

1           192.33 (5) The maintenance of cattle guards may be omitted by the railroad  
2 company with the written consent of the ~~office~~ department specifying the particular  
3 crossings.

4           \*~~1187/4.78~~\* SECTION 2138. 192.34 of the statutes is amended to read:

5           **192.34 Fences; complaint of insufficient; hearing; order.** Upon  
6 complaint to the division of hearings and appeals by the owner or occupant of any  
7 land contiguous to the right-of-way of any railroad that the railroad company  
8 operating the line has failed to construct or keep in good repair fences along its  
9 right-of-way opposite to the complainant's land as required under s. 192.33, the  
10 ~~office~~ division of hearings and appeals shall proceed on the complaint in the manner  
11 provided ~~in s. 195.04~~ under ch. 227. If it shall appear that the complaint is well  
12 founded, the ~~office~~ division of hearings and appeals may order and direct the railroad  
13 company to repair the complained of fences so that the fences will be sufficient or to  
14 construct legal fences.

15           \*~~1187/4.79~~\* SECTION 2139. 192.47 of the statutes is amended to read:

16           **192.47 Railroad police; oath; powers.** Any railway company may, at its own  
17 expense, appoint and employ railroad police officers at the stations or other places  
18 on the line of its road within this state as it deems necessary for the protection of its  
19 property and the preservation of order on its premises and in and about its cars,  
20 depots, depot grounds, yards, buildings or other structures. Each police officer shall  
21 take an oath to support the constitution of the United States and claiming to be a  
22 citizen of the United States and shall file it with the ~~office~~ department. Each police  
23 officer shall, when on duty, wear a shield furnished by the company bearing the  
24 words "Railroad Police" and the name of the company. These police officers may  
25 arrest, with or without warrant, any person who in their presence commits upon the

1 premises of the company or in or about its cars, depots, depot grounds, yards,  
2 buildings or other structures any offense against the laws of this state or the  
3 ordinances of any town, city or village, and shall also have the authority of sheriffs  
4 in regard to the arrest or apprehension of these offenders in or about the premises  
5 or appurtenances. In case of the arrest, by a railroad police officer, of any person  
6 without warrant the officer shall immediately take the offender before a judge  
7 having jurisdiction and make complaint against the offender. Every railway  
8 company shall be responsible for the acts of its police officers.

9 \*~~1187/4.80~~\* SECTION 2140. 192.52 (3) of the statutes is amended to read:

10 192.52 (3) No railroad company operating in this state shall remove its shops  
11 from the place where the same are now located to any other point within or without  
12 this state or permanently close any shops in this state without first having secured  
13 ~~the consent and permission of the office~~ an order for such removal from the division  
14 of hearings and appeals, after due notice and public hearing, and in all other respects  
15 as provided for hearings in ch. ~~195~~ 227. The ~~office~~ division of hearings and appeals  
16 shall render its decision within 30 days after such hearing.

17 \*~~1187/4.81~~\* SECTION 2141. 192.52 (4) of the statutes is amended to read:

18 192.52 (4) No railroad company operating in this state shall remove or transfer  
19 its terminals or permanently close any terminals in this state without ~~the permission~~  
20 ~~or consent of the office~~ an order for such removal, transfer or closing from the division  
21 of hearings and appeals after due hearing had on the matter, in compliance with ch.  
22 ~~195~~ 227.

23 \*~~1187/4.82~~\* SECTION 2142. 192.52 (5) of the statutes is amended to read:

24 192.52 (5) Before any railroad company operating in this state shall make any  
25 removal or transfer of shops or terminals or abandons the same, it shall file notice

1 of intention so to do with the ~~office~~ division of hearings and appeals, and the ~~office~~  
2 division of hearings and appeals shall have the power to investigate whether such  
3 proposed removal, transfer or abandonment, as the case may be, is in the public  
4 interest and is not unreasonable or unfair as to the employees of such railroad  
5 company. No such removal or transfer shall be made during such investigation, or  
6 thereafter, if the ~~office~~ division of hearings and appeals finds such removal, transfer  
7 or abandonment is not in the public interest or is unreasonable or unfair as to the  
8 employees of such railroad.

9 \*~~1187/4.83~~\* SECTION 2143. 192.53 (4) (a) of the statutes is amended to read:

10 192.53 (4) (a) Upon finding that any structure that is subject to the provisions  
11 of this section will not imperil life or limb, and that the public interest requires or  
12 permits the structure to be constructed or reconstructed otherwise than as permitted  
13 by the provisions of this section, the ~~office~~ department may exempt the structure  
14 from the provisions of this section.

15 \*~~1187/4.84~~\* SECTION 2144. 192.53 (4) (b) of the statutes is amended to read:

16 192.53 (4) (b) The ~~office~~ department shall make the findings described in par.  
17 (a) only upon written application to it to exempt the construction or reconstruction  
18 of a structure from the requirements of this section, setting forth fully the grounds  
19 therefor, and only after public hearing. The ~~office's~~ department's findings and order  
20 granting the exemption shall be in writing and shall contain complete provisions and  
21 requirements as to the horizontal clearance to be maintained in the construction or  
22 reconstruction. The structure shall be constructed or reconstructed only in  
23 compliance with the ~~office's~~ department's order.

24 \*~~1187/4.85~~\* SECTION 2145. 192.53 (5) (a) (intro.) of the statutes is amended  
25 to read:

**SECTION 2145**

1 192.53 (5) (a) (intro.) Except as otherwise provided in this section and subject  
2 to the power of the ~~office~~ department to make exceptions to this section in a manner  
3 similar to the power given it in sub. (4), no railroad or shipper may do any of the  
4 following:

5 **\*-1187/4.86\* SECTION 2146.** 192.53 (6) of the statutes is amended to read:

6 192.53 (6) Any railroad or shipper to which this section applies, who violates  
7 any provision of this section or who fails, neglects or refuses to obey any lawful order  
8 made by the ~~office~~ department under this section, shall be fined not more than \$100  
9 or imprisoned for not more than 60 days or both.

10 **\*-1187/4.87\* SECTION 2147.** 192.55 (5) of the statutes is repealed.

11 **\*-1187/4.88\* SECTION 2148.** 192.56 (1) of the statutes is amended to read:

12 192.56 (1) It is unlawful for any railroad company owning or operating any  
13 railroad in whole or in part in this state, to abandon any station in any town, village  
14 or city on its line of railroad, within this state, or to remove the depot therefrom, or  
15 to withdraw agency service therefrom, without first obtaining from the ~~office~~ division  
16 of hearings and appeals an order authorizing such action.

17 **\*-1187/4.89\* SECTION 2149.** 192.56 (2) of the statutes is amended to read:

18 192.56 (2) At a station where agency service is provided the application to the  
19 ~~office~~ division of hearings and appeals for such authorizing order shall set forth the  
20 facts showing the necessity for such action by the railroad company, and if the ~~office~~  
21 division of hearings and appeals finds that the application is sufficient  
22 presumptively to justify the order prayed for, it shall enter an order fixing the time  
23 and place of hearing on the application, which time shall not be less than 20 days  
24 after the posting provided for in sub. (3).

25 **\*-1187/4.90\* SECTION 2150.** 192.56 (3) of the statutes is amended to read:

1           192.56 (3) Notice of the time and place of the hearing and of the purpose thereof  
2 shall be given, by the ~~office~~ division of hearings and appeals, by posting the notice  
3 in 5 conspicuous places in the town or village.

4           \*~~1187/4.91~~\* SECTION 2151. 192.56 (5) of the statutes is amended to read:

5           192.56 (5) The hearing shall be held as other hearings before the ~~office~~ division  
6 of hearings and appeals are held as far as applicable. The ~~office~~ division of hearings  
7 and appeals may dismiss the application or may grant it in whole or in part and under  
8 such conditions as it may deem equitable.

9           \*~~1187/4.92~~\* SECTION 2152. 192.56 (6) of the statutes is amended to read:

10          192.56 (6) At a station where no agency service is provided, the application to  
11 the ~~office~~ division of hearings and appeals for such authorizing order shall set forth  
12 the facts showing the necessity for such action by the railroad company. Notice of  
13 proposed removal or abandonment shall be given by the ~~office~~ division of hearings  
14 and appeals by posting notice in 5 conspicuous places in the town or village  
15 concerned; and if within 20 days after the posting of notice no objections in writing  
16 are filed with the ~~office~~ division of hearings and appeals by persons directly affected,  
17 an order authorizing the abandonment of the station may be issued by the ~~office~~  
18 division of hearings and appeals. If such objections to the granting of the order are  
19 filed with the ~~office~~ division of hearings and appeals, the ~~office~~ division of hearings  
20 and appeals shall proceed to hold a hearing in the matter as provided in subs. (4) and  
21 (5).

22          \*~~0529/4.200~~\* SECTION 2153. 194.51 of the statutes is amended to read:

23          **194.51 Suit to recover protested tax.** No suit shall be maintained in any  
24 court to restrain or delay the collection or payment of the taxes levied in this chapter.  
25 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,

1 may at any time within 90 days from the date of such payment, sue the state in an  
2 action at law to recover the tax so paid. If it is finally determined that said tax, or  
3 any part thereof, was wrongfully collected for any reason, it shall be the duty of the  
4 ~~department secretary~~ of administration to ~~issue a warrant on the state treasurer for~~  
5 pay out of the transportation fund the amount of such tax so adjudged to have been  
6 wrongfully collected, ~~and the treasurer shall pay the same out of the transportation~~  
7 ~~fund~~. A separate suit need not be filed for each separate payment made by any  
8 taxpayer, but a recovery may be had in one suit for as many payments as may have  
9 been made within any 90-day period preceding the commencement of such an action.  
10 Such suits shall be commenced as provided in s. 775.01.

11 \*~~1187/4.93~~\* SECTION 2154. 195.001 (1r) of the statutes is created to read:

12 195.001 (1r) "Division of hearings and appeals" means the division of hearings  
13 and appeals in the department of administration.

14 \*~~1187/4.94~~\* SECTION 2155. 195.001 (2) of the statutes is repealed.

15 \*~~1187/4.95~~\* SECTION 2156. 195.001 (3) of the statutes is created to read:

16 195.001 (3) "Secretary" means the secretary of transportation.

17 \*~~1187/4.96~~\* SECTION 2157. 195.03 (title) of the statutes is amended to read:

18 195.03 (title) **Office Department; powers and duties, general**  
19 **enumeration.**

20 \*~~1187/4.97~~\* SECTION 2158. 195.03 (1) of the statutes is amended to read:

21 195.03 (1) PRACTICE RULES. The ~~office~~ department may take testimony and  
22 administer oaths and may promulgate rules to govern its proceedings and to regulate  
23 the mode and manner of all hearings. All hearings shall be open to the public.

24 \*~~1187/4.98~~\* SECTION 2159. 195.03 (2) of the statutes is amended to read:

1           195.03 (2) ~~OFFICE~~ DEPARTMENT INITIATIVE. In any matter within its jurisdiction  
2 under ch. 192 or this chapter, the ~~office~~ department may initiate, investigate and  
3 order a hearing at its discretion upon such notice as it considers proper.

4           \*~~1187/4.99~~\* SECTION 2160. 195.03 (7) of the statutes is amended to read:

5           195.03 (7) ~~STUDY CARRIER BUSINESS, DEMAND INFORMATION.~~ The ~~office~~  
6 department may inquire into the management of the business of all railroads, and  
7 shall keep itself informed as to the manner in which the same is conducted, and may  
8 obtain from any railroad all necessary information to enable the ~~office~~ department  
9 to perform the duties and carry out the objects for which it is responsible.

10          \*~~1187/4.100~~\* SECTION 2161. 195.03 (8) of the statutes is amended to read:

11          195.03 (8) ~~QUESTIONNAIRES, ANSWERS COMPULSORY.~~ The ~~office~~ department shall  
12 prepare forms for the purpose of obtaining the information which it may deem  
13 necessary or useful to the proper exercise of its functions, which shall conform as  
14 nearly as practicable to the forms prescribed by the ~~interstate commerce commission~~  
15 federal surface transportation board, and shall furnish the forms to railroads, and  
16 every railroad receiving the forms shall cause the forms to be properly completed and  
17 verified under oath by its proper officer and returned to the ~~office~~ department within  
18 the time fixed by the ~~office~~ department.

19          \*~~1187/4.101~~\* SECTION 2162. 195.03 (9) of the statutes is amended to read:

20          195.03 (9) ~~EXAMINE BOOKS AND FILES OF CARRIERS.~~ The ~~commissioner of railroads~~  
21 secretary or any person employed by the ~~office~~ department for that purpose shall,  
22 upon demand, have the right to inspect the books and papers of any railroad and to  
23 examine under oath any officer, agent or employee of such railroad in relation to its  
24 business and affairs; provided that any person other ~~that~~ than the ~~commissioner of~~

1 railroads secretary who makes such demand shall produce his or her authority under  
2 the hand and seal of the office secretary.

3 \***-1187/4.102\*** SECTION 2163. 195.03 (10) of the statutes is amended to read:

4 195.03 (10) PRODUCTION OF RECORDS AND FILES KEPT OUT OF STATE. The office  
5 department may, by an order or subpoena to be served in the manner that a circuit  
6 court summons is served, require the production within this state, at such time and  
7 place as it may designate, of any books, papers or accounts kept by any railroad  
8 without the state, or verified copies in lieu thereof, if the office department shall so  
9 order.

10 \***-1187/4.103\*** SECTION 2164. 195.03 (11) of the statutes is amended to read:

11 195.03 (11) UNIFORM SYSTEM OF ACCOUNTING. The office department may  
12 prescribe a uniform system of keeping and rendering accounts of all railroad  
13 business transacted in this state, and the time within which railroads shall adopt  
14 such system; provided that all forms of accounts which may be prescribed by the  
15 office department shall conform as nearly as practicable to similar forms prescribed  
16 by federal authority.

17 \***-1187/4.104\*** SECTION 2165. 195.03 (12) of the statutes is repealed.

18 \***-1187/4.105\*** SECTION 2166. 195.03 (13) of the statutes is repealed.

19 \***-1187/4.106\*** SECTION 2167. 195.03 (14) of the statutes is repealed.

20 \***-1187/4.107\*** SECTION 2168. 195.03 (15) of the statutes is repealed.

21 \***-1187/4.108\*** SECTION 2169. 195.03 (16) of the statutes is repealed.

22 \***-1187/4.109\*** SECTION 2170. 195.03 (17) of the statutes is amended to read:

23 195.03 (17) PRIVATE TRACKS. The office department shall have control of private  
24 railroad tracks insofar as the same are used by common carriers for the



1 transportation of freight, in all respects the same as though such tracks were part  
2 of a public railroad.

3 \*-1187/4.110\* SECTION 2171. 195.03 (18) of the statutes is amended to read:

4 195.03 (18) SAFETY DEVICES. ~~The office~~ department may make reasonable rules,  
5 regulations, specifications and standards for the installation, operation and  
6 maintenance of all safety devices and measures.

7 \*-1187/4.111\* SECTION 2172. 195.03 (19) of the statutes is amended to read:

8 195.03 (19) RAILROAD STRUCTURES. ~~The office~~ department may order the repair  
9 or reconstruction of any inadequate or unsafe railroad track or structure.

10 \*-1187/4.112\* SECTION 2173. 195.03 (25) of the statutes is amended to read:

11 195.03 (25) DISTRIBUTION OF ORDERS. ~~The office~~ department shall upon  
12 application furnish certified copies, under its seal, of any order made by it, which  
13 shall be prima facie evidence of the facts stated therein.

14 \*-1187/4.113\* SECTION 2174. 195.03 (28) of the statutes is amended to read:

15 195.03 (28) LEGAL ACTIONS. ~~The office may sue and be sued in that name, and~~  
16 department may confer with or participate in any proceedings before any regulatory  
17 agency of any other state or of the federal government.

18 \*-1187/4.114\* SECTION 2175. 195.03 (29) of the statutes is amended to read:

19 195.03 (29) TRAIN PRIVILEGES. The employees authorized by the ~~office~~  
20 department to perform railroad inspection duties may, in the performance of such  
21 duties, ride in and upon any engine, car or train of any class, of any railroad, upon  
22 payment of the lawful passenger fare, but such railroad shall not thereby be deemed  
23 to become a common carrier of passengers other than on passenger cars.

24 \*-1187/4.115\* SECTION 2176. 195.03 (30) (a) of the statutes is amended to read:

1 195.03 (30) (a) The ~~office~~ department shall give testimony at the hearing under  
2 s. 350.138 (4) (b), or shall submit a written report for introduction into the hearing  
3 record, on the factors stated in s. 350.138 (4) (d) 1., 2., 3., and 4.

4 \*~~1187/4.116~~\* SECTION 2177. 195.03 (30) (b) of the statutes is amended to read:

5 195.03 (30) (b) The ~~office~~ department shall give the department of natural  
6 resources the ~~office's~~ department's opinion on whether the snowmobile crossing  
7 should be closed or removed in testimony at the hearing under s. 350.1395 (2) (b) 2.  
8 or in a written report for introduction into the hearing record.

9 \*~~1187/4.117~~\* SECTION 2178. 195.04 of the statutes is repealed.

10 \*~~1187/4.118~~\* SECTION 2179. 195.041 of the statutes is repealed.

11 \*~~1187/4.119~~\* SECTION 2180. 195.042 of the statutes is repealed.

12 \*~~1187/4.120~~\* SECTION 2181. 195.043 of the statutes is repealed.

13 \*~~1187/4.121~~\* SECTION 2182. 195.044 of the statutes is repealed.

14 \*~~1187/4.122~~\* SECTION 2183. 195.045 of the statutes is repealed.

15 \*~~1187/4.123~~\* SECTION 2184. 195.046 of the statutes is repealed.

16 \*~~1187/4.124~~\* SECTION 2185. 195.047 of the statutes is repealed.

17 \*~~1187/4.125~~\* SECTION 2186. 195.05 of the statutes is repealed.

18 \*~~1187/4.126~~\* SECTION 2187. 195.055 of the statutes is amended to read:

19 195.055 **Judicial review.** All orders and determinations of the ~~office~~  
20 department under this chapter are subject to judicial review under ch. 227.

21 \*~~1187/4.127~~\* SECTION 2188. 195.06 of the statutes is repealed.

22 \*~~1187/4.128~~\* SECTION 2189. 195.07 (1) of the statutes is repealed.

23 \*~~1187/4.129~~\* SECTION 2190. 195.07 (2) of the statutes is amended to read:

24 195.07 (2) **ATTORNEY GENERAL AND DISTRICT ATTORNEY TO PROSECUTE.** Upon  
25 request of the ~~office~~ department, the attorney general or the district attorney of the

1 proper county shall aid in any investigation, hearing or trial had under, and shall  
2 institute and prosecute all necessary actions or proceedings for the enforcement of,  
3 laws relating to railroads.

4 \*–1187/4.130\* SECTION 2191. 195.08 of the statutes is repealed.

5 \*–1187/4.131\* SECTION 2192. 195.09 of the statutes is repealed.

6 \*–1187/4.132\* SECTION 2193. 195.10 of the statutes is repealed.

7 \*–1187/4.133\* SECTION 2194. 195.11 of the statutes is repealed.

8 \*–1187/4.134\* SECTION 2195. 195.12 of the statutes is repealed.

9 \*–1187/4.135\* SECTION 2196. 195.13 of the statutes is repealed.

10 \*–1187/4.136\* SECTION 2197. 195.14 of the statutes is repealed.

11 \*–1187/4.137\* SECTION 2198. 195.15 of the statutes is repealed.

12 \*–1187/4.138\* SECTION 2199. 195.16 of the statutes is repealed.

13 \*–1187/4.139\* SECTION 2200. 195.17 of the statutes is repealed.

14 \*–1187/4.140\* SECTION 2201. 195.19 (1) of the statutes is amended to read:

15 195.19 (1) PASSENGER. Every railroad shall provide and maintain adequate  
16 passenger depots equipped with proper toilet facilities at its regular stations for the  
17 accommodation of passengers, and said depots shall be kept clean, well-lighted and  
18 warmed, for the comfort and accommodation of the traveling public, and shall be kept  
19 open continuously from not less than 20 minutes before any train carrying  
20 passengers is scheduled to arrive and until such train has departed and for such  
21 longer period in any case as the ~~office~~ department may determine is necessary for the  
22 convenience and accommodation of the public. Where the ~~office~~ department  
23 determines that the service of certain trains in making stops on signals is in excess  
24 of reasonably adequate service, the provisions of this section shall not apply in  
25 connection with the rendition of such service.

1           \***-1187/4.141\*** SECTION 2202. 195.19 (3) of the statutes is amended to read:

2           195.19 (3) UNION DEPOT. In every city, village or town in which 2 or more  
3 railroads maintain passenger depots, it shall be the duty of such railroads to  
4 construct, maintain and use an adequate union passenger depot, whenever practical  
5 and required by public convenience and necessity. If, after investigation, the ~~office~~  
6 department shall determine that it is practicable and that public convenience and  
7 necessity required the construction, maintenance and use of a union passenger depot  
8 in any such city, village or town the ~~office~~ department may order such railroads to  
9 construct, maintain and use an adequate union passenger depot, and shall in such  
10 order fix the location of such depot. If the railroads shall be unable to agree upon an  
11 apportionment of the original cost of such union passenger depot, and the expense  
12 of maintaining the same, within 20 days after the service of such order, the ~~office~~  
13 department may, after a hearing, issue a supplemental order declaring the  
14 apportionment of such original cost and the expense of maintaining such depot.

15           \***-1187/4.142\*** SECTION 2203. 195.20 of the statutes is amended to read:

16           **195.20 Joint use of railroad property.** Whenever, upon complaint and after  
17 hearing had, the ~~office~~ department finds that ~~public convenience and necessity~~  
18 ~~require~~ the use by one or more railroads of the tracks, wires, poles, rights-of-way,  
19 switches, bridges or other property belonging to another railroad over or on any  
20 street, railroad, railway, right-of-way, bridge or viaduct, upon or over which said  
21 railroads have a right to operate, and ~~that such use~~ will not prevent the owners or  
22 other users thereof from performing their public duties, nor result in irreparable  
23 injury to such owners or other users thereof, the ~~office~~ department may, by order,  
24 direct that such use be permitted, and prescribe a reasonable compensation and  
25 reasonable terms and conditions for such joint use.

1           \***-1187/4.143\*** SECTION 2204. 195.21 of the statutes is amended to read:

2           **195.21 Warehouses.** Any person proposing to erect or maintain a public  
3 elevator or public warehouse for the purchase, sale, storage, receiving or shipping of  
4 grain, or other personal property, to be received from or transported upon any  
5 railroad, shall be furnished by such railroad at a reasonable rental, a site upon its  
6 right-of-way or depot grounds, within the yard limits of any station or terminal of  
7 such railroad; and any private elevator or warehouse situated upon such grounds  
8 may be converted into a public elevator or warehouse at the option of the owner, upon  
9 notice in writing to the railroad and thereby be permitted to remain thereon under  
10 the same conditions as provided herein for a public elevator or warehouse; and the  
11 ~~office~~ department shall, upon application by such owner, if the public interest so  
12 requires, by order, direct the railroad to furnish such site and the ~~office~~ department  
13 shall make reasonable regulations therefor and in case of disagreement, the ~~office~~  
14 department shall determine the rental therefor. Elevators and warehouses erected  
15 or maintained under the foregoing provisions of this section shall be subject to such  
16 rules and regulations as to charges and the manner of conducting business as the  
17 ~~office~~ department shall prescribe.

18           \***-1187/4.144\*** SECTION 2205. 195.26 of the statutes is amended to read:

19           **195.26 Safety devices; block system.** Every railroad shall adopt reasonably  
20 adequate safety measures and install, operate and maintain reasonably adequate  
21 safety devices for the protection of life and property. If after investigation the ~~office~~  
22 department shall determine that public safety requires it, the ~~office~~ department may  
23 order the railroad to install, operate and maintain a block system or other safety  
24 device or measure as may be necessary to render the operation of such railroad  
25 reasonably safe.

1           \*~~-1187/4.145~~\* SECTION 2206. 195.27 of the statutes is amended to read:

2           **195.27 Safe tracks and bridges.** Every railroad shall construct and  
3 maintain its tracks, bridges and line structures in a reasonably adequate and safe  
4 manner. ~~The office may direct the department to investigate complaints in the~~  
5 ~~manner provided by s. 195.04.~~ If, upon complaint or upon its own motion and after  
6 hearing, the office the department determines that the track or structures of any  
7 railroad are inadequate or unsafe for the operation of its railroad, the ~~office~~  
8 department shall order the railroad to reconstruct or repair the inadequate or unsafe  
9 track or structures.

10          \*~~-1187/4.146~~\* SECTION 2207. 195.28 (1) of the statutes is amended to read:

11          195.28 (1) ~~PETITION; HEARING; ORDER.~~ Upon petition of ~~the department, city a~~  
12 city council, village board, town board, superintendent of highways or by 5 or more  
13 electors in any town, village or city, or of any railroad corporation or railroad  
14 historical society, to determine whether a public highway and railroad grade crossing  
15 protects and promotes public safety, or upon its own motion, the office department  
16 may investigate and issue an appropriate order without a public hearing. The  
17 department shall issue its order on the basis of investigation and criteria  
18 promulgated by rule with respect to the adequacy of grade crossing protection. The  
19 rule may include programming criteria relating to the priority of grade crossings in  
20 need of protection. If the petitioner, railroad, railroad historical society or any  
21 interested party objects to the order and requests a hearing within 20 days after the  
22 date that the order is issued, the ~~office shall proceed under s. 195.04.~~ Notice of an  
23 ~~investigation or hearing shall be served upon the department, which shall be an~~  
24 ~~interested party, and any recommendation it may file with the office at or prior to a~~  
25 ~~hearing, if there is one, regarding crossing protection shall be considered as evidence~~

1 ~~in the proceeding~~ department shall refer the order to the division of hearings and  
2 appeals for review as provided in s. 195.325. The office department or the division  
3 of hearings and appeals shall determine whether the existing warning devices at  
4 such crossing are adequate to protect and promote public safety. If the office  
5 department or division of hearings and appeals determines, either without or after  
6 a hearing, that protection any such warning device is not adequate, it may order the  
7 railroad company or railroad historical society to keep a flagman at the crossing or  
8 to install automatic signals or other suitable safety device at specific locations at  
9 such crossing. The office department or the division of hearings and appeals may  
10 order the relocation of existing signals and devices to improve protection at a  
11 crossing. Any crossing protection warning device installed or maintained as  
12 approved by the office department or the division of hearings and appeals, whether  
13 by order or otherwise, shall be deemed adequate and appropriate protection for the  
14 crossing.

15 \*~~1187/4.147~~\* SECTION 2208. 195.28 (3) of the statutes is amended to read:

16 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this  
17 subsection, the cost of maintaining crossing ~~protection~~ warning devices ordered  
18 under sub. (1) shall be the responsibility of the railroad or railroad historical society.  
19 Any railroad company or railroad historical society that incurs expenses for  
20 maintenance of signals or other safety devices may file a claim for reimbursement  
21 with the department regardless of the date of installation of the signals or devices.  
22 At the close of each fiscal year the department shall reimburse claimants under this  
23 subsection for 50% of the costs, as determined by the ~~office~~ department, incurred for  
24 maintenance of railroad crossing ~~protection~~ warning devices from the  
25 appropriations under s. 20.395 (2) (gj) and (gq). If the amount in the appropriations

1 under s. 20.395 (2) (gj) and (gq) is not adequate to fund maintenance reimbursement  
2 under this subsection, the amount shall be prorated in the manner determined by  
3 the office department.

4 \*~~1187/4.148~~\* SECTION 2209. 195.28 (4) of the statutes is amended to read:

5 195.28 (4) PREVIOUS OFFICE ORDERS. Subsection (3) applies to maintenance costs  
6 for all crossing ~~protection~~ warning devices regardless of any prior order of the office  
7 apportioning maintenance costs.

8 \*~~1187/4.149~~\* SECTION 2210. 195.285 (1) of the statutes is amended to read:

9 195.285 (1) ~~Upon~~ If, upon its own motion or upon the petition of a railroad  
10 corporation, ~~the department,~~ or the governing body of any city, village, town or  
11 county asserting that the stopping of vehicles under s. 346.45 at a railroad crossing  
12 is hazardous to human life, ~~the office shall hold a hearing on the matter as provided~~  
13 ~~under s. 195.04. Notice of petition shall be served upon the department, which shall~~  
14 ~~be an interested party, and any recommendations it may file with the office regarding~~  
15 ~~the hazardous effect of vehicles stopping at such crossings shall be considered as~~  
16 ~~evidence in the proceedings. Upon the recommendation of the department and~~  
17 ~~concurrence by the office, the petition may be dismissed without holding a hearing.~~  
18 If, upon the public hearing, the office ~~department~~ determines that it would be in the  
19 public interest to exempt vehicles specified in s. 346.45 from stopping at such grade  
20 crossing, it may, without a hearing, order the public body having jurisdiction over the  
21 highway to erect signs, signals, markings or other devices exempting such vehicles  
22 from stopping at the crossing. If a petitioner or interested party objects to an order  
23 under this subsection within 20 days after the date that the order is issued, the  
24 department shall refer the order to the division of hearings and appeals for review  
25 as provided in s. 195.325.



1           \*~~1187/4.150~~\* SECTION 2211. 195.285 (2) of the statutes is amended to read:

2           195.285 (2) Signs placed upon the order of the ~~office~~ department or the division  
3 of hearings and appeals under this section shall exempt vehicles from stopping as  
4 required under s. 346.45, unless a train or engine is occupying or approaching the  
5 crossing.

6           \*~~1187/4.151~~\* SECTION 2212. 195.285 (3) of the statutes is amended to read:

7           195.285 (3) The department shall establish standards for the type of signs,  
8 signals, markings or other devices for exempting vehicles from stopping as required  
9 under s. 346.45 and their location in relation to the highway and railroad track. The  
10 ~~office~~ department may upon petition or its own motion, with or without a hearing,  
11 order the removal of a sign exempting vehicles from stopping at a crossing.

12           \*~~1187/4.152~~\* SECTION 2213. 195.286 (2) of the statutes is repealed and  
13 recreated to read:

14           195.286 (2) DESCRIPTION AND LOCATION. The signs shall be constructed, erected  
15 and located as specified by the manual adopted by the department under s. 84.02 (4)  
16 (e). This subsection does not apply to any sign complying with s. 195.286 (2) and (3),  
17 2001 stats., on the effective date of this subsection .... [revisor inserts date], until such  
18 time as the sign is replaced or relocated.

19           \*~~1187/4.153~~\* SECTION 2214. 195.286 (3) of the statutes is repealed.

20           \*~~1187/4.154~~\* SECTION 2215. 195.286 (5) of the statutes is amended to read:

21           195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or  
22 appearance of the signs provided for in this section shall be placed or permitted upon  
23 any highway, ~~nor any sign between such advance signs except signs or signals now~~  
24 ~~required by law or permitted by the office for protection at railway crossings.~~

1           \*~~1187/4.155~~\* SECTION 2216. 195.286 (6) (title) of the statutes is amended to  
2 read:

3           195.286 (6) (title) PENALTIES RELATING TO ~~FENCES~~ SIGNS.

4           \*~~1187/4.156~~\* SECTION 2217. 195.286 (8) of the statutes is amended to read:

5           195.286 (8) PROSECUTIONS. The district attorney shall prosecute any person  
6 violating this section, or begin and maintain any civil action necessary for its  
7 enforcement upon the demand of any county highway commissioner, or the  
8 department, ~~or the office~~.

9           \*~~1187/4.157~~\* SECTION 2218. 195.29 (1) of the statutes is amended to read:

10          195.29 (1) ~~PETITION, HEARING, PUBLIC SAFETY, ORDER.~~ Upon If, upon its own  
11 motion or upon petition by the common council or board of any city, village, town or  
12 county within or bordering upon which a highway or street crosses a railroad, or a  
13 highway or street is proposed to be laid out across a railroad, or a public highway  
14 bridge across a railroad is required to connect existing streets or highways, or upon  
15 petition by any railroad whose track crosses or is about to cross, or is crossed or about  
16 to be crossed by a street or highway, or ~~upon petition by the department~~, in cases  
17 where provision has been made for the improvement of the highway adjacent to such  
18 crossing under any state aid or federal aid law, the department determines that  
19 public safety requires an alteration in such crossing, its approaches, the method of  
20 crossing, the location of the highway or crossing, or the closing of the crossing, and  
21 the substitution of another therefor at grade or not at grade, or the removal of  
22 obstructions to the view at such crossing, the relocation of the highway, or requires  
23 the determination of the manner of making such new crossing, or of making the  
24 proposed improvement or promoting the public safety or public convenience through  
25 any other reasonable method, ~~and praying that the same may be ordered, the office~~

1 shall give notice to the parties in interest and proceed to investigate the same and  
2 to order a hearing thereon in the manner provided by s. 195.04. The office shall  
3 determine the department may issue an appropriate order without a public hearing.  
4 The department shall make its determination on the basis of investigation and the  
5 criteria relating to the requirements of public safety promulgated under sub. (9). The  
6 order shall state what, if anything, shall be done to promote the public safety and the  
7 means by which it shall be accomplished, whether by the relocation of the highway,  
8 the alteration in such crossing, approaches, mode of crossing, location of highway  
9 crossing, closing of highway crossing, with or without the substitution of another  
10 therefor, the construction of a public highway bridge, the removal of obstructions to  
11 sight at crossing, or by the use of other reasonable methods, and by whom the same  
12 shall be made, and in case of new crossings the advisability of allowing such crossings  
13 to be established and manner of making them.

14 **\*-1187/4.158\* SECTION 2219.** 195.29 (2) of the statutes is amended to read:

15 195.29 (2) APPORTIONMENT OF EXPENSE. The ~~office~~ department shall fix the  
16 proportion of the cost and expense of alterations, removals and new crossings, or any  
17 other work ordered, including the damages to any person whose land is taken, and  
18 the special damages which the owner of any land adjoining the public street or  
19 highway shall sustain by reason of a change in the grade of such street or highway,  
20 or by reason of the removal of obstructions to view at such crossings, to be paid or  
21 borne by the railroad companies and the municipalities in interest. In fixing such  
22 proportion, the ~~office~~ department may order such cost and expense so apportioned  
23 to be paid by the parties against which the apportionment shall be made.

24 **\*-1187/4.159\* SECTION 2220.** 195.29 (3) of the statutes is amended to read:

1 195.29 (3) RESTORATION OF SPUR TRACKS. Whenever the ~~office~~ department shall  
2 have ordered a separation of the grade of a railway from the grade of a street or  
3 highway, it may, if safe and practicable and if a necessity exists therefor, order the  
4 alteration, restoration and connection of any track serving an industry. Demand for  
5 such restoration shall be in writing and filed with the ~~office~~ department within 90  
6 days after the date of the order for the separation of grades, and any such track for  
7 which no such demand shall have been made shall be deemed abandoned. If the  
8 ~~office~~ department shall order the alteration, restoration and connection of any such  
9 track, it shall by its order apportion the cost thereof between the owner of the  
10 industry served and the railway company, in such proportion as to the ~~office~~  
11 department may seem just and equitable; and the ~~office~~ department shall in its order  
12 prescribe the terms and conditions for securing the payment of such cost.

13 \*-1187/4.160\* SECTION 2221. 195.29 (4) of the statutes is amended to read:

14 195.29 (4) GRADE SEPARATION IN MILWAUKEE COUNTY. The ~~office~~ department may  
15 upon petition of any town, city or village, or upon its own motion, when the interests  
16 of the public demand it and it is found practicable so to do, establish the grade of the  
17 tracks of any railroad, or of all the railroads throughout any county having a  
18 population of 500,000 or more, or any part thereof, and the grades of the streets or  
19 highways, or any of them, where they cross such railroad track or tracks, in  
20 anticipation of the future separation of grades of the railroad tracks from the grades  
21 of such streets or highways. The ~~office~~ department, before making any such order,  
22 shall mail notice to the railroad company or companies affected, the owners or  
23 occupants of any building abutting on that part of the railroad the grade of which is  
24 to be established, all 1st class cities in the county, and if the grades to be established  
25 are outside the 1st class city, the towns, cities or villages in which such grades are

1 to be established, of the filing of such petition or that the office department  
2 contemplates establishing such grades, and fixing a time at which the 1st class cities  
3 and such other towns, cities or villages and the railroad company or companies  
4 affected thereby and any other person or corporation interested therein may be  
5 heard. The grades so established under this subsection shall be described by  
6 reference to a base or datum line to be established by the office department, from  
7 which all elevations and the height of all grades shall be measured, and the grades  
8 so established shall be such that when brought to the established grade the railroad  
9 tracks will cross the streets and highways above or below the same. Such order shall  
10 not necessarily require a present change in grade but the office department may at  
11 any time order the railroad track or tracks and the street and highways brought to  
12 the grade established or any street or highways closed by the order, in accordance  
13 with sub. (1), and may, at the time of making the order, apportion the cost of  
14 separating the grades as provided in sub. (2).

15 \***-1187/4.161\*** SECTION 2222. 195.29 (5) of the statutes is amended to read:

16 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. ~~Upon~~ If, upon its own motion  
17 or upon petition of the department, ~~or of the~~ common council or board of any city,  
18 village, town, or county, alleging that one or more of them have undertaken or  
19 propose to undertake to relocate or improve an existing highway or to construct a new  
20 highway in such manner as to eliminate a highway grade crossing with any railroad  
21 or so as to permanently divert a material portion of the highway traffic from a  
22 highway grade crossing with any railroad, the ~~office shall issue notice of~~  
23 ~~investigation and hearing, as provided in s. 195.04. If upon such hearing the office~~  
24 department finds that the public safety will be promoted by the highway relocation,  
25 improvement, or new construction, the office department shall order the old

1 crossings closed and new crossings opened as are deemed necessary for public safety.  
2 The department may issue an appropriate order without a public hearing. The order  
3 shall require the railroad company or companies to pay to the interested  
4 municipality or municipalities such sum as the ~~office~~ department finds to be an  
5 equitable portion of the cost of the highway relocation, improvement, or new  
6 construction, if the work is performed by the municipalities; or to the ~~state treasurer~~  
7 secretary of administration if the work is performed by the state; or to the proper  
8 county treasurer if the work is performed by the county. The sum shall be added to  
9 the joint fund available for the improvement and may be expended in like manner  
10 as the other portions of the fund.

\*\*\*NOTE: This is reconciled s. 195.29 (5). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1187 and LRB-0529.

1 **\*-1187/4.162\* SECTION 2223.** 195.29 (6) of the statutes is amended to read:  
12 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.  
13 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not  
14 less than 330 feet in each direction from the center of its intersection at grade with  
15 any public highway, and for such further distance as is necessary to provide an  
16 adequate view of approaching trains, from the highway. Every municipality shall  
17 keep the public highways within its jurisdiction clear of brush and shall adequately  
18 trim all trees within 330 feet of the center of any railroad highway grade crossing.  
19 Every person or corporation owning or occupying any land adjacent to any railroad  
20 highway grade crossing shall keep all brush cut and adequately trim all trees on the  
21 land within the triangles bounded on 2 sides by the railway and the highway, and on  
22 the 3rd side by a line connecting points on the center lines of the railway and the  
23 highway, 330 feet from the intersection of the center lines. The ~~office~~ department,

1 upon its own motion, or upon any complaint to the effect that any work required by  
2 this subsection has not been performed, after due notice and hearing, may order the  
3 corporation, municipality or person at fault to perform the work; provided, however,  
4 that if the physical conditions at any crossing are such that the performance of the  
5 required work will not materially improve the view for highway traffic, or, if  
6 unreasonable loss would be caused thereby, the office department may excuse the  
7 party in interest from performing the same. The office department may also order  
8 the cutting of brush and the trimming of trees at private farm crossings as may be  
9 necessary and reasonable. If any person shall violate any provision of this section,  
10 or shall fail, neglect or refuse to obey any order made by the office department under  
11 this section, or any judgment, order, or decree made by the division of hearings and  
12 appeals or any court upon such an order, for every such violation, failure or refusal  
13 such person shall forfeit not less than \$25 nor more than \$150.

14 **\*-1187/4.163\* SECTION 2224.** 195.29 (7) of the statutes is amended to read:

15 195.29 (7) STRUCTURE REQUIREMENTS. Whenever the office department shall  
16 order the construction or reconstruction of a crossing not at grade, it may direct that  
17 the structure required shall be of such character and constructed of such materials  
18 as it shall deem appropriate to the situation and necessary for the public interest.

19 **\*-1187/4.164\* SECTION 2225.** 195.29 (9) of the statutes is created to read:

20 195.29 (9) RULES. The department shall promulgate a rule establishing criteria  
21 for determining the requirements of public safety with respect to railroad highway  
22 crossings under this section. The rule shall include criteria for apportioning  
23 expenses under this section.

24 **\*-1187/4.165\* SECTION 2226.** 195.29 (10) of the statutes is created to read:

1           **195.29 (10) REVIEW OF DEPARTMENT ORDERS.** If a petitioner, railroad or any  
2 interested party objects to an order under this section within 20 days after the date  
3 that the order is issued, the department shall refer the order to the division of  
4 hearings and appeals for review as provided in s. 195.325.

5           \*~~1187/4.166~~\* **SECTION 2227.** 195.295 of the statutes is created to read:

6           **195.295 Highway crossings; public warning.** Notwithstanding ss. 195.28,  
7 195.285, 195.286, 195.29, and 195.30, the department shall monitor and investigate  
8 all railroad highway grade crossings in this state, and determine, by order, rule or  
9 otherwise, for each crossing whether any warning devices, advance warning signs  
10 or other warning measures shall be required to protect and promote public safety.  
11 The department may make a determination under this section without a hearing.  
12 Any device, sign, or other measure, installed or maintained at a crossing, that  
13 conforms to a determination of the department under this section or, if no such  
14 determination has been made, that was approved by the office of the commissioner  
15 of transportation under ch. 195, 1991 stats., or the office of the commissioner of  
16 railroads under ch. 195, 2001 stats., before the effective date of this section ...  
17 [revisor inserts date], whether by order or otherwise, shall be considered adequate  
18 and appropriate warning for the crossing. If a railroad or interested party objects  
19 to an order under this section within 20 days after the date that the order is issued,  
20 the department shall refer the order to the division of hearings and appeals for  
21 review as provided in s. 195.325.

22           \*~~1187/4.167~~\* **SECTION 2228.** 195.30 (1) of the statutes is amended to read:

23           **195.30 (1)** Upon a petition by the common council of any city, or the board of  
24 any village, town or county within which a railroad crosses another railroad at grade,  
25 or by any such railroad, that public safety requires an alteration in the crossing or



1 the installation of protective appliances, ~~the office shall give notice to the parties in~~  
2 ~~interest, and proceed to investigate the same and may order a hearing on the matter.~~  
3 ~~The office shall determine what alteration in such crossing, if any, shall~~ or on its own  
4 motion, the department may investigate the matter and determine what alteration  
5 in the crossing, if any, is necessary. The department shall make its determination  
6 on the basis of the criteria for public safety requirements promulgated as rules under  
7 ss. 84.05 and 195.28. The department may issue an order, with or without a hearing,  
8 specifying an alteration to be made, and by whom made and maintained, or what  
9 protective appliances shall be installed, operated and maintained at the crossing and  
10 by whom installed, operated and maintained. The ~~office~~ department's order shall fix  
11 the proportion of the cost and expense of such change in grade and maintenance of  
12 the crossing or of the installation, operation and maintenance of the safety appliance  
13 which shall be paid by the railroad companies, respectively. If an interested party  
14 objects to the order and requests a hearing within 20 days after the date on which  
15 the order is issued, the department shall refer the matter to the division of hearings  
16 and appeals for review as provided in s. 195.325.

17 \*~~1187/4.168~~\* SECTION 2229. 195.305 of the statutes is amended to read:

18 **195.305 Railroad crossings; grade; expense.** Whenever a railroad  
19 proposes to cross, intersect, join or unite its track with another railroad track, the  
20 surface road of the proposed track shall be above, below or at grade of the tracks  
21 proposed to be crossed as the ~~office~~ division of hearings and appeals determines after  
22 hearing the parties upon reasonable notice. In its determination, the ~~office~~ division  
23 of hearings and appeals shall fix the proportion of the expense of originally  
24 constructing, operating, and maintaining such crossing, intersecting, joining or  
25 uniting which shall be paid by the owners of the tracks respectively.

## SECTION 2230

1           \*~~1187/4.169~~\* SECTION 2230. 195.31 of the statutes is amended to read:

2           **195.31 Bridges made safe.** Whenever a complaint is lodged with the office  
3           department by the common council of any city, the village board of any village, a  
4           member of a town board, or a supervisor of highways, or by 5 or more electors and  
5           taxpayers in any town, or 5 or more electors of the county in which such bridge is  
6           located, and who are users of such bridge or railway, to the effect that a bridge erected  
7           over a stream intersecting a public highway or highways upon which a railway is  
8           constructed and operated, is unsafe and dangerous to travelers over such highway  
9           or highways or bridge or railroad, and that public safety requires the alteration, the  
10          repair or reconstruction of such bridge, or the substitution of another bridge therefor,  
11          ~~it shall be the duty of the office to give notice to the party or parties in interest, other~~  
12          ~~than the petitioners, of the filing of such complaint, and to furnish a copy of the~~  
13          ~~complaint to the party or parties in interest other than the petitioners, and to order~~  
14          ~~a hearing thereon, in the manner provided for hearings in ss. 195.04 to 195.043. The~~  
15          ~~office~~ the department shall investigate the matter. The department may proceed in  
16          a similar manner in the absence of a petition when, in the opinion of the office  
17          department, public safety requires the alteration, repair or reconstruction of a bridge  
18          or the substitution of another bridge for the bridge in question. ~~After the hearing,~~  
19          ~~the office~~ The department shall determine what alteration or repair or  
20          reconstruction of such bridge, and the approaches thereto, shall be made, or if it shall  
21          determine determines that public safety requires the substitution of a new bridge,  
22          it shall determine the character, manner of construction and location of such bridge  
23          and the approaches thereto. ~~The office~~ department shall fix the proportion of the cost  
24          and expense of such alteration, repair, reconstruction or substitution of a new bridge,  
25          ~~including the damage to any person whose land is taken, and the special damage~~

1 ~~which the owner of any land adjoining the approaches to said bridge shall sustain~~  
2 ~~by reason of the alteration, repair, reconstruction or substitution of a new bridge, to~~  
3 ~~be paid by the railroad company and the city, village or town in interest. The~~  
4 ~~department may issue appropriate orders incorporating its determinations and may~~  
5 ~~proceed without a hearing on the matter. The department shall make its~~  
6 ~~determinations on the basis of investigation and criteria for bridge safety~~  
7 ~~promulgated by rule. If a petitioner or interested party objects to an order under this~~  
8 ~~section within 20 days after the date that the order is issued, the department shall~~  
9 ~~refer the order to the division of hearings and appeals for review as provided in s.~~  
10 ~~195.325.~~

11 \*-1187/4.170\* SECTION 2231. 195.32 of the statutes is amended to read:

12 **195.32 Safety gates on drawbridges.** Whenever a complaint is filed with  
13 the ~~office~~ department to the effect that any drawbridge is not equipped with gates  
14 or other safety devices, the ~~office~~ department may notify the proper party or parties  
15 in interest of the complaint, and may proceed to investigate the ~~complaint and to hold~~  
16 ~~a hearing on the matter in the manner provided for hearings in ss. 195.04 to 195.043~~  
17 ~~matter.~~ If after the investigation the ~~office~~ department determines that public safety  
18 requires the erection and maintenance of gates or other safety devices at the points  
19 mentioned in the complaint, it may order the county, city, village, town, corporation  
20 or person whose duty it is to maintain such bridge to erect and maintain at such  
21 points such gates or other safety devices as the ~~office~~ department prescribes. The  
22 ~~office~~ department may conduct the investigations, hold the hearings and make the  
23 orders provided for in this section upon its own motion in the same manner and with  
24 the same effect as though a complaint were filed. The department shall make its  
25 determination on the basis of the investigation and criteria for drawbridge safety

1 promulgated by rule. If an interested party objects to an order under this section  
2 within 20 days after the date that the order is issued, the department shall refer the  
3 order to the division of hearings and appeals for review as provided in s. 195.325.

4 \*–1187/4.171\* SECTION 2232. 195.325 of the statutes is created to read:

5 **195.325 Review of department orders on crossings and bridges.** If an  
6 order of the department under s. 84.05, 195.28, 195.285, 195.29, 195.295, 195.30,  
7 195.31, or 195.32 is referred to the division of hearings and appeals for review, the  
8 division of hearings and appeals shall review the order under s. 85.013 (3) in light  
9 of the application of the criteria relating to the matter promulgated as rules by the  
10 department.

11 \*–1187/4.172\* SECTION 2233. 195.33 of the statutes is repealed.

12 \*–1187/4.173\* SECTION 2234. 195.34 of the statutes is amended to read:

13 **195.34 Reports of accidents, investigation.** Every railroad shall report to  
14 the ~~office~~ department all collisions, derailments or other accidents resulting in injury  
15 to persons, equipment or roadway arising from its operation. The ~~office~~ department  
16 may issue rules concerning the reporting of accidents and may also, if public  
17 interests require, cause an investigation of any accident.

18 \*–1187/4.174\* SECTION 2235. 195.36 of the statutes is amended to read:

19 **195.36 General penalty upon railroads.** If any railroad shall violate any  
20 provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse  
21 to perform any duty enjoined upon it, for which a penalty has not been provided, or  
22 shall fail, neglect or refuse to obey any lawful requirement or order made by the ~~office~~  
23 department or division of hearings and appeals, or any judgment or decree made by  
24 any court upon its application, for every such violation, failure or refusal in respect  
25 to any matter prescribed by this chapter such railroad shall forfeit not less than \$100

1 nor more than \$10,000. The act, omission or failure of any officer, agent or other  
2 person employed by any railroad, acting within the scope of his or her employment,  
3 shall be deemed to be the act, omission or failure of such railroad.

4 \*–1187/4.175\* SECTION 2236. 195.37 of the statutes is repealed.

5 \*–1187/4.176\* SECTION 2237. 195.38 of the statutes is repealed.

6 \*–1187/4.177\* SECTION 2238. 195.45 (1) of the statutes is amended to read:

7 195.45 (1) No person shall operate as a common carrier of passengers or  
8 property by water except in accordance with the terms and conditions of a certificate  
9 of public convenience and necessity issued by the office. ~~The office shall issue any~~  
10 ~~certificate upon a finding that the service proposed to be performed is in the public~~  
11 ~~interest and required by public convenience and necessity department.~~

12 \*–1187/4.178\* SECTION 2239. 195.45 (2) of the statutes is amended to read:

13 195.45 (2) Application for the certificate shall be made on forms furnished by  
14 the office department and shall contain such information as the office department  
15 requires.

16 \*–1187/4.179\* SECTION 2240. 195.45 (4) of the statutes is amended to read:

17 195.45 (4) ~~The office~~ department may promulgate rules for the operation of this  
18 section.

19 \*–1187/4.180\* SECTION 2241. 195.50 (1) of the statutes is amended to read:

20 195.50 (1) Any officer, agent or employee of any railroad who fails to fill out and  
21 return any forms required by this chapter, or fails to answer any question therein,  
22 or knowingly gives a false answer to any such question, or evades the answer to any  
23 such question where the fact inquired of is within his or her knowledge, or who, upon  
24 proper demand, fails to exhibit to the ~~office or department~~ or the division of hearings  
25 and appeals or any person authorized to examine the same, any book, paper, account,

## SECTION 2241

1 record or memoranda of such railroad which is in the possession or under control of  
2 the officer, agent or employee, or who fails to properly use and keep the system of  
3 accounting prescribed by the ~~office~~ department, or who refuses to do any act or thing  
4 in connection with such system of accounting when so directed by the ~~office or its~~  
5 department, the division of hearings and appeals, or their authorized  
6 representatives, shall forfeit not less than \$100 nor more than \$1,000 for each  
7 offense.

8 \*~~1187/4.181~~\* SECTION 2242. 195.60 (title) of the statutes is amended to read:

9 **195.60 (title) Payment of office department expenses by railroads.**

10 \*~~1187/4.182~~\* SECTION 2243. 195.60 (1) of the statutes is amended to read:

11 195.60 (1) Whenever the ~~office~~ department in a proceeding upon its own  
12 motion, on complaint, or upon an application to it deems it necessary in order to carry  
13 out the duties imposed upon it by law to investigate the books, accounts, practices  
14 and activities of, or make appraisals of the property of any railroad or to render any  
15 engineering or accounting services to any railroad, the railroad shall pay the  
16 expenses attributable to such investigation, appraisal or service. The ~~office~~  
17 department shall ascertain such expenses, ~~including all expenses incurred by the~~  
18 ~~department at the request or direction of the office~~ and shall render a bill therefor,  
19 by mail, to the railroad, either at the conclusion of the investigation, appraisal or  
20 services, or during its progress. The bill shall constitute notice of assessment and  
21 demand of payment thereof. The railroad shall, within 30 days after the mailing  
22 thereof, pay to the ~~office~~ department the amount of the special expense for which it  
23 is billed. Ninety percent of the payment shall be deposited in the general fund and  
24 credited to the appropriation account under s. ~~20.155 (2) (g)~~ 20.395 (2) (gg). The total  
25 amount, in any one calendar year, for which any railroad becomes liable, by reason

1 of costs incurred by the office department within such calendar year, shall not exceed  
2 four-fifths of one percent of its gross operating revenues derived from intrastate  
3 operations in the last preceding calendar year. Where, under this subsection, costs  
4 are incurred within any calendar year, which are in excess of four-fifths of one  
5 percent of such gross operating revenues, the excess costs shall not be chargeable as  
6 part of the remainder under sub. (2) but shall be paid out of the general appropriation  
7 to the office department. Nothing in this subsection shall prevent the office  
8 department from rendering bills in one calendar year for costs incurred within a  
9 previous year. For the purpose of calculating the costs of investigations, appraisals  
10 and other services under this subsection, 90% of the costs determined shall be costs  
11 of the office department and 10% of the costs determined shall be costs of state  
12 government operations.

13 \*-1187/4.183\* SECTION 2244. 195.60 (2) of the statutes is amended to read:

14 195.60 (2) The office department shall annually, within 90 days after the close  
15 of each fiscal year, ascertain the total of its expenditures during such year which are  
16 reasonably attributable to the performance of its duties relating to railroads. For  
17 purposes of such calculation, 90% of the expenditures so determined shall be  
18 expenditures of the office department and 10% of the expenditures so determined  
19 shall be expenditures for state government operations. The office department shall  
20 deduct therefrom all amounts chargeable to railroads under sub. (1) and ~~s. 201.10 (3)~~.  
21 A sum equal to the remainder plus 10% of the remainder shall be assessed by the  
22 office department to the several railroads in proportion to their respective gross  
23 operating revenues during the last calendar year, derived from intrastate  
24 operations. Such assessment shall be paid within 30 days after the bill has been  
25 mailed to the several railroads, which bill shall constitute notice of assessment and

1 demand of payment thereof. The total amount which may be assessed to the  
2 railroads under authority of this subsection shall not exceed 1.85% of the total gross  
3 operating revenues of such railroads, during such calendar year, derived from  
4 intrastate operations. Ninety percent of the payment shall be deposited in the  
5 general fund and credited to the appropriation account under s. ~~20.155 (2) (g)~~ 20.395  
6 (2) (gg). The railroads shall furnish such financial information as the ~~office~~  
7 department requires.

8 \*~~0529/4.201~~\* SECTION 2245. 195.60 (3) of the statutes is amended to read:

9 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)  
10 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the  
11 same or fails to file objections to the bill with the ~~office~~ division of hearings and  
12 appeals, the office department shall transmit to the ~~state treasurer~~ secretary of  
13 administration a certified copy of the bill, together with notice of neglect or refusal  
14 to pay the bill, and on the same day the ~~office~~ department shall mail to the railroad  
15 against which the bill has been rendered a copy of the notice which it has transmitted  
16 to the ~~state treasurer~~ secretary of administration. Within 10 days after the receipt  
17 of such notice and certified copy of such bill, the ~~state treasurer~~ secretary of  
18 administration shall levy the amount stated on such bill to be due, with interest, by  
19 distress and sale of any goods and chattels, including stocks, securities, bank  
20 accounts, evidences of debt, and accounts receivable belonging to such delinquent  
21 railroad. Such levy by distress and sale shall be governed by the provisions of s.  
22 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~ secretary of  
23 administration and that said goods and chattels anywhere within the state may be  
24 levied upon.



\*\*\*\*NOTE: This is reconciled s. 195.60 (3). This SECTION has been affected by drafts with the following LRB numbers: LRB-0529 and LRB-1187.

1           \*~~1187/4.184~~\* SECTION 2246. 195.60 (4) (a) of the statutes is amended to read:  
2           195.60 (4) (a) Within 30 days after the date of the mailing of any bill as provided  
3 by subs. (1) and (2), the railroad against which such bill has been rendered may file  
4 with the ~~office~~ division of hearings and appeals objections setting out in detail the  
5 grounds upon which the objector regards the bill to be excessive, erroneous, unlawful  
6 or invalid. ~~The office~~ division of hearings and appeals, after notice to the objector and  
7 the department, shall hold a hearing upon such objections, not less than 5 nor more  
8 than 10 days after such notice. If after such hearing the ~~office~~ division of hearings  
9 and appeals finds any part of the bill to be excessive, erroneous, unlawful or invalid  
10 it shall record its findings ~~upon its minutes~~ with respect to the objections and  
11 transmit to the objector and the department an amended bill, in accordance with  
12 such findings. The amended bill shall have in all ways the same force and effect  
13 under this section as an original bill rendered under subs. (1) and (2).

14           \*~~1187/4.185~~\* SECTION 2247. 195.60 (4) (b) of the statutes is amended to read:  
15           195.60 (4) (b) If after the hearing the ~~office~~ division of hearings and appeals  
16 finds the entire bill unlawful or invalid, it shall notify the objector and the  
17 department of such determination, in which case the original bill shall be deemed  
18 void.

19           \*~~1187/4.186~~\* SECTION 2248. 195.60 (4) (c) of the statutes is amended to read:  
20           195.60 (4) (c) If after the hearing the ~~office~~ division of hearings and appeals  
21 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,  
22 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect

1 to the objections, and transmit to the objector and the department notice of such  
2 finding.

3 **\*-0529/4.202\* SECTION 2249.** 195.60 (4) (d) of the statutes is amended to read:

4 195.60 (4) (d) If any bill against which objections have been filed is not paid  
5 within 10 days after notice of a finding that such objections have been overruled and  
6 disallowed by the ~~office~~ division of hearings and appeals has been mailed to the  
7 objector, the ~~office~~ department shall give notice of such delinquency to the ~~state~~  
8 ~~treasurer~~ secretary of administration and to the objector, in the manner provided in  
9 sub. (3). The ~~state treasurer~~ secretary of administration shall then proceed to collect  
10 the amount of the bill as provided in sub. (3). If an amended bill is not paid within  
11 10 days after a copy thereof is mailed to the objector by registered mail, the ~~office~~  
12 department shall notify the ~~state treasurer~~ secretary of administration and the  
13 objector as in the case of delinquency in the payment of an original bill. The ~~state~~  
14 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the  
15 bill as provided in the case of an original bill.

\*\*\*\*NOTE: This is reconciled s. 195.60 (4) (d). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0529 and LRB-1187.

16 **\*-0529/4.203\* SECTION 2250.** 195.60 (5) of the statutes is amended to read:

17 195.60 (5) No suit or proceeding shall be maintained in any court for the  
18 purpose of restraining or in any way delaying the collection or payment of any bill  
19 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall  
20 pay the amount thereof, and after such payment may in the manner herein provided,  
21 at any time within 2 years from the date the payment was made, sue the state in an  
22 action at law to recover the amount paid with legal interest thereon from the date  
23 of payment, upon the ground that the assessment was excessive, erroneous,

1 unlawful, or invalid in whole or in part. If it is finally determined in such action that  
2 any part of the bill for which payment was made was excessive, erroneous, unlawful,  
3 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the  
4 claimant as directed by the court, which shall be charged to the appropriations to the  
5 office department.

\*\*\*NOTE: This is reconciled s. 195.60 (5). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0529 and LRB-1187.

6 **\*-1187/4.187\* SECTION 2251.** 195.60 (6) of the statutes is amended to read:

7 195.60 (6) No action for recovery of any amount paid under this section shall  
8 be maintained in any court unless objections have been filed with the ~~office~~ division  
9 of hearings and appeals as provided in this section. In any action for recovery of any  
10 payments made under this section the claimant shall be entitled to raise every  
11 relevant issue of law, but the ~~office's~~ findings of fact of the division of hearings and  
12 appeals made pursuant to this section shall be prima facie evidence of the facts  
13 therein stated.

14 **\*-1187/4.188\* SECTION 2252.** 195.60 (7) (intro.) of the statutes is repealed.

15 **\*-1187/4.189\* SECTION 2253.** 195.60 (7) (a) of the statutes is renumbered  
16 195.60 (7) and amended to read:

17 195.60 (7) Determinations of fact expressed in bills rendered under this  
18 section; ~~and shall be considered to be findings of fact of the division of hearings and~~  
19 appeals, within the meaning of this section.

20 **\*-1187/4.190\* SECTION 2254.** 195.60 (7) (b) of the statutes is repealed.

21 **\*-0529/4.204\* SECTION 2255.** 196.199 (3) (d) of the statutes is amended to read:

22 196.199 (3) (d) If, at any time during a proceeding under this subsection, the  
23 commission determines, after notice and reasonable opportunity to be heard, that a

1 person has made a filing in violation of par. (c), the commission shall order the person  
2 to pay to any party to the proceeding the amount of reasonable expenses incurred by  
3 that party because of the filing, including reasonable attorney fees, and the  
4 commission may directly assess a forfeiture against the person of not less than \$25  
5 nor more than \$5,000. A person against whom the commission assesses a forfeiture  
6 under this paragraph shall pay the forfeiture to the commission within 10 days after  
7 receipt of notice of the assessment or, if the person petitions for judicial review under  
8 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial  
9 review. The commission shall remit all forfeitures paid under this paragraph to the  
10 ~~state treasurer~~ secretary of administration for deposit in the school fund. The  
11 attorney general may bring an action in the name of the state to collect any forfeiture  
12 assessed by the commission under this paragraph that has not been paid as provided  
13 in this paragraph. The only contestable issue in such an action is whether or not the  
14 forfeiture has been paid.

15 \*~~0666/9.100~~\* SECTION 2256. 196.218 (3) (a) 3. b. of the statutes is amended  
16 to read:

17 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~  
18 ~~(1) and (4)~~ (s), (t), and (tm) and 20.285 (1) (q).

19 \*~~0666/9.101~~\* SECTION 2257. 196.218 (4t) of the statutes is amended to read:

20 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The  
21 commission, in consultation with the department of administration and the  
22 ~~technology for educational achievement in Wisconsin board~~ department of public  
23 instruction, shall promulgate rules specifying the telecommunications services  
24 eligible for funding through the educational telecommunications access program  
25 under s. ~~44.73~~ 115.9995.

1           \*~~0666/9.102~~\* SECTION 2258. 196.218 (5) (a) 5. of the statutes is amended to  
2 read:

3           196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the  
4 extent that these costs are not paid under s. ~~44.73~~ 115.9995 (2) (d), except that no  
5 moneys in the universal service fund may be used to pay installation costs that are  
6 necessary for a political subdivision to obtain access to bandwidth under a shared  
7 service agreement under s. ~~44.73~~ 115.9995 (2r) (a).

8           \*~~1289/7.111~~\* SECTION 2259. 196.218 (5) (a) 5. of the statutes, as affected by  
9 2003 Wisconsin Act .... (this act), is amended to read:

10           196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971  
11 (13) to (16) to the extent that these costs are not paid under s. 115.9995 (2) (d), except  
12 that no moneys in the universal service fund may be used to pay installation costs  
13 that are necessary for a political subdivision to obtain access to bandwidth under a  
14 shared service agreement under s. 115.9995 (2r) (a).

      \*\*\*\*NOTE: This is reconciled s. 196.218 (5) (a) 5. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

15           \*~~1289/7.112~~\* SECTION 2260. 196.218 (5) (a) 6. of the statutes is amended to  
16 read:

17           196.218 (5) (a) 6. To pay the department of ~~electronic government~~  
18 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)  
19 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior  
20 and Whitewater.

21           \*~~0666/9.103~~\* SECTION 2261. 196.218 (5) (a) 7. of the statutes is amended to  
22 read:

## SECTION 2261

1 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~  
2 ~~achievement in Wisconsin board~~ department of public instruction to school districts  
3 and private schools under s. 44.73 115.9995 (6). This subdivision does not apply after  
4 ~~June 30, 2002~~ December 31, 2005.

5 \*~~0666/9.104~~\* SECTION 2262. 196.218 (5) (a) 10. of the statutes is repealed.

6 \*~~1634/7.53~~\* SECTION 2263. 196.491 (2) (e) of the statutes is amended to read:

7 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,  
8 municipality, town or person may submit written comments to the commission on a  
9 strategic energy assessment within 90 days after copies of the draft are issued under  
10 par. (b).

11 \*~~1373/8.17~~\* SECTION 2264. 196.675 (1) of the statutes is renumbered 196.675  
12 (1r).

13 \*~~1373/8.18~~\* SECTION 2265. 196.675 (1g) of the statutes is created to read:

14 196.675 (1g) In this section, “assistant district attorney” includes an  
15 assignable prosecutor, as defined in s. 978.001 (1c).

16 \*~~0529/4.205~~\* SECTION 2266. 196.85 (3) of the statutes is amended to read:

17 196.85 (3) If any public utility, sewerage system, joint local water authority, or  
18 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30  
19 days or fails to file objections to the bill with the commission, as provided in this  
20 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of  
21 administration a certified copy of the bill, together with notice of failure to pay the  
22 bill, and on the same day the commission shall mail by registered mail to the public  
23 utility, sewerage system, joint local water authority, or power district a copy of the  
24 notice that it has transmitted to the state treasurer. Within 10 days after receipt of  
25 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of

1 administration shall levy the amount stated on the bill to be due, with interest, by  
2 distress and sale of any property, including stocks, securities, bank accounts,  
3 evidences of debt, and accounts receivable belonging to the delinquent public utility,  
4 sewerage system, joint local water authority, or power district. The levy by distress  
5 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the  
6 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere  
7 within the state may be levied upon.

8 \*~~0529/4.206~~\* SECTION 2267. 196.85 (4) (d) of the statutes is amended to read:

9 196.85 (4) (d) If any bill against which objections have been filed is not paid  
10 within 10 days after notice of a finding that the objections have been overruled and  
11 disallowed by the commission has been mailed to the objector as provided in this  
12 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~  
13 secretary of administration and to the objector, in the manner provided in sub. (3).  
14 The ~~state treasurer~~ secretary of administration shall then proceed to collect the  
15 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid  
16 within 10 days after a copy of the amended bill is mailed to the objector by registered  
17 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and  
18 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~  
19 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the  
20 amended bill as provided in the case of an original bill.

21 \*~~0529/4.207~~\* SECTION 2268. 196.85 (5) of the statutes is amended to read:

22 196.85 (5) No suit or proceeding may be maintained in any court to restrain or  
23 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every  
24 public utility, sewerage system, joint local water authority, or power district that is  
25 billed shall pay the amount of the bill, and after payment may in the manner

1 provided under this section, at any time within 2 years from the date the payment  
2 was made, sue the state to recover the amount paid plus interest from the date of  
3 payment, upon the ground that the assessment was excessive, erroneous, unlawful,  
4 or invalid in whole or in part. If the court finds that any part of the bill for which  
5 payment was made was excessive, erroneous, unlawful, or invalid, the state  
6 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed  
7 by the court. The refund shall be charged to the appropriations to the commission.

8 \*~~1289/7.113~~\* SECTION 2269. 196.858 (1) and (2) of the statutes are amended  
9 to read:

10 196.858 (1) The commission shall annually assess against local exchange and  
11 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the  
12 amounts appropriated under s. ~~20-530~~ 20.505 (1) (ir).

13 (2) The commission shall assess a sum equal to the annual total amount under  
14 sub. (1) to local exchange and interexchange telecommunications utilities in  
15 proportion to their gross operating revenues during the last calendar year. If total  
16 expenditures for telephone relay service exceeded the payment made under this  
17 section in the prior year, the commission shall charge the remainder to assessed  
18 telecommunications utilities in proportion to their gross operating revenues during  
19 the last calendar year. A telecommunications utility shall pay the assessment within  
20 30 days after the bill has been mailed to the assessed telecommunication utility. The  
21 bill constitutes notice of the assessment and demand of payment. Payments shall  
22 be credited to the appropriation account under s. ~~20-530~~ 20.505 (1) (ir).

23 \*~~1187/4.191~~\* SECTION 2270. 197.10 (4) of the statutes is amended to read:

24 197.10 (4) Insofar as the use, operation, service, management, control, sale,  
25 lease, purchase, extension, improvement, rates, value or earnings of the properties



1 of the public utility or provisions looking toward the ultimate acquisition of the same  
2 are made subject to the terms of any contract provided for in sub. (1), and so long as  
3 said contract remains in force, the following sections of the statutes shall be  
4 inapplicable to the same: ss. ~~195.05, 195.10~~, 196.02 (1) and (2), 196.05, 196.09,  
5 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,  
6 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,  
7 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract  
8 made hereunder shall operate to prevent an appeal to the public service commission  
9 by any person, other than a party to said contract, upon any complaint alleging that  
10 any rate, fare, charge or classification, or any joint rate, or any regulation, act or  
11 practice relating to the production, transmission, delivery or furnishing of gas, heat,  
12 light or power, or any service in connection therewith, is unjustly discriminatory, or  
13 that any such service is inadequate or cannot be obtained. Upon said appeal the  
14 commission shall, as provided by law, determine and by order fix a rate, fare, charge,  
15 classification, joint rate or regulation, act or practice or service to be imposed,  
16 observed or followed in the future in lieu of that found to be unjustly discriminatory  
17 or inadequate.

18 ~~\*-1187/4.192\*~~ SECTION 2271. 201.01 (1) of the statutes is amended to read:

19 201.01 (1) "Commission" means the ~~office of the commissioner of railroads in~~  
20 ~~the case of railroads and the public service commission in the case of other public~~  
21 ~~service corporations.~~

22 ~~\*-1187/4.193\*~~ SECTION 2272. 201.01 (2) of the statutes is amended to read:

23 201.01 (2) "Public service corporation" means and embraces every corporation,  
24 except municipalities and other political subdivisions, which is a public utility as  
25 defined in s. 196.01, ~~and every corporation which is a railroad as defined in s. 195.02,~~

1 but shall not include a public utility corporation receiving an annual gross revenue  
2 of less than \$1,000 for the calendar year next preceding the issuance of any securities  
3 by it. "Public service corporation" includes a holding company, as defined under s.  
4 196.795 (1) (h), which is a public utility, as defined under s. 196.01 (5). "Public service  
5 corporation" does not include a telecommunications utility, as defined in s. 196.01  
6 (10). "Public service corporation" does not include any other holding company unless  
7 the holding company was formed after November 28, 1985, and unless the  
8 commission has determined, under s. 196.795 (7) (a), that each nonutility affiliate,  
9 as defined under s. 196.795 (1) (j), does not and cannot reasonably be expected to do  
10 at least one of the items specified in s. 196.795 (7) (a). "Public service corporation"  
11 does not include a company, as defined in s. 196.795 (1) (f), which owns, operates,  
12 manages or controls a telecommunications utility, as defined in s. 196.01 (10), unless  
13 such company also owns, operates, manages or controls a public utility which is not  
14 a telecommunications utility. "Public service corporation" does not include a  
15 transmission company, as defined in s. 196.485 (1) (ge).

16 \*~~1187/4.194~~\* SECTION 2273. 201.10 (3) of the statutes is amended to read:

17 201.10 (3) Whenever the commission deems it necessary to make an  
18 investigation of the books, accounts and practices or to make an appraisal of the  
19 property of any public service corporation which has filed an application for  
20 authority to issue any securities to which this chapter is applicable, such public  
21 service corporation shall pay all expenses reasonably attributable to such special  
22 investigation, or to such an appraisal of the property. For the purpose of calculating  
23 investigative and appraisal expenses of the commission, 90% of the costs determined  
24 shall be costs of the commission and 10% of the costs determined shall be costs of  
25 state government operations. The procedure set up by s. ~~195.60 or 196.85, whichever~~

1 is appropriate, for the rendering and collection of bills shall be in all ways applicable  
2 to the rendering and collection of bills under this section. Ninety percent of the  
3 amounts paid to the ~~public-service~~ commission under authority of this subsection  
4 shall be credited to the appropriation account under s. 20.155 (1) (g).

5 **\*-1187/4.195\* SECTION 2274.** 201.13 of the statutes is amended to read:

6 **201.13 Stock.** Subject to the regulatory jurisdiction of the commission under  
7 this chapter and to all other applicable provisions of law relating to ~~railroad or other~~  
8 special types of corporations, all classes and series of stock of a public service  
9 corporation shall be governed by the provisions of ch. 180.

10 **\*-1431/2.17\* SECTION 2275.** 214.01 (1) (im) of the statutes is amended to read:

11 214.01 (1) (im) “Division” means the division of ~~savings institutions~~ banking.

12 **\*-1431/2.18\* SECTION 2276.** 214.01 (1) (sr) of the statutes is amended to read:

13 214.01 (1) (sr) “Review board” means the savings ~~bank~~ institutions review  
14 board.

15 **\*-1431/2.19\* SECTION 2277.** 214.592 of the statutes is amended to read:

16 **214.592 Financially related services tie-ins.** In any transaction conducted  
17 by a savings bank, a savings bank holding company, or a subsidiary of either with  
18 a customer who is also a customer of any other subsidiary of any of them, the  
19 customer shall be given a notice in 12-point boldface type in substantially the  
20 following form:

21 **NOTICE OF RELATIONSHIP**

22 This company, .... (insert name and address of savings bank, savings bank  
23 holding company, or subsidiary), is related to .... (insert name and address of savings  
24 bank, savings bank holding company, or subsidiary) of which you are also a customer.

1 You may not be compelled to buy any product or service from either of the above  
2 companies or any other related company in order to participate in this transaction.

3 If you feel that you have been compelled to buy any product or service from  
4 either of the above companies or any other related company in order to participate  
5 in this transaction, you should contact the management of either of the above  
6 companies at either of the above addresses or the division of ~~savings institutions~~  
7 banking at .... (insert address).

8 \*~~1824/6.42~~\* SECTION 2278. 214.72 (1) (b) of the statutes is amended to read:

9 214.72 (1) (b) “Financial regulator” means the department secretary and  
10 deputy secretary, and an administrator, a supervisor of data processing, ~~legal counsel~~  
11 and a financial institution examiner employed by the department and the  
12 department’s legal counsel and includes any member of a financial regulator’s  
13 immediate family, as defined in s. 19.42 (7).

14 \*~~1431/2.20~~\* SECTION 2279. 215.01 (6) of the statutes is amended to read:

15 215.01 (6) “Division” means the division of ~~savings institutions~~ banking.

16 \*~~1431/2.21~~\* SECTION 2280. 215.01 (22) of the statutes is amended to read:

17 215.01 (22) “Review board” means the ~~savings and loan~~ institutions review  
18 board.

19 \*~~1431/2.22~~\* SECTION 2281. 215.02 (title) of the statutes is repealed and  
20 recreated to read:

21 **215.02 (title) Powers of the division.**

22 \*~~1431/2.23~~\* SECTION 2282. 215.02 (10) (a) 3. of the statutes is amended to  
23 read:

24 215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy  
25 of the order shall be served upon the association and upon the officer, director, or

1 employee in the manner provided by law for service of a summons in a court of record  
2 or by mailing a copy to the association and officer, director, or employee at their  
3 last-known, post-office addresses. Any removal under this subsection has the same  
4 effect as if made by the board of directors or the members or stockholders of the  
5 association. An officer, director, or employee removed from office or employment  
6 under this subsection may not be elected as an officer or director of, or be employed  
7 by, an association without the approval of the division and the review board. An  
8 order of removal under this subsection is a final order or determination of the review  
9 board under s. 215.04 (6) (5).

10 \*~~1431/2.24~~\* SECTION 2283. 215.04 of the statutes is repealed and recreated  
11 to read:

12 **215.04 Review board. (1) DUTIES.** The review board shall do all of the  
13 following:

- 14 (a) Advise the division on matters related to this chapter.  
15 (b) Review the acts, orders, and determinations of the division.  
16 (c) Act on any matters pertaining to this chapter that are submitted to it by the  
17 division.  
18 (d) Perform other review functions relating to this chapter.  
19 (e) Conduct hearings and take testimony, and subpoena and swear witnesses  
20 at such hearings. The review board shall have the subpoena powers under s. 885.01  
21 (4).

22 (2) APPEARANCES. An interested party may appear at a proceeding of the review  
23 board and may participate in the examination of witnesses and present evidence.

24 (3) WITNESS FEES. A person who causes a witness to be subpoenaed shall  
25 advance the fees and mileage expense of the witness. Witness fees shall be the same

1 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the  
2 review board in the interests of the state shall be paid by the state upon presentation  
3 of proper vouchers approved by the chairperson of the review board and charged to  
4 the appropriation under s. 20.144 (1) (g).

5 (4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS. Any interested person or a  
6 savings association aggrieved by any act, order, or determination of the division,  
7 which relates to savings and loan associations, may, within 20 days after receipt or  
8 service of a copy of the act, order, or determination, file a written notice requesting  
9 the review board's review of the division's act, order, or determination. The review  
10 of the division's decision shall be solely to determine if the division acted within the  
11 scope of the division's authority and did not act in an arbitrary or capricious manner  
12 and to determine if the act, order, or determination of the division is supported by  
13 substantial evidence in view of the entire record as submitted. The review of  
14 applications for new charters, branch offices, or relocation of offices shall be based  
15 exclusively on the record and new evidence may not be taken by the review board.  
16 Requests for review under this subsection shall be considered and disposed of as  
17 speedily as possible.

18 (5) REVIEW. A determination of the review board is subject to review under ch.  
19 227. If an act, order, or determination of the division is reversed or modified by the  
20 review board, the division shall be considered to be a person aggrieved and directly  
21 affected by the decision under s. 227.53 (1).

22 (6) BOARD MEMBER NOT TO ACT. A member of the review board may not act on  
23 any matter involving a savings and loan association or savings and loan holding  
24 company of which the member is an officer, director, employee, or agent.

25 \*-1431/2.25\* SECTION 2284. 215.141 of the statutes is amended to read:



1           215.33 (3) (b) 2. The accounts of the association are insured by the deposit  
2 insurance corporation or any other insurer acceptable to the division, or that  
3 adequate and sufficient securities have been deposited with the ~~state treasurer~~  
4 secretary of administration to assure that the association will meet its obligations  
5 to the residents of this state.

6           \*~~1431/2.26~~\* SECTION 2287. 215.40 (18) of the statutes is amended to read:

7           215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.

8 If the division refuses to grant a certificate of authority to organize an association,  
9 and the applicants feel aggrieved thereby, they may appeal to the review board to  
10 review the division's determination under s. 215.04 (1) (d) (b) and (4).

11           \*~~1431/2.27~~\* SECTION 2288. 220.02 (2) (e) and (f) of the statutes are created  
12 to read:

13           220.02 (2) (e) Savings banks under ch. 214.

14           (f) Savings and loan associations under ch. 215.

15           \*~~1431/2.28~~\* SECTION 2289. 220.02 (3) of the statutes is amended to read:

16           220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
17 and carry out all laws relating to banks or banking in this state, including those  
18 relating to state banks, savings banks, savings and loan associations, and trust  
19 company banks, and also all laws relating to small loan companies or other loan  
20 companies or agencies, finance companies, motor vehicle dealers, adjustment service  
21 companies, community currency exchanges, and collection agencies and those  
22 relating to sellers of checks under ch. 217, whether doing business as corporations,  
23 individuals, or otherwise, but to exclude laws relating to credit unions.

24           \*~~1824/6.44~~\* SECTION 2290. 220.08 (4) of the statutes is amended to read:



1           220.08 (4) The division may appoint one or more special deputies, as agent or  
2 agents, to assist the division in the duty of reorganization, consolidation, liquidation  
3 and distribution, the certificate of appointment to be filed with the division and a  
4 certified copy in the office of the clerk of the circuit court for the county in which such  
5 bank or banking corporation is located. Such special deputies may execute,  
6 acknowledge and deliver any and all deeds, assignments, releases or other  
7 instruments necessary and proper to effect any sale and transfer or encumbrance of  
8 real estate or personal property after the same has been approved by the division,  
9 and an order obtained from the circuit court of the county in which the bank  
10 concerned is located. The division may from time to time authorize a special deputy  
11 to perform such duties connected with such reorganization, consolidation,  
12 liquidation and distribution as the division deems proper. The division may employ  
13 retain such counsel, with the advice and consent of the attorney general, and may  
14 procure such expert assistance and advice as may be necessary in the reorganization,  
15 consolidation, liquidation and distribution of the assets of such banks or banking  
16 corporations. The division may retain such of the officers or employees of such banks  
17 or banking corporations as necessary.

18           \*~~1431/2.29~~\* SECTION 2291. 221.0303 (2) of the statutes is amended to read:  
19           221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
20 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or  
21 participate in the acquisition, placement, and operation of, at locations other than  
22 its main or branch offices, customer bank communications terminals, in accordance  
23 with rules established by the division. The rules of the division shall provide that  
24 any such customer bank communications terminal shall be available for use, on a  
25 nondiscriminatory basis, by any state or national bank and by all customers

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1 designated by a bank using the terminal. This subsection does not authorize a bank  
2 which has its principal place of business outside this state to conduct banking  
3 business in this state. The customer bank communications terminals also shall be  
4 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
5 association, or savings bank, if the credit union, savings and loan association, or  
6 savings bank requests to share its use, subject to rules jointly established by the  
7 division of banking, and the office of credit unions ~~and the division of savings~~  
8 ~~institutions~~. The division by order may authorize the installation and operation of  
9 a customer bank communications terminal in a mobile facility, after notice and  
10 hearing upon the proposed service stops of the mobile facility.

11 **\*-1289/7.114\* SECTION 2292.** 221.0320 (3) (a) of the statutes is amended to  
12 read:

13 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning  
14 given in s. ~~22-01~~ 16.97 (7).

15 **\*-1431/2.30\* SECTION 2293.** 221.0321 (5) of the statutes is amended to read:

16 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
17 assignment or transfer of stock certificates or other evidence of the borrower’s  
18 ownership interest in a corporation formed for the cooperative ownership of real  
19 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
20 involving a one-family residence, apply to a proceeding to enforce the lender’s rights  
21 in security given for a loan under this subsection. The division shall promulgate joint  
22 rules with the office of credit unions ~~and the division of savings institutions~~ that  
23 establish procedures for enforcing a lender’s rights in security given for a loan under  
24 this subsection.