, and processes
10 incidental to building, fabricating, or bettering a highway or street, but not
11 maintenance. ~~The terms do not include the installation, replacement, rehabilitation,~~
12 ~~or maintenance of highway signs, traffic control signals, highway lighting, pavement~~
13 ~~markings, or intelligent transportation systems, unless incidental to building,~~
14 ~~fabricating, or bettering a highway or street.~~

15 ***-1640/1.5* SECTION 1612.** 84.06 (2) (a) of the statutes is amended to read:

16 84.06 (2) (a) All such highway improvements shall be executed by contract
17 based on bids unless the department finds that another method as provided in sub.
18 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
19 the manner determined by the department. Except as provided in s. 84.075, the
20 contract shall be awarded to the lowest competent and responsible bidder as
21 determined by the department. If the bid of the lowest competent bidder is
22 determined by the department to be in excess of the estimated reasonable value of
23 the work or not in the public interest, all bids may be rejected. The department shall,
24 so far as reasonable, follow uniform methods of advertising for bids and may
25 prescribe and require uniform forms of bids and contracts. Except as provided in par.

1 (b), the secretary shall enter into the contract on behalf of the state. Every such
2 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
3 ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an
4 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
5 secretary may require the attorney general to examine any contract and any bond
6 submitted in connection with the contract and report on its sufficiency of form and
7 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
8 governor and shall be subject to approval by the secretary. This subsection also
9 applies to contracts with private contractors based on bids under s. 84.067 and on
10 bids for maintenance under s. 84.07.

11 *~~1640/1.6~~* SECTION 1613. 84.067 of the statutes is created to read:

12 **84.067 Contracts with private entities for certain services and**
13 **materials.** The department may contract with a private entity for services or
14 materials or both associated with the installation, replacement, rehabilitation, or
15 maintenance of highway signs, traffic control signals, highway lighting, pavement
16 markings, and intelligent transportation systems.

17 *~~1640/1.7~~* SECTION 1614. 84.07 (1) of the statutes is amended to read:

18 **84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY.** The state trunk
19 highway system shall be maintained by the state at state expense. The department
20 shall prescribe by rule specifications for such maintenance and may contract with
21 any county highway committee or municipality to have all or certain parts of the
22 work of maintaining the state trunk highways within or beyond the limits of the
23 county or municipality, including interstate bridges, performed by the county or
24 municipality, and any county or municipality may enter into such contract. General
25 maintenance activities include the application of protective coatings, the removal

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1 and control of snow, the removal, treatment and sanding of ice, interim repair of
2 highway surfaces and adjacent structures, and all other operations, activities and
3 processes required on a continuing basis for the preservation of the highways on the
4 state trunk system, and including the care and protection of trees and other roadside
5 vegetation and suitable planting to prevent soil erosion or to beautify highways
6 pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate
7 traffic service. Special maintenance activities include the restoration,
8 reinforcement, complete repair or other activities which the department deems are
9 necessary on an individual basis for specified portions of the state trunk system.
10 ~~Maintenance activities also include the installation, replacement, rehabilitation, or~~
11 ~~maintenance of highway signs, traffic control signals, highway lighting, pavement~~
12 ~~markings, and intelligent transportation systems. The department may contract~~
13 ~~with a private entity for services or materials or both associated with the installation,~~
14 ~~replacement, rehabilitation, or maintenance of highway signs, traffic control signals,~~
15 ~~highway lighting, pavement markings, and intelligent transportation systems.~~

16 *~~1712/5.28~~* SECTION 1615. 84.07 (5) of the statutes is repealed.

17 *~~1640/1.8~~* SECTION 1616. 84.075 (1) of the statutes is amended to read:

18 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
19 contracts under s. 84.06 and in contracting with private contractors and agencies
20 under ~~s. ss. 84.067 and~~ 84.07, the department shall attempt to ensure that 5% of the
21 total amount expended in each fiscal year is paid to contractors, subcontractors and
22 vendors which are minority businesses, as defined under s. 560.036 (1) (e) 1. In
23 attempting to meet this goal, the department may award any contract to a minority
24 business that submits a qualified responsible bid that is no more than 5% higher
25 than the low bid.

1 *~~1640/1.9~~* SECTION 1617. 84.075 (3) of the statutes is amended to read:

2 84.075 (3) The department shall at least semiannually, or more often if
3 required by the department of administration, report to the department of
4 administration the total amount of money it has paid to contractors, subcontractors
5 and vendors which are minority businesses under ss. 84.01 (13), 84.06, ~~84.067~~, and
6 84.07 and the number of contacts with minority businesses in connection with
7 proposed purchases and contracts. In its reports, the department shall include only
8 amounts paid to businesses certified by the department as minority businesses.

9 *~~1634/7.48~~* SECTION 1618. 84.09 (5) of the statutes is amended to read:

10 84.09 (5) Subject to the approval of the governor, the department may sell at
11 public or private sale property of whatever nature owned by the state and under the
12 jurisdiction of the department when the department determines that the property
13 is no longer necessary for the state's use for highway purposes and, if real property,
14 the real property is not the subject of a petition under s. ~~16.375 560.9810~~ (2). The
15 department shall present to the governor a full and complete report of the property
16 to be sold, the reason for the sale, and the minimum price for which the same should
17 be sold, together with an application for the governor's approval of the sale. The
18 governor shall thereupon make such investigation as he or she may deem necessary
19 and approve or disapprove the application. Upon such approval and receipt of the
20 full purchase price, the department shall by appropriate deed or other instrument
21 transfer the property to the purchaser. The approval of the governor is not required
22 for public or private sale of property having a fair market value at the time of sale
23 of not more than \$3,000, for the transfer of surplus state real property to the
24 department of administration under s. ~~16.375 560.9810~~ or for the transfer of surplus
25 state personal property to the department of tourism under sub. (5s). The funds

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1 derived from sales under this subsection shall be deposited in the transportation
2 fund, and the expense incurred by the department in connection with the sale shall
3 be paid from such fund.

4 ***-1634/7.49* SECTION 1619.** 84.09 (5r) of the statutes is amended to read:

5 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
6 the department may, subject to the approval of the governor, donate real property
7 that is adjacent to the veterans memorial site located at The Highground in Clark
8 County and owned by the state and under the jurisdiction of the department to the
9 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
10 memorial site located at The Highground in Clark County for the purpose of a
11 memorial hall specified in s. 70.11 (9). The department may donate property under
12 this subsection only when the department determines that the property is no longer
13 necessary for the state's use for highway purposes and is not the subject of a petition
14 under s. ~~16.375~~ 560.9810 (2) and is transferred with a restriction that the donee may
15 not subsequently transfer the real property to any person except to this state, which
16 shall not be charged for any improvements thereon. Such restriction shall be
17 recorded in the office of the register of deeds in the county in which the property is
18 located. The department shall present to the governor a full and complete report of
19 the property to be donated, the reason for the donation, and the minimum price for
20 which the property could likely be sold under sub. (5), together with an application
21 for the governor's approval of the donation. The governor shall thereupon make such
22 investigation as he or she considers necessary and approve or disapprove the
23 application. Upon such approval, the department shall by appropriate deed or other
24 instrument transfer the property to the donee. The approval of the governor is not
25 required for donation of property having a fair market value at the time of donation

1 of not more than \$3,000. Any expense incurred by the department in connection with
2 the donation shall be paid from the transportation fund.

3 ***-0529/4.154* SECTION 1620.** 84.11 (4) of the statutes is amended to read:

4 84.11 (4) FINDING, DETERMINATION, AND ORDER. After such hearing the
5 department shall make such investigation as it considers necessary in order to make
6 a decision in the matter. If the department finds that the construction is necessary
7 it shall determine the location of the project and whether the project is eligible for
8 construction under this section. The department shall also determine the character
9 and kind of bridge most suitable for such location and estimate separately the cost
10 of the bridge portion and the entire project. The department shall make its finding,
11 determination, and order, in writing, and file a certified copy thereof with the clerk
12 of each county, city, village, and town in which any portion of the bridge project will
13 be located and also with the secretary of state and the ~~state treasurer~~ secretary of
14 administration. The determination of the location of the project made by the
15 department and set forth in its finding, determination, and order, shall be conclusive
16 as to such location and shall constitute full authority for laying out new streets or
17 highways or for any relocations of highways made necessary for the construction of
18 the project and for acquirement of any lands necessary for such streets or highways,
19 relocation or construction. The estimate of cost made by the department shall be
20 conclusive insofar as cost may determine eligibility of construction under this
21 section.

22 ***-0529/4.155* SECTION 1621.** 84.12 (4) of the statutes is amended to read:

23 84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the
24 construction is necessary, and that provision has been made or will be made by the
25 adjoining state or its subdivisions to bear its or their portions of the cost of the project,

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1 the department, in cooperation with the state highway department of the adjoining
2 state, shall determine the location thereof, the character and kind of bridge and other
3 construction most suitable at such location, estimate the cost of the project, and
4 determine the respective portions of the estimated cost to be paid by each state and
5 its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the
6 department shall further determine the respective portions of the cost to be paid by
7 this state and by its subdivisions which are required to pay portions of the cost. The
8 department, after such hearing, investigation, and negotiations, shall make its
9 finding, determination, and order in writing and file a certified copy thereof with the
10 clerk of each county, city, village, or town in this state in which any part of the bridge
11 project will be located, with the secretary of state, and the ~~state treasurer~~ secretary
12 of administration and with the state highway department of the adjoining state. The
13 determination of the location set forth in the finding, determination, and order of the
14 department shall be conclusive as to such location and shall constitute full authority
15 for laying out new streets or highways or for any relocations of the highways made
16 necessary for the construction of the project and for acquiring lands necessary for
17 such streets or highways, relocation or construction.

18 *~~0863/2.1~~* SECTION 1622. 84.30 (2) (i) of the statutes is amended to read:

19 84.30 (2) (i) "Primary highway" means any highway, other than an interstate
20 highway, ~~at any time~~ officially designated by the department, and approved by the
21 appropriate authority of the federal government, as a part of the federal-aid primary
22 system ~~by the department and approved by the appropriate authority of the federal~~
23 ~~government in existence on June 1, 1991, or as a part of the national highway system~~
24 identified in 23 USC 103 (b).

25 *~~0863/2.2~~* SECTION 1623. 84.30 (3) (intro.) of the statutes is amended to read:

1 84.30 (3) SIGNS PROHIBITED. (intro.) No sign visible from the main-traveled way
2 of any interstate or federal-aid primary highway may be erected or maintained,
3 except the following:

4 ***-0863/2.3*** SECTION 1624. 84.30 (3) (d) of the statutes is amended to read:

5 84.30 (3) (d) Signs located in business areas on March 18, 1972. This
6 paragraph does not apply to a sign in a business area adjoining that portion of an
7 interstate or primary highway designated by the department as a scenic byway
8 under s. 84.106.

9 ***-0863/2.4*** SECTION 1625. 84.30 (3) (e) of the statutes is amended to read:

10 84.30 (3) (e) Signs to be erected in business areas subsequent to March 18,
11 1972, which when erected will comply with sub. (4). This paragraph does not apply
12 to a sign in a business area adjoining that portion of an interstate or primary
13 highway designated by the department as a scenic byway under s. 84.106.

14 ***-0863/2.5*** SECTION 1626. 84.30 (3) (i) of the statutes is amended to read:

15 84.30 (3) (i) Signs on farm buildings which are utilized by owners of the
16 building for agricultural purposes if the signs promote a Wisconsin agricultural
17 product unless prohibited by federal law. This paragraph does not apply to a sign in
18 an adjacent area adjoining that portion of an interstate or primary highway
19 designated by the department as a scenic byway under s. 84.106.

20 ***-0863/2.6*** SECTION 1627. 84.30 (3) (j) 1. of the statutes is amended to read:

21 84.30 (3) (j) 1. Signs erected by the Crime Stoppers, the nationwide
22 organization affiliated with local police departments, on or before October 14, 1997,
23 without regard to whether the department has issued a license for the sign. The
24 department may not remove a sign authorized under this paragraph unless the sign
25 does not conform to federal requirements. The requirements under s. 86.19 do not

1 apply to signs described in this subdivision. This subdivision does not apply to a sign
2 in an adjacent area adjoining that portion of an interstate or primary highway
3 designated by the department as a scenic byway under s. 84.106.

4 ***-0863/2.7*** SECTION 1628. 84.30 (6) (b) of the statutes is amended to read:

5 84.30 (6) (b) Signs lawfully in existence on land adjoining any highway made
6 an interstate or primary highway after March 18, 1972, or on land adjoining that
7 portion of an interstate or primary highway designated by the department as a scenic
8 byway under s. 84.106 after the effective date of this paragraph [revisor inserts
9 date].

10 ***-1191/4.5*** SECTION 1629. 84.59 (1) of the statutes is amended to read:

11 84.59 (1) Transportation facilities under s. 84.01 (28) and, major highway
12 projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09,
13 state highway rehabilitation projects for the purposes specified in s. 20.395 (3) (c)
14 and the purposes under ss. 84.06 and 84.09, and the Marquette interchange
15 reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09 may
16 be funded with the proceeds of revenue obligations issued subject to and in
17 accordance with subch. II of ch. 18.

****NOTE: This is reconciled s. 84.59 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1191 and LRB-1837.

18 ***-1772/3.3*** SECTION 1630. 84.59 (2) of the statutes is renumbered 84.59 (2) (a).

19 ***-1772/3.4*** SECTION 1631. 84.59 (2) (b) of the statutes is created to read:

20 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and
21 distinct special fund outside the state treasury, in an account maintained by a
22 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),
23 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),

1 and (2m), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am),
2 (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2)
3 (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3), and 342.14, except s. 342.14 (1r). The
4 revenues deposited are the trustee's revenues in accordance with the agreement
5 between this state and the trustee or in accordance with the resolution pledging the
6 revenues to the repayment of revenue obligations issued under this section. Revenue
7 obligations issued for the purposes specified in sub. (1) and deposited under this
8 paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special
9 fund programs, as defined in s. 18.52 (8).

10 ***-1772/3.5* SECTION 1632.** 84.59 (3) of the statutes is amended to read:

11 84.59 (3) The secretary may pledge revenues received or to be received in the
12 any fund established in under sub. (2) to secure revenue obligations issued under this
13 section. The pledge shall provide for the transfer to this state of all pledged revenues,
14 including any interest earned on the revenues, which are in excess of the amounts
15 required to be paid under s. 20.395 (6) (as). The pledge shall provide that the
16 transfers be made at least twice yearly, that the transferred amounts be deposited
17 in the transportation fund and that the transferred amounts are free of any prior
18 pledge.

19 ***-1191/4.6* SECTION 1633.** 84.59 (6) of the statutes is amended to read:

20 84.59 (6) The building commission may contract revenue obligations when it
21 reasonably appears to the building commission that all obligations incurred under
22 this section can be fully paid from moneys received or anticipated and pledged to be
23 received on a timely basis. Except as provided in this subsection, the principal
24 amount of revenue obligations issued under this section may not exceed
25 ~~\$1,753,067,500~~ \$2,916,403,000, excluding any obligations that have been defeased

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1 under a cash optimization program administered by the building commission, to be
2 used for transportation facilities under s. 84.01 (28) and, major highway projects for
3 the purposes under ss. 84.06 and 84.09, state highway rehabilitation projects for the
4 purposes specified in s. 20.395 (3) (cq) and the purposes under ss. 84.06 and 84.09,
5 and the Marquette interchange reconstruction project under s. 84.014 for the
6 purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
7 amount, the building commission may contract revenue obligations under this
8 section as the building commission determines is desirable to refund outstanding
9 revenue obligations contracted under this section and to pay expenses associated
10 with revenue obligations contracted under this section.

****NOTE: This is reconciled s. 84.59 (6). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1191 and LRB-1837.

11 ***-1767/3.58* SECTION 1634.** 85.013 (2) (b) (intro.) of the statutes is amended
12 to read:

13 85.013 (2) (b) (intro.) Any hearing under s. 227.42 shall be held before the office
14 of the commissioner of tax appeals commission under s. 73.01 if the hearing concerns
15 an additional assessment, refund or denial of refund under any of the following:

16 ***-1187/4.18* SECTION 1635.** 85.013 (3) of the statutes is created to read:

17 85.013 (3) The division of hearings and appeals shall, in conducting any
18 hearing or review for the department under s. 227.43 (1) (bk), give due weight to the
19 experience, technical competence, and specialized knowledge of the department as
20 well as discretionary authority conferred upon the department, and great weight to
21 the department's interpretation of the statutes that it administers and rules
22 promulgated under those statutes. If there is a conflict between this subsection and
23 any other statute relating to any hearing or review conducted by the division of

1 hearings and appeals for the department under s. 227.43 (1) (bk), the provisions of
2 this subsection control.

3 ***-1189/3.4* SECTION 1636.** 85.062 (1) (c) of the statutes is created to read:

4 85.062 (1) (c) Initial construction or expansion of a commuter rail transit
5 system. In this paragraph, “commuter rail” has the meaning given in s. 85.064 (1)
6 (a).

7 ***-1189/3.5* SECTION 1637.** 85.064 of the statutes is created to read:

8 **85.064 Commuter rail transit system development. (1)** In this section:

9 (a) “Commuter rail” means rail passenger service, operating primarily on a
10 dedicated right-of-way on existing railroad tracks used for rail freight service or
11 intercity rail passenger service between and within metropolitan and suburban
12 areas, connecting these areas with large business or urban centers in this state or
13 another. Commuter rail usually operates during peak travel times with limited stops
14 and in conjunction with other transit modes as part of a regional transit system.

15 (b) “Political subdivision” means any city, village, town, county, transit
16 commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301,
17 or regional transportation authority organized under s. 59.58 (6) within this state.

18 **(2)** (a) The department shall administer a commuter rail transit system
19 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
20 and (dx), the department may award grants to political subdivisions for preliminary
21 engineering, property acquisition, equipment acquisition, and infrastructure
22 construction projects related to the development or extension of commuter rail
23 transit systems in this state.

24 (b) Upon completion of a planning study to the satisfaction of the department,
25 any political subdivision may apply to the department for a grant for any purpose

1 specified in par. (a). No grant may be awarded under this section for a project unless
2 the project meets the eligibility criteria established by the department under sub. (3).

3 (c) The amount of a grant awarded under this section shall be limited to an
4 amount equal to 50% of the portion of the project cost in excess of the federal aid
5 funding for the project or 25% of the total project cost, whichever is less. No grant
6 may be awarded under this section for a project involving the acquisition of property
7 or equipment or infrastructure construction unless the political subdivision
8 contributes funds for the project that at least equal 20% of the total project cost.

9 (3) The department shall prescribe the form, nature, and extent of information
10 that shall be contained in applications for grants under this section and shall
11 establish criteria for evaluating applications and determining eligibility for the
12 award of grants under this section.

13 ***-1712/5.29* SECTION 1638.** 85.09 (2) (a) of the statutes is amended to read:

14 85.09 (2) (a) The department of transportation shall have the first right to
15 acquire, for present or future transportational or recreational purposes, any
16 property used in operating a railroad or railway, including land and rails, ties,
17 switches, trestles, bridges, and the like located ~~thereon, which~~ on that property, that
18 has been abandoned. The department of transportation may, in connection with
19 abandoned rail property, assign this right to a state agency, the board of regents of
20 the University of Wisconsin System, any county or municipality, or any transit
21 commission. Acquisition by the department of transportation may be by gift,
22 purchase, or condemnation in accordance with the procedure under s. 32.05. In
23 addition to its property management authority under s. 85.15, the department of
24 transportation may lease and collect rents and fees for any use of rail property
25 pending discharge of the department's duty to convey property that is not necessary

1 for a public purpose. ~~In exercising its property management authority, the~~
2 ~~department of transportation, to the greatest extent practicable, shall encourage and~~
3 ~~utilize the Wisconsin conservation corps for appropriate projects.~~ No person owning
4 abandoned rail property, including any person to whom ownership reverts upon
5 abandonment, may convey or dispose of any abandoned rail property without first
6 obtaining a written release from the department of transportation indicating that
7 the first right of acquisition under this subsection will not be exercised or assigned.
8 No railroad or railway may convey any rail property prior to abandonment if the rail
9 property is part of a rail line shown on the railroad's system map as in the process
10 of abandonment, expected to be abandoned, or under study for possible
11 abandonment unless the conveyance or disposal is for the purpose of providing
12 continued rail service under another company or agency. Any conveyance made
13 without obtaining such release is void. The first right of acquisition of the
14 department of transportation under this subsection does not apply to any rail
15 property declared by the department to be abandoned before January 1, 1977. The
16 department of transportation may acquire any abandoned rail property under this
17 section regardless of the date of its abandonment.

18 *~~1634/7.50~~* SECTION 1639. 85.09 (4i) of the statutes is amended to read:

19 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
20 private sale rail property acquired under sub. (4) when the department determines
21 that the rail property is not necessary for a public purpose and, if real property, the
22 real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). Upon
23 receipt of the full purchase price, the department shall, by appropriate deed or other
24 instrument, transfer the rail property to the purchaser. The funds derived from sales
25 under this subsection shall be deposited in the transportation fund, and the expense

1 incurred by the department in connection with the sale shall be paid from the
2 appropriation under s. 20.395 (2) (bq).

3 ***-1289/7.107* SECTION 1640.** 85.12 (3) of the statutes is amended to read:

4 85.12 (3) The department may contract with any local governmental unit, as
5 defined in s. ~~22-01 16.97~~ (7), to provide that local governmental unit with services
6 under this section.

7 ***-0529/4.156* SECTION 1641.** 85.14 (1) (b) of the statutes is amended to read:

8 85.14 (1) (b) Except for charges associated with a contract under par. (c), the
9 department shall pay to the ~~state treasurer~~ secretary of administration the amount
10 of charges associated with the use of credit cards under par. (a) that are assessed to
11 the department.

12 ***-0529/4.157* SECTION 1642.** 85.14 (2) of the statutes is amended to read:

13 85.14 (2) The department shall certify to the ~~state treasurer~~ secretary of
14 administration the amount of charges associated with the use of credit cards that is
15 assessed to the department on deposits accepted under s. 345.26 (3) (a) by state
16 traffic patrol officers and state motor vehicle inspectors, and the ~~state treasurer~~
17 secretary of administration shall pay the charges from moneys under s. 59.25 (3) (j)
18 and (k) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 20.907 (5)
19 (e) 12e.

20 ***-1198/2.1* SECTION 1643.** 85.20 (4m) (a) 6. cm. of the statutes is amended to
21 read:

22 85.20 (4m) (a) 6. cm. For aid payable for calendar years 2000 and 2001, from
23 the ~~appropriation under s. 20.395 (1) (ht)~~, the department shall pay \$53,555,600 to
24 the eligible applicant that pays the local contribution required under par. (b) 1. for
25 an ~~urban mass transit system that has annual operating expenses in excess of~~

1 \$80,000,000. For aid payable for calendar year 2002, from the appropriation under
2 s. 20.395 (1) (ht), the department shall pay \$55,697,800 to the eligible applicant that
3 pays the local contribution required under par. (b) 1. for an urban mass transit
4 system that has annual operating expenses in excess of \$80,000,000. ~~Beginning with~~
5 For aid payable for calendar year 2003 and for each calendar year thereafter, from
6 the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to
7 the eligible applicant that pays the local contribution required under par. (b) 1. for
8 an urban mass transit system that has annual operating expenses in excess of
9 \$80,000,000. For aid payable for calendar year 2004, from the appropriation under
10 s. 20.395 (1) (ht), the department shall pay \$58,192,000 to the eligible applicant that
11 pays the local contribution required under par. (b) 1. for an urban mass transit
12 system that has annual operating expenses in excess of \$80,000,000. Beginning with
13 aid payable for calendar year 2005 and for each calendar year thereafter, from the
14 appropriation under s. 20.395 (1) (ht), the department shall pay \$59,572,900 to the
15 eligible applicant that pays the local contribution required under par. (b) 1. for an
16 urban mass transit system that has annual operating expenses in excess of
17 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is
18 served by more than one urban mass transit system, the eligible applicant may
19 allocate the aid between the urban mass transit systems in any manner the eligible
20 applicant considers desirable.

21 *~~1198/2.2~~* SECTION 1644. 85.20 (4m) (a) 6. d. of the statutes is amended to
22 read:

23 85.20 (4m) (a) 6. d. ~~For aid payable for calendar years 2000 and 2001, from the~~
24 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$14,297,600 to the~~
25 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~

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1 ~~urban mass transit system that has annual operating expenses in excess of~~
2 ~~\$20,000,000 but less than \$80,000,000. For aid payable for calendar year 2002, from~~
3 ~~the appropriation under s. 20.395 (1) (hu), the department shall pay \$14,869,500 to~~
4 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~
5 ~~an urban mass transit system that has annual operating expenses in excess of~~
6 ~~\$20,000,000 but less than \$80,000,000. Beginning with~~ For aid payable for calendar
7 year 2003 and for each calendar year thereafter, from the appropriation under s.
8 20.395 (1) (hu), the department shall pay \$15,166,900 to the eligible applicant that
9 pays the local contribution required under par. (b) 1. for an urban mass transit
10 system that has annual operating expenses in excess of \$20,000,000 but less than
11 \$80,000,000. For aid payable for calendar year 2004, from the appropriation under
12 s. 20.395 (1) (hu), the department shall pay \$15,536,600 to the eligible applicant that
13 pays the local contribution required under par. (b) 1. for an urban mass transit
14 system that has annual operating expenses in excess of \$20,000,000 but less than
15 \$80,000,000. Beginning with aid payable for calendar year 2005 and for each
16 calendar year thereafter, from the appropriation under s. 20.395 (1) (hu), the
17 department shall pay \$15,908,200 to the eligible applicant that pays the local
18 contribution required under par. (b) 1. for an urban mass transit system that has
19 annual operating expenses in excess of \$20,000,000 but less than \$80,000,000. If the
20 eligible applicant that receives aid under this subd. 6. d. is served by more than one
21 urban mass transit system, the eligible applicant may allocate the aid between the
22 urban mass transit systems in any manner the eligible applicant considers desirable.

23 ***-1198/2.3* SECTION 1645.** 85.20 (4m) (a) 7. a. of the statutes is amended to
24 read:

1 85.20 (4m) (a) 7. a. ~~From the appropriation under s. 20.395 (1) (hr), for aid~~
2 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~
3 ~~served by an urban mass transit system operating within an urbanized area having~~
4 ~~a population as shown in the 1990 federal decennial census of at least 50,000 or~~
5 ~~receiving federal mass transit aid for such area, and not specified in subd. 6. From~~
6 ~~the appropriation under s. 20.395 (1) (hr), beginning with aid payable for calendar~~
7 ~~year 2002 and for each calendar year thereafter, the uniform percentage for each~~
8 ~~eligible applicant served by an urban mass transit system operating within an~~
9 ~~urbanized area having a population as shown in the 2000 federal decennial census~~
10 ~~of at least 50,000 or receiving federal mass transit aid for such area, and not specified~~
11 ~~in subd. 6.~~

12 *~~1198/2.4~~* SECTION 1646. 85.20 (4m) (a) 7. b. of the statutes is amended to
13 read:

14 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
15 amounts for aids are ~~\$19,804,200 in calendar years 2000 and 2001, \$20,596,400 in~~
16 ~~calendar year 2002, and \$21,008,300~~ \$21,008,300 in calendar year 2003, \$21,555,300
17 in calendar year 2004, and \$22,133,700 in calendar year 2005 and in each calendar
18 year thereafter. These amounts, to the extent practicable, shall be used to determine
19 the uniform percentage in the particular calendar year.

20 *~~1198/2.5~~* SECTION 1647. 85.20 (4m) (a) 8. a. of the statutes is amended to
21 read:

22 85.20 (4m) (a) 8. a. ~~From the appropriation under s. 20.395 (1) (hs), for aid~~
23 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~
24 ~~served by an urban mass transit system operating within an area having a~~
25 ~~population as shown in the 1990 federal decennial census of less than 50,000 or~~

1 receiving federal mass transit aid for such area. From the appropriation under s.
2 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each
3 calendar year thereafter, the uniform percentage for each eligible applicant served
4 by an urban mass transit system operating within an area having a population as
5 shown in the 2000 federal decennial census of less than 50,000 or receiving federal
6 mass transit aid for such area.

7 ***-1198/2.6* SECTION 1648.** 85.20 (4m) (a) 8. b. of the statutes is amended to
8 read:

9 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
10 amounts for aids are ~~\$5,349,100 in calendar years 2000 and 2001~~, \$5,563,100 in
11 calendar year 2002, and ~~\$5,674,400~~ \$5,674,400 in calendar year 2003, \$5,844,100 in
12 calendar year 2004, and \$6,041,400 in calendar year 2005 and in each calendar year
13 thereafter. These amounts, to the extent practicable, shall be used to determine the
14 uniform percentage in the particular calendar year.

15 ***-1607/P3.9* SECTION 1649.** 85.55 of the statutes is amended to read:

16 **85.55 Safe-ride grant program.** The department may award grants to any
17 county or municipality or to any nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~
18 66.0129 (6) (b), to cover the costs of transporting persons suspected of having a
19 prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises
20 licensed under ch. 125 to sell alcohol beverages to their places of residence. The
21 amount of a grant under this section may not exceed 50% of the costs necessary to
22 provide the service. The liability of a provider of a safe-ride program to persons
23 transported under the program is limited to the amounts required for an automobile
24 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid
25 from the appropriation under s. 20.395 (5) (ek).

1 *~~1187/4.19~~* SECTION 1650. 86.001 (2m) of the statutes is repealed.

2 *~~1187/4.20~~* SECTION 1651. 86.12 (2) of the statutes is amended to read:

3 86.12 (2) If a railroad company fails to comply with the resolution in sub. (1)
4 within 30 days after service of the resolution, the county board, common council,
5 village board or town board may file a complaint with the ~~office~~ department alleging
6 the failure. The ~~office~~ department shall investigate and determine the matter in
7 controversy as ~~provided in ch. 195. An order issued by the office under this~~
8 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~
9 may issue an appropriate order.

10 *~~1187/4.21~~* SECTION 1652. 86.13 (3) of the statutes is amended to read:

11 86.13 (3) If any railroad company fails to grade, construct, pave, surface or
12 otherwise improve or maintain in good and safe condition for public travel as
13 required by this section any street or highway crossing after having been notified so
14 to do by the officer in charge thereof or of the highway improvement for 30 days after
15 such notification, the highway authorities may file a complaint with the ~~office~~
16 department. The ~~office~~ department shall investigate and determine the matter in
17 controversy as ~~provided in ch. 195. An order issued by the office under this~~
18 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~
19 may issue an appropriate order.

20 *~~1196/1.1~~* SECTION 1653. 86.30 (2) (a) 1. of the statutes is amended to read:

21 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm), ~~sub. (10) and s.~~
22 86.303, the amount of transportation aids payable by the department to each county
23 shall be the aids amount calculated under subd. 2. and to each municipality shall be
24 the aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts

1 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
2 to that municipality shall be paid under subd. 2.

3 ***-1196/1.2* SECTION 1654.** 86.30 (2) (a) 3. of the statutes is amended to read:

4 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
5 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$1,704~~
6 ~~in calendar year 2001,~~ \$1,755 in calendar year 2002, and \$1,825 in calendar year
7 2003, \$1,871 in calendar year 2004, and \$1,917 in calendar year 2005 and thereafter.

8 ***-1196/1.3* SECTION 1655.** 86.30 (9) (b) of the statutes is amended to read:

9 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
10 the amounts for aids to counties are ~~\$84,059,500 in calendar years 2000 and 2001,~~
11 ~~\$86,581,300 in calendar year 2002, and \$90,044,600 in calendar year 2003,~~
12 \$92,295,700 in calendar year 2004, and \$94,603,100 in calendar year 2005 and
13 thereafter. These amounts, to the extent practicable, shall be used to determine the
14 statewide county average cost-sharing percentage in the particular calendar year.

15 ***-1196/1.4* SECTION 1656.** 86.30 (9) (c) of the statutes is amended to read:

16 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
17 the amounts for aids to municipalities are ~~\$264,461,500 in calendar years 2000 and~~
18 ~~2001,~~ \$272,395,300 in calendar year 2002, and \$283,291,100 in calendar year 2003,
19 \$290,373,400 in calendar year 2004, and \$297,632,700 in calendar year 2005 and
20 thereafter. These amounts, to the extent practicable, shall be used to determine the
21 statewide municipal average cost-sharing percentage in the particular calendar
22 year.

23 ***-1196/1.5* SECTION 1657.** 86.30 (10) of the statutes is repealed.

24 ***-1250/1.3* SECTION 1658.** 86.31 (3s) of the statutes is amended to read:

1 86.31 (3s) WEST CANAL STREET RECONSTRUCTION AND EXTENSION.

2 Notwithstanding limitations on the amount and use of aids provided under this
3 section, or on eligibility requirements for receiving aids under this section, and
4 subject to s. 84.03 (3) (b), the department shall award a grant of \$2,500,000 to the city
5 of Milwaukee for the ~~purpose~~ purposes specified under s. 84.03 (3) (a).
6 Notwithstanding subs. (3) (b), (3g), (3m), and (3r), payment of the grant under this
7 subsection shall be made from the appropriation under s. 20.395 (2) (fr) before
8 making any other allocation of funds under subs. (3) (b), (3g), (3m), and (3r), and the
9 allocation of funds under subs. (3) (b), (3g), (3m), and (3r) shall be reduced
10 proportionately to reflect the amount of the grant made under this subsection. This
11 subsection does not apply after December 31, 2005.

12 *~~0529/4.158~~* SECTION 1659. 87.07 (4) of the statutes is amended to read:

13 87.07 (4) BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts
14 collectible, as thus found by the department, exceeds the estimated cost of
15 construction of the improvement, the department shall order that the work of
16 constructing such improvement proceed. If such aggregate amount collectible is less
17 than the estimated cost of such improvement, the department shall enter an order
18 dismissing the petition, unless the difference between said aggregate amounts be
19 deposited in cash with the ~~state treasurer~~ secretary of administration within one
20 year. Such deposit may be made by any person or any public or private corporation.
21 Upon the making of such deposit, the department shall enter a further order that the
22 work of constructing the improvement proceed.

23 *~~0529/4.159~~* SECTION 1660. 87.11 (2) of the statutes is amended to read:

24 87.11 (2) But should the total cost, as ascertained and certified by the flood
25 control board after the letting of the contracts, in the manner hereinabove set forth,

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1 exceed the total amount found by the department to be collectible under s. 87.09, all
2 contracts for the construction of the work shall be null and void. At the expiration
3 of one year after such certification, any moneys held by the ~~state treasurer~~ secretary
4 of administration on account of the project shall be refunded to the persons by whom
5 they were paid to ~~such treasurer~~ the secretary of administration; and funds in the
6 hands of the flood control board shall be refunded to the public corporation by which
7 they were paid to such board; any funds held by any town, village, or city, having been
8 collected by special assessments against property benefited, shall be refunded to the
9 owners of such property; any funds raised by any public corporation by the issuance
10 of bonds on account of such proposed improvements shall constitute a fund for the
11 retirement or payment of such bonds; and any fund held by any public corporation,
12 having been raised otherwise than by special assessments or bond issues, shall be
13 available for the general purposes of such public corporation. Provided, however,
14 that if within one year after the last mentioned certification of the flood control board
15 there shall be deposited with the treasurer of said board a sum equal to the difference
16 between the aggregate cost of constructing the improvement as estimated by the
17 department and the aggregate cost thereof as determined and certified by the flood
18 control board after the letting of the contracts, said board shall proceed to relet the
19 contracts for the construction of the improvement and to complete the same unless
20 the aggregate of such new contract prices, together with the department's estimate
21 of the cost of acquiring lands and of overhead expenses and of the first 18 months'
22 operation and maintenance, shall again exceed the amount found by the department
23 to be collectible under s. 87.09. The deposit herein referred to may be made by any
24 person or any public or private corporation.

25 *~~1824/6.21~~* **SECTION 1661.** 87.12 (6) of the statutes is amended to read:

1 87.12 (6) The board shall have the power to institute and prosecute in the
2 manner provided in ch. 32 of the statutes such eminent domain proceedings as may
3 be necessary in the construction of said improvement. When necessary for that
4 purpose, this right of eminent domain shall be dominant over the rights of eminent
5 domain of public or private corporations or governmental agencies. The board shall
6 also have the power to acquire any lands or interest therein necessary for the
7 aforesaid purpose, by gift, purchase or lease. Any title acquired by condemnation or
8 gift, purchase or lease shall be held in the name of the flood control board in trust for
9 the several towns, villages and cities and contributing, as provided in s. 87.10 (1) (c)
10 and (d), in proportion to the amounts of their several contributions. The board shall
11 have the power to employ engineers, ~~attorneys~~, agents, assistants, clerks, employees
12 and laborers and, with the advice and consent of the attorney general, retain
13 attorneys as it may deem advisable for the proper execution of its duties, and to fix
14 their compensation.

15 *~~0529/4.160~~* SECTION 1662. 87.13 of the statutes is amended to read:

16 **87.13 Disbursements by board.** All sums which shall be deposited with the
17 ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of
18 the improvement shall be paid by ~~said treasurer~~ the secretary of administration to
19 the flood control board upon requisitions from said board. If any moneys, other than
20 those for operation and maintenance during the first 18 months, remain unexpended
21 in the hands of the flood control board or subject to their requisition after the
22 completion of the construction of the improvement, and if the funds for construction
23 of the improvement shall have been in part raised through voluntary contributions
24 under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion
25 thereof as the funds remaining in the hands of the board or subject to its requisition

1 will pay, shall be returned to the persons or corporations who made such voluntary
2 contributions, in proportion to the amounts contributed by them.

3 *–1187/4.22* SECTION 1663. 88.66 (2) of the statutes is amended to read:

4 88.66 (2) Every district whose drains cross the right-of-way of a railway
5 company is liable to such company for the reasonable cost of opening its right-of-way
6 and also for the cost of the culverts and bridges made necessary by such drain. The
7 drainage board shall include such costs in its cost of construction, as set forth in its
8 report of benefits and damages, and shall award them as damages to the railway
9 company. The bridge or culvert shall be designed by the district's engineer and the
10 design submitted to the railway company for approval. If a dispute arises as to the
11 adequacy of the design, either party may submit the dispute to the ~~office of the~~
12 ~~commissioner of railroads~~ division of hearings and appeals in the department of
13 administration by filing with the ~~office~~ division of hearings and appeals a statement
14 as to the facts involved and the nature of the dispute. The ~~office~~ division of hearings
15 and appeals shall ~~investigate and determine the matter in controversy in accordance~~
16 ~~with ch. 195, and any order it makes in such proceeding has the same effect as an~~
17 ~~order in any other proceeding properly brought under ch. 195.~~

18 *–1187/4.23* SECTION 1664. 88.87 (4) of the statutes is amended to read:

19 88.87 (4) If a railway company fails to comply with sub. (2), any person
20 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~
21 ~~railroads~~ division of hearings and appeals in the department of administration
22 setting forth the facts. The ~~office~~ division of hearings and appeals shall investigate
23 and determine the matter in controversy ~~in accordance with ch. 195, and any order~~
24 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~
25 ~~properly brought under ch. 195.~~

1 *~~1187/4.24~~* SECTION 1665. 88.88 (2) of the statutes is amended to read:

2 88.88 (2) If the railway company fails to comply with sub. (1), the person
3 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~
4 ~~railroads~~ division of hearings and appeals in the department of administration
5 ~~setting forth the facts. The office~~ division of hearings and appeals shall investigate
6 ~~and determine the matter in controversy in accordance with ch. 195, and any order~~
7 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~
8 ~~properly brought under ch. 195.~~

9 *~~1712/5.30~~* SECTION 1666. 91.19 (6s) (a) (intro.) of the statutes is amended
10 to read:

11 91.19 (6s) (a) (intro.) The department may release from a farmland
12 preservation agreement any land acquired or to be acquired by ~~a local unit of~~
13 ~~government~~ the governing body of a municipality, as defined in s. ~~106.215 (1) (e)~~
14 ~~281.59 (1) (c)~~, for public improvements or structures, including highway
15 improvements, if all of the following occur:

16 *~~1111/4.8~~* SECTION 1667. 93.07 (1) of the statutes is amended to read:

17 93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent
18 with law, as it may deem necessary for the exercise and discharge of all of the powers
19 and duties of the department, and to adopt such measures and make such
20 regulations as are necessary and proper for the ~~enforcement by the state of~~
21 ~~department to carry out its duties and powers under chs. 93 to 100, which regulations~~
22 ~~shall have the force of law.~~

23 *~~1111/4.9~~* SECTION 1668. 93.07 (23) of the statutes is created to read:

1 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
2 100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,
3 100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

4 *-1111/4.10* SECTION 1669. 93.07 (24) of the statutes is amended to read:

5 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
6 88 and 93 to 99, those laws under ch. 100 administered by the department, and all
7 other laws entrusted to its administration, and especially:

8 (a) To enforce the laws administered by the department regarding the
9 production, manufacture and sale, offering or exposing for sale or having in
10 possession with intent to sell, of any dairy, food or drug product.

11 (b) To enforce the laws administered by the department regarding the
12 adulteration or misbranding of any articles of food, drink, condiment or drug.

13 (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article
14 of food, drink, condiment or drug made or offered for sale within this state which it
15 may suspect or have reason to believe, under the laws administered by the
16 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or
17 in any way unlawful.

18 (d) To prosecute or cause to be prosecuted, under the laws administered by the
19 department, any person engaged in the manufacture or sale, offering or exposing for
20 sale or having in possession with intent to sell, of any adulterated dairy product or
21 of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles
22 of food, drink, condiment or drug.

23 *-1111/4.11* SECTION 1670. 93.18 (3) of the statutes is amended to read:

24 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
25 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,

1 product or related material ceased, shall give written notice of its finding to the
2 manufacturer, seller or other person responsible for placing the item in the channels
3 of trade in this state. After such notice no person may sell, remove or otherwise
4 dispose of such item except as directed by the department of justice. Any person
5 affected by such notice may demand a prompt hearing to determine the validity of
6 the ~~department's findings~~ of the department of justice. The hearing, if requested,
7 shall be held as expeditiously as possible but not later than 30 days after notice. A
8 request for hearing does not operate to stay enforcement of the order during the
9 pendency of the hearing. The person petitioning for a hearing shall be entitled to the
10 same rights specified under sub. (2).

11 ***-1111/4.12* SECTION 1671.** 93.18 (7) of the statutes is created to read:

12 93.18 (7) The department of justice shall follow the procedures under subs. (1),
13 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
14 department of justice.

15 ***-1111/4.13* SECTION 1672.** 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 126 or an action that is
19 commenced in court by the department of justice to enforce ch. 100.

20 ***-1824/6.22* SECTION 1673.** 93.22 (1) of the statutes is repealed.

21 ***-1824/6.23* SECTION 1674.** 93.22 (2) of the statutes is amended to read:

22 93.22 (2) The department may, with the approval of the governor, ~~appoint~~
23 special and the advice and consent of the attorney general, retain counsel to
24 prosecute or assist in the prosecution of any case arising under ~~chs. 88 and 93 to 100~~

1 a law administered by the department. The cost of such special counsel shall be
2 charged to the appropriation for the department.

3 *~~0529/4.161~~* SECTION 1675. 93.31 of the statutes is amended to read:

4 **93.31 Livestock breeders association.** The secretary of the Wisconsin
5 livestock breeders association shall on and after July 1 of each year make a report
6 to the department, signed by the president, treasurer, and secretary of the
7 association, setting forth in detail the receipts and disbursements of the association
8 for the preceding fiscal year in such form and detail together with such other
9 information as the department may require. On receipt of such reports, if the
10 department is satisfied that the business of the association has been efficiently
11 conducted during the preceding fiscal year and in the interest of and for the
12 promotion of the special agricultural interests of the state and for the purpose for
13 which the association was organized and if the final statement shows that all the
14 receipts together with the state aid have been accounted for and disbursed for the
15 proper and necessary purposes of the association, and in accordance with the laws
16 of the state, then the department shall file a certificate with the ~~department~~
17 secretary of administration and ~~it shall draw its warrant and the state treasurer he~~
18 or she shall pay to the treasurer of the association the amount of the appropriations
19 made available for the association by s. 20.115 (4) (a) for the conduct of junior
20 livestock shows and other livestock educational programs. The association may
21 upon application to the state purchasing agent, upon such terms as he or she may
22 require, obtain printing for the association under the state contract.

23 *~~0310/2.4~~* SECTION 1676. 93.55 (2) of the statutes is amended to read:

24 **93.55 (2) COLLECTION GRANTS.** The department may award a grant to a county
25 for a chemical and container collection program. A grant under this subsection shall

1 fund all or a part of the cost of a program. Costs eligible for funding include the cost
2 of establishing a collection site for chemicals and chemical containers, the cost of
3 transporting chemical containers to a dealer or distributor for refill and reuse or to
4 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the
5 proper use and handling and disposal or recycling of chemicals and chemical
6 containers. Grants shall be paid from the appropriation under s. 20.115 (7) ~~(v)~~ (va).

7 ***-0158/1.1* SECTION 1677.** 93.70 of the statutes is renumbered 93.70 (1).

8 ***-0158/1.2* SECTION 1678.** 93.70 (2) of the statutes is created to read:

9 93.70 (2) The department may not make a payment under sub. (1) to a person
10 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
11 unless the person provides to the department a payment agreement that has been
12 approved by the county child support agency under s. 59.53 (5) and that is consistent
13 with rules promulgated under s. 49.858 (2) (a).

14 ***-0310/2.5* SECTION 1679.** 94.64 (4) (a) 1. of the statutes is amended to read:

15 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed
16 ~~beginning on October 29, 1999, and ending on June 30, 2001 before July 1, 2003,~~ and
17 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2003, with
18 a minimum fee of \$25.

19 ***-0310/2.6* SECTION 1680.** 94.64 (4) (a) 5. of the statutes is amended to read:

20 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per
21 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
22 ~~1999,~~ unless the department establishes a lower surcharge under s. 94.73 (15).

23 ***-0310/2.7* SECTION 1681.** 94.681 (1) (cm) of the statutes is created to read:

24 94.681 (1) (cm) "Payment period" means the 12 months ending on September
25 30 of the calendar year for which a license is sought under s. 94.68.

1 ***-0310/2.8*** SECTION 1682. 94.681 (2) of the statutes is repealed and recreated
2 to read:

3 94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall
4 pay an annual license fee for each pesticide product that the applicant sells or
5 distributes for use in this state. The amount of the fee is based on sales of pesticide
6 products during the payment period. An applicant shall pay an estimated fee before
7 the start of each license year as provided in sub. (3s) (a) and shall make a fee
8 adjustment payment before the end of the license year if required under sub. (3s) (b).
9 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

10 (a) For each household pesticide product:

11 1. If the applicant sells less than \$25,000 of the product during the payment
12 period for use in this state, \$265.

13 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
14 during the payment period for use in this state, \$750.

15 3. If the applicant sells at least \$75,000 of the product during the payment
16 period for use in this state, \$1,500.

17 (b) For each industrial pesticide product:

18 1. If the applicant sells less than \$25,000 of the product during the payment
19 period for use in this state, \$315.

20 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
21 during the payment period for use in this state, \$860.

22 3. If the applicant sells at least \$75,000 of that product during the payment
23 period for use in this state, \$3,060.

24 (c) For each nonhousehold pesticide product:

1 1. If the applicant sells less than \$25,000 of that product during the payment
2 period for use in this state, \$320.

3 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
4 during the payment period for use in this state, \$890.

5 3. If the applicant sells at least \$75,000 of the product during the payment
6 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
7 product during the payment period for use in this state.

8 *~~0310/2.9~~* SECTION 1683. 94.681 (3) of the statutes is amended to read:

9 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
10 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
11 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
12 each nonhousehold pesticide product that the applicant sells or distributes for use
13 in this state. The amount of the surcharge is based on sales of nonhousehold
14 pesticide products during the payment period. An applicant shall pay an estimated
15 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
16 make a surcharge adjustment payment before the end of the license year if required
17 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
18 the surcharge is as follows:

19 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
20 ~~preceding year payment period~~ for use in this state, \$5.

21 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
22 product during the ~~preceding year payment period~~ for use in this state, \$170.

23 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
24 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross

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1 revenues from sales of the product during the ~~preceding year payment period~~ for use
2 in this state.

3 *~~0310/2.10~~* SECTION 1684. 94.681 (3m) of the statutes is amended to read:

4 94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a
5 license under s. 94.68 shall pay an environmental cleanup surcharge for each
6 pesticide product that is not a household pesticide and is solely labeled for use on
7 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
8 distributes in this state. The amount of the surcharge is based on sales of pesticide
9 products that are not household pesticides and are solely labeled for use on wood and
10 contain pentachlorophenol or coal tar creosote during the payment period. An
11 applicant shall pay an estimated surcharge before the start of each license year as
12 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
13 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
14 amount of the surcharge is as follows:

15 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
16 ~~preceding year payment period~~ for use in this state, \$5.

17 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
18 product during the ~~preceding year payment period~~ for use in this state, \$170.

19 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
20 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross
21 revenues from sales of the product during the ~~preceding year payment period~~ for use
22 in this state.

23 *~~0310/2.11~~* SECTION 1685. 94.681 (3s) of the statutes is created to read:

24 94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license
25 year, an applicant shall estimate the gross revenues that the applicant will receive

1 from sales of each pesticide product during the payment period that ends during the
2 year for which a license is sought under s. 94.68 and shall pay the amounts under
3 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
4 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
5 that the applicant will receive from sales of that pesticide product during the
6 payment period in which the licensee begins to sell the pesticide product and shall
7 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

8 (b) Before the end of a license year, a licensee shall report to the department
9 the gross revenues that the licensee received from sales of each pesticide product
10 during the payment period that ended during the license year, as required under s.
11 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
12 the amounts actually due under subs. (2), (3), and (3m) as follows:

13 1. If the amount due based on actual sales is greater than the amount paid
14 based on estimated sales, the licensee shall pay the additional amount due.

15 2. If the amount due based on actual sales is less than the amount paid based
16 on estimated sales, the licensee may request the department to reimburse the
17 licensee for the amount of the overpayment.

18 3. If the amount due based on actual sales equals the amount paid based on
19 estimated sales, no action is required.

20 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
21 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
22 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
23 subdivision is in addition to any late filing fee under s. 93.21 (5).

24 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
25 par. (a) are based on estimates of gross revenues from sales for each pesticide product

1 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
2 product during the preceding year.

3 *~~0310/2.12~~* SECTION 1686. 94.72 (6) (a) 1. of the statutes is repealed.

4 *~~0310/2.13~~* SECTION 1687. 94.72 (6) (a) 2. of the statutes is amended to read:

5 94.72 (6) (a) 2. For commercial feeds distributed in this state ~~on or after~~ before
6 January 1, ~~2002~~ 2004, a feed inspection fee of 23 cents per ton.

7 *~~0310/2.14~~* SECTION 1688. 94.72 (6) (a) 2m. of the statutes is created to read:

8 94.72 (6) (a) 2m. For commercial feeds distributed in this state after December
9 31, 2003, a feed inspection fee of 30 cents per ton.

10 *~~0310/2.15~~* SECTION 1689. 94.73 (6) (b) of the statutes is amended to read:

11 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
12 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
13 costs incurred for each discharge site that are greater than \$3,000 and less than
14 \$400,000.

15 *~~0310/2.16~~* SECTION 1690. 94.73 (6) (c) (intro.) of the statutes is amended to
16 read:

17 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
18 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
19 costs incurred for each discharge site that are greater than \$7,500 and less than
20 \$400,000 if any of the following applies:

21 *~~0310/2.17~~* SECTION 1691. 94.73 (15) (a) of the statutes is amended to read:

22 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
23 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
24 (3) (a) 2. below the amounts specified in those provisions. The department shall
25 adjust surcharge amounts as necessary to maintain a balance in the agricultural

1 chemical cleanup fund at the end of each fiscal year of at least ~~\$2,000,000~~ but not
2 more than \$5,000,000, but may not increase a surcharge amount over the amount
3 specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2.,
4 or 94.704 (3) (a) 2.

5 ***-1506/2.1* SECTION 1692.** 97.24 (4) (a) of the statutes is amended to read:

6 97.24 (4) (a) Regulation of the production, processing and distribution of milk
7 and fluid milk products under minimum sanitary requirements which are uniform
8 throughout this state and the United States is essential for the protection of
9 consumers and the economic well-being of the dairy industry, and is therefore a
10 matter of statewide concern; however, nothing in this section shall impair or abridge
11 the power of any municipality or county to regulate milk or fluid milk products under
12 sanitary requirements and standards which are in reasonable accord with those
13 established under this section or the power to impose reasonable license permit and
14 inspection fees which combined shall not exceed the cost of necessary inspection. A
15 municipality or county may not impose any fee for its inspection of milk producers,
16 dairy plant facilities or dairy products which are under the inspection supervision
17 of another governmental unit within or without the state with a valid certification
18 rating made or approved by the department of ~~health and family services~~. No
19 governmental unit may impose or collect a fee directly from the producer. A license
20 or permit fee not to exceed \$25 annually may be imposed on milk distributors
21 licensed under s. 97.22 and on dairy plants under the inspection supervision of
22 another governmental unit which are engaged in the distribution of milk within a
23 municipality or county.

24 ***-1506/2.2* SECTION 1693.** 97.24 (4) (b) of the statutes is amended to read:

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1 97.24 (4) (b) No sanitary requirement or standard established under this
2 section or contained in any ordinance may prohibit the sale of milk or fluid milk
3 products which are produced and processed under laws or rules of any governmental
4 unit, within or without this state, which are substantially equivalent to the
5 requirements of the rules promulgated under this section, and which are enforced
6 with equal effectiveness, as determined by a milk sanitation rating made or
7 approved by the department of health and family services, under rules promulgated
8 under this section.

9 *-1111/4.14* SECTION 1694. 100.07 (6) of the statutes is amended to read:

10 100.07 (6) Action Upon request of the department of agriculture, trade, and
11 rural resources, an action to enjoin violation of this section may be commenced and
12 prosecuted by the department of justice in the name of the state in any court having
13 equity jurisdiction.

14 *-1111/4.15* SECTION 1695. 100.171 (7) (b) of the statutes, as affected by 2001
15 Wisconsin Act 109, section 263, is amended to read:

16 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
17 I felony. A person intentionally violates this section if the violation occurs after the
18 department of justice or a district attorney has notified the person by certified mail
19 that the person is in violation of this section.

20 *-1111/4.16* SECTION 1696. 100.171 (8) (intro.) of the statutes is amended to
21 read:

22 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
23 violations of this section. The department of justice or any district attorney may on
24 behalf of the state:

1 *–1111/4.17* SECTION 1697. 100.173 (4) (intro.) of the statutes is amended to
2 read:

3 100.173 (4) (intro.) The department of justice shall investigate violations of this
4 section. The department of justice, or any district attorney upon informing the
5 department of justice, may, on behalf of the state, do any of the following:

6 *–1111/4.18* SECTION 1698. 100.173 (4) (a) of the statutes is amended to read:

7 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
8 any court of competent jurisdiction for any violation of this section. The relief sought
9 by the department of justice or district attorney may include the payment by a
10 promoter into an escrow account of an amount estimated to be sufficient to pay for
11 ticket refunds. The court may, upon entry of final judgment, award restitution when
12 appropriate to any person suffering loss because of violations of this section if proof
13 of such loss is submitted to the satisfaction of the court.

14 *–1111/4.19* SECTION 1699. 100.174 (5) (intro.) of the statutes is amended to
15 read:

16 100.174 (5) (intro.) The department of justice or any district attorney may on
17 behalf of the state:

18 *–1111/4.20* SECTION 1700. 100.174 (6) of the statutes is amended to read:

19 100.174 (6) The department of justice shall investigate violations of and
20 enforce this section.

21 *–1111/4.21* SECTION 1701. 100.175 (5) (a) (intro.) of the statutes is amended
22 to read:

23 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
24 pay more than \$100 for dating services before the buyer receives or has the
25 opportunity to receive those services unless the person selling dating services

1 establishes proof of financial responsibility by maintaining any of the following
2 commitments approved by the department of justice in an amount not less than
3 \$25,000:

4 ***-1111/4.22* SECTION 1702.** 100.175 (5) (b) of the statutes is amended to read:

5 100.175 (5) (b) The commitment described in par. (a) shall be established in
6 favor of or made payable to the state, for the benefit of any buyer who does not receive
7 a refund under the contractual provision described in sub. (3). The person selling
8 dating services shall file with the department of justice any agreement, instrument
9 or other document necessary to enforce the commitment against the person selling
10 dating services or any relevant 3rd party, or both.

11 ***-1111/4.23* SECTION 1703.** 100.175 (7) (a) (intro.) of the statutes is amended
12 to read:

13 100.175 (7) (a) (intro.) The department of justice or any district attorney may
14 on behalf of the state:

15 ***-1111/4.24* SECTION 1704.** 100.175 (7) (b) of the statutes is amended to read:

16 100.175 (7) (b) The department of justice may bring an action in circuit court
17 to recover on a financial commitment maintained under sub. (5) against a person
18 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
19 not receive a refund due under the contractual provision described in sub. (3).

20 ***-1111/4.25* SECTION 1705.** 100.177 (1) (bm) of the statutes is created to read:

21 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
22 department of justice.

23 ***-1111/4.26* SECTION 1706.** 100.178 (1) (b) of the statutes is amended to read:

24 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
25 department of ~~health and family services~~ justice.

1 *~~1111/4.27~~* SECTION 1707. 100.18 (11) (a) of the statutes is amended to read:

2 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
3 justice shall enforce this section. Actions to enjoin violation of this section or any
4 regulations thereunder may be commenced and prosecuted by the department of of
5 justice in the name of the state in any court having equity jurisdiction. This remedy
6 is not exclusive.

7 *~~1111/4.28~~* SECTION 1708. 100.18 (11) (b) 3. of the statutes is amended to
8 read:

9 100.18 (11) (b) 3. No action may be commenced under this section more than
10 3 years after the occurrence of the unlawful act or practice which is the subject of the
11 action. No injunction may be issued under this section which would conflict with
12 general or special orders of the department of justice or any statute, rule or
13 regulation of the United States or of this state.

14 *~~1111/4.29~~* SECTION 1709. 100.18 (11) (c) 1. of the statutes is amended to
15 read:

16 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
17 a person is in possession, custody or control of any information or documentary
18 material relevant to the enforcement of this section it may require that person to
19 submit a statement or report, under oath or otherwise, as to the facts and
20 circumstances concerning any activity in the course of trade or commerce; examine
21 under oath that person with respect to any activity in the course of trade or
22 commerce; and execute in writing and cause to be served upon such person a civil
23 investigative demand requiring the person to produce any relevant documentary
24 material for inspection and copying.

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1 ***-1111/4.30*** **SECTION 1710.** 100.18 (11) (c) 2. of the statutes is amended to
2 read:

3 100.18 (11) (c) 2. The department of justice, in exercising powers under this
4 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
5 any investigation.

6 ***-1111/4.31*** **SECTION 1711.** 100.18 (11) (c) 3. of the statutes is amended to read:

7 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
8 a person to file a statement or report, or service of a subpoena upon a person, or
9 service of a civil investigative demand shall be made in compliance with the rules of
10 civil procedure of this state.

11 ***-1111/4.32*** **SECTION 1712.** 100.18 (11) (c) 4. of the statutes is amended to
12 read:

13 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
14 comply with any civil investigative demand, or fails to obey any subpoena issued by
15 the department of justice, such person may be coerced as provided in s. 885.12, except
16 that no person shall be required to furnish any testimony or evidence under this
17 subsection which might tend to incriminate the person.

18 ***-1111/4.33*** **SECTION 1713.** 100.18 (11) (d) of the statutes is amended to read:

19 100.18 (11) (d) ~~The department or the~~ department of justice, ~~after consulting~~
20 ~~with the department,~~ or any district attorney, upon informing the department of
21 justice, may commence an action in circuit court in the name of the state to restrain
22 by temporary or permanent injunction any violation of this section. The court may
23 in its discretion, prior to entry of final judgment, make such orders or judgments as
24 may be necessary to restore to any person any pecuniary loss suffered because of the
25 acts or practices involved in the action, provided proof thereof is submitted to the

1 satisfaction of the court. ~~The department and the department of justice may~~
2 subpoena persons and require the production of books and other documents, ~~and the~~
3 ~~department of justice may request the department to exercise its authority under~~
4 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

5 ***-1111/4.34* SECTION 1714.** 100.18 (11) (e) of the statutes is amended to read:

6 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
7 section, ~~the department or the department of justice may accept a written assurance~~
8 of discontinuance of any act or practice alleged to be a violation of this section from
9 the person who has engaged in such act or practice. The acceptance of such assurance
10 by ~~either the department or the department of justice shall be deemed acceptance by~~
11 ~~the other state officials enumerated in par. (d) any district attorney~~ if the terms of
12 the assurance so provide. An assurance entered into pursuant to this section shall
13 not be considered evidence of a violation of this section, provided that violation of
14 such an assurance shall be treated as a violation of this section, and shall be
15 subjected to all of the penalties and remedies provided therefor.

16 ***-1111/4.35* SECTION 1715.** 100.182 (5) (a) of the statutes is amended to read:

17 100.182 (5) (a) Any district attorney, after informing the department of justice,
18 or the department of justice may seek a temporary or permanent injunction in circuit
19 court to restrain any violation of this section. Prior to entering a final judgment the
20 court may award damages to any person suffering monetary loss because of a
21 violation. The department of justice may subpoena any person or require the
22 production of any document to aid in investigating alleged violations of this section.

23 ***-1111/4.36* SECTION 1716.** 100.182 (5) (b) of the statutes is amended to read:

24 100.182 (5) (b) In lieu of instituting or continuing an action under this
25 subsection, the department of justice may accept a written assurance from a violator

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1 of this section that the violation has ceased. If the terms of the assurance so provide,
2 its acceptance by the department of justice prevents all district attorneys from
3 prosecuting the violation. An assurance is not evidence of a violation of this section
4 but violation of an assurance is subject to the penalties and remedies of violating this
5 section.

6 ***-1111/4.37* SECTION 1717.** 100.20 (2) (a) of the statutes is amended to read:

7 100.20 (2) (a) The department of justice, after public hearing, may issue
8 general orders forbidding methods of competition in business or trade practices in
9 business which are determined by the department of justice to be unfair. The
10 department of justice, after public hearing, may issue general orders prescribing
11 methods of competition in business or trade practices in business which are
12 determined by the department of justice to be fair.

13 ***-1111/4.38* SECTION 1718.** 100.20 (2) (b) of the statutes is amended to read:

14 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
15 any order or promulgate any rule that regulates the provision of water or sewer
16 service by a manufactured home park operator, as defined in s. 101.91 (8), or
17 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
18 to the extent that the rule regulates the provision of such water or sewer service.

19 ***-1111/4.39* SECTION 1719.** 100.20 (3) of the statutes is amended to read:

20 100.20 (3) The department of justice, after public hearing, may issue a special
21 order against any person, enjoining such person from employing any method of
22 competition in business or trade practice in business which is determined by the
23 department of justice to be unfair or from providing service in violation of sub. (1t).
24 The department of justice, after public hearing, may issue a special order against any

1 person, requiring such person to employ the method of competition in business or
2 trade practice in business which is determined by the department of justice to be fair.

3 ***-1111/4.40* SECTION 1720.** 100.20 (4) of the statutes is amended to read:

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

13 ***-1111/4.41* SECTION 1721.** 100.20 (6) of the statutes is amended to read:

14 100.20 (6) The department of justice may commence an action in circuit court
15 in the name of the state to restrain by temporary or permanent injunction the
16 violation of any order issued under this section. The court may in its discretion, prior
17 to entry of final judgment, make such orders or judgments as may be necessary to
18 restore to any person any pecuniary loss suffered because of the acts or practices
19 involved in the action, provided proof thereof is submitted to the satisfaction of the
20 court. The department of justice may use its authority in ss. 93.14 and 93.15 to
21 investigate violations of any order issued under this section.

22 ***-1111/4.42* SECTION 1722.** 100.201 (6) (d) of the statutes is amended to read:

23 100.201 (6) (d) The failure to pay fees under this subsection within the time
24 provided under par. (c) is a violation of this section. The department of justice may

1 also commence an action to recover the amount of any overdue fees plus interest at
2 the rate of 2% per month for each month that the fees are delinquent.

3 *–1111/4.43* SECTION 1723. 100.201 (8m) (intro.) of the statutes is amended
4 to read:

5 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
6 acts or omissions which take place in whole or in part outside this state. In any action
7 or administrative proceeding the department of justice has jurisdiction of the person
8 served under s. 801.11 when any act or omission outside this state by the defendant
9 or respondent results in local injury or may have the effect of injuring competition
10 or a competitor in this state or unfairly diverts trade or business from a competitor,
11 if at the time:

12 *–1111/4.44* SECTION 1724. 100.201 (9) (b) of the statutes is amended to read:

13 100.201 (9) (b) The department of agriculture, trade, and rural resources, after
14 public hearing held under s. 93.18, may issue a special order against any person
15 requiring such person to cease and desist from acts, practices or omissions
16 determined by the department of agriculture, trade, and rural resources to violate
17 this section. Such orders shall be subject to judicial review under ch. 227. Any
18 violation of a special order issued hereunder shall be punishable as a contempt under
19 ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the
20 filing of an affidavit by the department of justice of the commission of such violation
21 in any court of record in the county where the violation occurred.

22 *–1111/4.45* SECTION 1725. 100.201 (9) (c) of the statutes is amended to read:

23 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
24 remedies herein provided, may apply to a circuit court for a temporary or permanent
25 injunction to prevent, restrain or enjoin any person from violating this section or any

1 special order of the department of agriculture, trade, and rural resources issued
2 ~~hereunder~~ under this section, without being compelled to allege or prove that an
3 adequate remedy at law does not exist.

4 ***-1111/4.46* SECTION 1726.** 100.205 (7) of the statutes is amended to read:

5 100.205 (7) The department of justice, or any district attorney on informing the
6 department of justice, may commence an action in circuit court in the name of the
7 state to restrain by temporary or permanent injunction any violation of this section.
8 The court may, before entry of final judgment and after satisfactory proof, make
9 orders or judgments necessary to restore to any person any pecuniary loss suffered
10 because of a violation of this section. The department of justice may conduct
11 hearings, administer oaths, issue subpoenas and take testimony to aid in its
12 investigation of violations of this section.

13 ***-1111/4.47* SECTION 1727.** 100.205 (8) of the statutes is amended to read:

14 100.205 (8) The department of justice or any district attorney may commence
15 an action in the name of the state to recover a forfeiture to the state of not more than
16 \$10,000 for each violation of this section.

17 ***-1111/4.48* SECTION 1728.** 100.207 (1) of the statutes is renumbered 100.207
18 (1) (intro.) and amended to read:

19 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
20 “telecommunications;

21 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

22 ***-1111/4.49* SECTION 1729.** 100.207 (1) (a) of the statutes is created to read:

23 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
24 department of justice.

SECTION 1730

1 *~~-1111/4.50~~* SECTION 1730. 100.207 (6) (b) 1. of the statutes is amended to
2 read:

3 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
4 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
5 upon informing the department of agriculture, trade and consumer protection, may
6 commence an action in circuit court in the name of the state to restrain by temporary
7 or permanent injunction any violation of this section. Injunctive relief may include
8 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
9 discontinue telecommunications service provided to a person violating this section
10 or ch. 196. Before entry of final judgment, the court may make such orders or
11 judgments as may be necessary to restore to any person any pecuniary loss suffered
12 because of the acts or practices involved in the action if proof of these acts or practices
13 is submitted to the satisfaction of the court.

14 *~~-1111/4.51~~* SECTION 1731. 100.207 (6) (b) 2. of the statutes is amended to
15 read:

16 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
17 ~~to 93.16 and 100.18 (11) (e) to shall~~ administer this section. The department and the
18 ~~department of justice~~ may subpoena persons and, require the production of books
19 and other documents, and the department of justice ~~may request the department of~~
20 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
21 ~~investigation of~~ investigate alleged violations of this section.

22 *~~-1111/4.52~~* SECTION 1732. 100.207 (6) (c) of the statutes is amended to read:

23 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
24 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
25 paragraph shall be enforced by the department of justice, ~~after consulting with the~~

1 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
2 department, by the district attorney of the county where the violation occurs.

3 ***-1111/4.53* SECTION 1733.** 100.207 (6) (em) 1. of the statutes is amended to
4 read:

5 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
6 department shall form an advisory group to suggest recommendations regarding the
7 content and scope of the proposed rule. The advisory group shall consist of one or
8 more persons who may be affected by the proposed rule, ~~a representative from the~~
9 ~~department of justice~~ and a representative from the public service commission.

10 ***-1111/4.54* SECTION 1734.** 100.207 (6) (em) 2. of the statutes is amended to
11 read:

12 100.207 (6) (em) 2. The department shall submit the recommendations under
13 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
14 and ~~to the board of agriculture, trade and consumer protection.~~

15 ***-1111/4.55* SECTION 1735.** 100.208 (2) (intro.) of the statutes is amended to
16 read:

17 100.208 (2) (intro.) The department of justice shall notify the public service
18 commission if any of the following conditions exists:

19 ***-1111/4.56* SECTION 1736.** 100.208 (2) (b) of the statutes is amended to read:

20 100.208 (2) (b) The department of justice has issued an order under s. 100.20
21 (3) prohibiting a telecommunications provider from engaging in an unfair trade
22 practice or method of competition.

23 ***-1111/4.57* SECTION 1737.** 100.209 (3) of the statutes is amended to read:

24 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
25 prohibit the department of justice from promulgating a rule or from issuing an order

1 consistent with its authority under this chapter that gives a subscriber greater rights
2 than the rights under sub. (2) or prohibit a city, village or town from enacting an
3 ordinance that gives a subscriber greater rights than the rights under sub. (2).

4 ***-1111/4.58* SECTION 1738.** 100.209 (4) (b) of the statutes is amended to read:

5 100.209 (4) (b) The department of justice and the district attorneys of this state
6 have concurrent authority to institute civil proceedings under this section.

7 ***-1111/4.59* SECTION 1739.** 100.2095 (6) (b) of the statutes is amended to read:

8 100.2095 (6) (b) The department of justice may commence an action in the
9 name of the state to restrain by temporary or permanent injunction a violation of sub.
10 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
11 orders to restore to any person any pecuniary loss suffered by the person because of
12 the violation.

13 ***-1111/4.60* SECTION 1740.** 100.2095 (6) (c) of the statutes is amended to read:

14 100.2095 (6) (c) The department of justice or any district attorney may
15 commence an action in the name of the state to recover a forfeiture to the state of not
16 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

17 ***-1111/4.61* SECTION 1741.** 100.21 (2) (a) of the statutes is amended to read:

18 100.21 (2) (a) No person may make an energy savings or safety claim without
19 a reasonable and currently accepted scientific basis for the claim when the claim is
20 made. Making an energy savings or safety claim without a reasonable and currently
21 accepted scientific basis is also an unfair method of competition and trade practice
22 prohibited under s. 100.20.

23 ***-1111/4.62* SECTION 1742.** 100.21 (4) (a) (intro.) of the statutes is amended

24 to read: