

1           149.16 (1m) The plan administrator may be selected by the department in a  
2 competitive bidding process.

3           \*~~-0133/1.4~~\* SECTION 2108. 149.16 (4) of the statutes is amended to read:

4           149.16 (4) ~~The~~ If the plan administrator is the fiscal agent under s. 49.45 (2)  
5 (b) 2., the plan administrator shall account for costs related to the plan separately  
6 from costs related to medical assistance ~~under subch. IV of ch. 49.~~

7           \*~~-1300/1.26~~\* SECTION 2109. 149.165 (4) of the statutes is amended to read:

8           149.165 (4) The department shall reimburse the plan for premium reductions  
9 under sub. (2) ~~and,~~ deductible reductions under s. 149.14 (5) (a) ~~with moneys~~  
10 ~~transferred to the fund, and prescription drug copayment reductions under s. 149.14~~  
11 (5) (e) from the appropriation account under s. 20.435 (4) (ah) (v).

12           \*~~-0529/4.187~~\* SECTION 2110. 150.963 (3) (e) of the statutes is amended to read:

13           150.963 (3) (e) Accept on behalf of the state and deposit with the ~~state treasurer~~  
14 secretary of administration any grant, gift, or contribution made to assist in meeting  
15 the cost of carrying out the purposes of this subchapter, and expend those funds for  
16 the purposes of this subchapter.

17           \*~~-1913/1.1~~\* SECTION 2111. 153.05 (8) of the statutes is repealed.

18           \*~~-1913/1.2~~\* SECTION 2112. 153.05 (13) of the statutes is amended to read:

19           153.05 (13) The department may waive the requirement under sub. (1), ~~(5) or~~  
20 ~~(8) or (5)~~ for a health care provider, who requests the waiver and presents evidence  
21 to the department that the requirement under sub. (1), ~~(5) or (8) or (5)~~ is burdensome,  
22 under standards established by the department by rule. The department shall  
23 develop a form for use by a health care provider in submitting a request under this  
24 subsection.

25           \*~~-1913/1.3~~\* SECTION 2113. 153.75 (1) (t) of the statutes is amended to read:

SECTION 2113

1 153.75 (1) (t) Establishing standards for determining under s. 153.05 (13) if a  
2 requirement under s. 153.05 (1), ~~(5) or (8)~~ or (5) is burdensome for a health care  
3 provider.

4 ~~\*-1111/4.92\*~~ SECTION 2114. 165.065 (2) of the statutes is amended to read:

5 165.065 (2) The assistant attorney general in charge of antitrust investigations  
6 and prosecutions is to cooperate actively with the antitrust division of the U.S.  
7 department of justice in everything that concerns monopolistic practices in  
8 Wisconsin, and also to cooperate actively with the department of agriculture, trade  
9 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~  
10 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture  
11 and with the federal trade commission on matters arising in or affecting Wisconsin  
12 which pertain to its jurisdiction.

13 ~~\*-1824/6.32\*~~ SECTION 2115. 165.25 (3r) of the statutes is amended to read:

14 165.25 (3r) AVOID CONFLICT OF INTEREST. Require that attorneys in different  
15 organizational subunits in the department prosecute violations of chs. 562 to 569 or  
16 Indian gaming compacts entered into under s. 14.035 and defend any department,  
17 agency, official, employee or agent under subs. (1), (4) (a) (ag) and (6).

18 ~~\*-1824/6.33\*~~ SECTION 2116. 165.25 (4) (a) of the statutes is renumbered 165.25  
19 (4) (ag) and amended to read:

20 165.25 (4) (ag) The department of justice shall may furnish all legal services  
21 ~~required by the investment board, the lottery division in the department of revenue,~~  
22 ~~the public service commission, the department of transportation, the department of~~  
23 ~~natural resources, the department of tourism and the department of employee trust~~  
24 ~~funds to state agencies,~~ together with any other services, including stenographic and  
25 investigational, as are necessarily connected with the legal work. Except as provided

1 in s. 165.065, the attorney general and the secretary of administration jointly shall  
2 determine the attorneys employed by the department of justice who are assigned to  
3 furnish legal services to state agencies.

4 ~~\*-1824/6.34\* SECTION 2117. 165.25 (4) (ad) of the statutes is created to read:~~

5 165.25 (4) (ad) In this subsection, "state agency" means an office, commission,  
6 department, independent agency, or board in the executive branch of state  
7 government, and includes the building commission.

8 ~~\*-1824/6.35\* SECTION 2118. 165.25 (4) (am) of the statutes is repealed.~~

9 ~~\*-1824/6.36\* SECTION 2119. 165.25 (4) (ar) of the statutes is repealed.~~

10 ~~\*-1824/6.37\* SECTION 2120. 165.25 (4) (b) of the statutes is repealed.~~

11 ~~\*-1824/6.38\* SECTION 2121. 165.25 (4) (bn) of the statutes is repealed.~~

12 ~~\*-1824/6.39\* SECTION 2122. 165.25 (4) (c) of the statutes is amended to read:~~

13 165.25 (4) (c) The department shall, at the end of each fiscal year, ~~except for~~  
14 ~~programs financed out of the general fund and except for services required to be~~  
15 ~~provided by statute other than this subsection, render submit to the respective~~  
16 ~~agencies enumerated in this subsection department of administration an itemized~~  
17 ~~statement of the total cost of the legal services, including stenographic and~~  
18 ~~investigational, that are necessarily connected with the legal work, and other~~  
19 ~~services, including travel expenses and legal expenses enumerated in s. 20.455 (1)~~  
20 ~~(d), provided to a state agency in that fiscal year.~~

21 ~~\*-1824/6.40\* SECTION 2123. 165.25 (4) (d) of the statutes is repealed.~~

22 \*-1111/4.93\* SECTION 2124. 165.252 of the statutes is created to read:

23 165.252 Consumer protection matters. The department of justice shall  
24 administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28,

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1 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid  
2 in the administration and enforcement of these sections.

3 \*-0529/4.188\* SECTION 2125. 165.30 (3) of the statutes is amended to read:

4 165.30 (3) COLLECTION PROCEEDS. (a) All obligations collected by the  
5 department of justice under this section shall be paid to the ~~state treasurer~~ secretary  
6 of administration and deposited in the appropriate fund.

7 (b) From the amount of obligations collected by the department of justice under  
8 this section, the ~~treasurer~~ secretary of administration shall credit an amount equal  
9 to the reasonable and necessary expenses incurred by the department of justice  
10 related to collecting those obligations to the appropriation account under s. 20.455  
11 (1) (gs).

12 \*-1789/2.1\* SECTION 2126. 165.755 (1) (a) of the statutes is amended to read:

13 165.755 (1) (a) Except as provided in par. (b), a court shall impose a crime  
14 laboratories and drug law enforcement assessment of \$5 \$7 if the court imposes a  
15 sentence, places a person on probation or imposes a forfeiture for a violation of state  
16 law or for a violation of a municipal or county ordinance.

17 \*-0529/4.189\* SECTION 2127. 165.755 (3) of the statutes is amended to read:

18 165.755 (3) Except as provided in sub. (4), after the court determines the  
19 amount due under sub. (1) (a), the clerk of the court shall collect and transmit the  
20 amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall  
21 then make payment to the ~~state treasurer~~ secretary of administration under s. 59.25  
22 (3) (f) 2.

23 \*-0529/4.190\* SECTION 2128. 165.755 (4) of the statutes is amended to read:

24 165.755 (4) If a municipal court imposes a forfeiture, after determining the  
25 amount due under sub. (1) (a) the court shall collect and transmit such amount to the

*The department of justice may appear for the state in any court action relating to these sections.*

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1 treasurer of the county, city, town, or village, and that treasurer shall make payment  
2 to the ~~state treasurer~~ secretary of administration as provided in s. 66.0114 (1) (bm).

3 \***-0529/4.191**\* SECTION 2129. 165.755 (5) of the statutes is amended to read:  
4 165.755 (5) If any deposit of bail is made for a noncriminal offense to which sub.  
5 (1) (a) applies, the person making the deposit shall also deposit a sufficient amount  
6 to include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is  
7 forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted  
8 monthly to the ~~state treasurer~~ secretary of administration under this section. If bail  
9 is returned, the assessment shall also be returned.

10 \***-0529/4.192**\* SECTION 2130. 165.755 (6) of the statutes is amended to read:  
11 165.755 (6) If an inmate in a state prison or a person sentenced to a state prison  
12 has not paid the crime laboratories and drug law enforcement assessment under sub.  
13 (1) (a), the department shall assess and collect the amount owed from the inmate's  
14 wages or other moneys. Any amount collected shall be transmitted to the ~~state~~  
15 ~~treasurer~~ secretary of administration.

16 \***-0529/4.193**\* SECTION 2131. 165.755 (7) of the statutes is amended to read:  
17 165.755 (7) All moneys collected from crime laboratories and drug law  
18 enforcement assessments under this section shall be deposited by the ~~state treasurer~~  
19 secretary of administration and used as specified in s. 20.455 (2) (kd) and (Lm).

20 \***-1789/2.2**\* SECTION 2132. 165.82 (1) (intro.) of the statutes is amended to  
21 read:

22 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
23 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
24 history searches for purposes unrelated to criminal justice or to s. 175.35:

25 \***-1789/2.3**\* SECTION 2133. 165.82 (1) (ar) of the statutes is amended to read:

## SECTION 2133

1 165.82 (1) (ar) For each fingerprint card record check requested by a  
2 governmental agency or nonprofit organization, \$10 \$15.

3 **\*-1789/2.4\* SECTION 2134.** 165.82 (1m) of the statutes is created to read:

4 165.82 (1m) The department of justice shall impose a \$5 surcharge if a person  
5 requests a paper copy of the results of a criminal history search requested under sub.  
6 (1).

7 **\*-1887/1.14\* SECTION 2135.** 165.90 of the statutes is repealed.

8 **\*-1887/1.15\* SECTION 2136.** 165.92 (3) (a) of the statutes is amended to read:

9 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan~~ county  
10 proposal under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political  
11 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement  
12 officer is liable for all acts of the officer while acting within the scope of his or her  
13 employment and neither the state nor any political subdivision of the state may be  
14 held liable for any action of the officer taken under the authority of sub. (2) (a).

15 **\*-1782/1.2\* SECTION 2137.** 166.03 (1) (b) 7. of the statutes is repealed.

16 **\*-1782/1.3\* SECTION 2138.** 166.03 (2) (b) 9. of the statutes is repealed.

17 **\*-0350/2.2\* SECTION 2139.** 166.03 (8) (f) of the statutes is amended to read:

18 166.03 (8) (f) If the total liability for worker's compensation benefits under par.  
19 (d), indemnification under par. (e), and loss from destruction of equipment under sub.  
20 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,  
21 the state shall reimburse the sponsor for the excess. Payment shall be made from  
22 the appropriation in s. ~~20.465 (3) (a)~~ 20.865 (1) (a) on certificate of the adjutant  
23 general and, if appropriate, subject to the approval of the attorney general under s.  
24 20.865 (1) (a).

25 **\*-0529/4.194\* SECTION 2140.** 167.31 (5) (c) of the statutes is amended to read:

1           167.31 (5) (c) If any deposit is made for an offense to which this subsection  
2 applies, the person making the deposit shall also deposit a sufficient amount to  
3 include the weapons assessment under this subsection. If the deposit is forfeited, the  
4 amount of the weapons assessment shall be transmitted to the ~~state treasurer~~  
5 secretary of administration under par. (d). If the deposit is returned, the amount of  
6 the weapons assessment shall also be returned.

7           \*~~0529/4.195~~\* SECTION 2141. 167.31 (5) (d) of the statutes is amended to read:

8           167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the  
9 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The  
10 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.  
11 The ~~state treasurer~~ secretary of administration shall deposit all amounts received  
12 under this paragraph in the conservation fund to be appropriated under s. 20.370 (3)  
13 (mu).

14           \*~~0529/4.196~~\* SECTION 2142. 169.46 (1) (c) of the statutes is amended to read:

15           169.46 (1) (c) If any deposit is made for an offense to which this subsection  
16 applies, the person making the deposit shall also deposit a sufficient amount to  
17 include the natural resources assessment prescribed in this subsection. If the  
18 deposit is forfeited, the amount of the natural resources assessment shall be  
19 transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the  
20 deposit is returned, the natural resources assessment shall also be returned.

21           \*~~0529/4.197~~\* SECTION 2143. 169.46 (1) (d) of the statutes is amended to read:

22           169.46 (1) (d) The clerk of the court shall collect and transmit to the county  
23 treasurer the natural resources assessment and other amounts required under s.  
24 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
25 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~

## SECTION 2143

1 secretary of administration shall deposit the amount of the natural resources  
2 assessment in the conservation fund.

3 \*~~0529/4.198~~\* SECTION 2144. 169.46 (2) (c) of the statutes is amended to read:

4 169.46 (2) (c) If any deposit is made for an offense to which this subsection  
5 applies, the person making the deposit shall also deposit a sufficient amount to  
6 include the natural resources restitution payment prescribed in this subsection. If  
7 the deposit is forfeited, the amount of the natural resources restitution payment  
8 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).  
9 If the deposit is returned, the natural resources restitution payment shall also be  
10 returned.

11 \*~~0529/4.199~~\* SECTION 2145. 169.46 (2) (d) of the statutes is amended to read:

12 169.46 (2) (d) The clerk of the court shall collect and transmit to the county  
13 treasurer the natural resources restitution payment and other amounts required  
14 under s. 59.40 (2) (m). The county treasurer shall then make payment to the state  
15 ~~treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The state  
16 ~~treasurer~~ secretary of administration shall deposit the amount of the natural  
17 resources restitution payment in the conservation fund.

18 \*~~1502/1.2~~\* SECTION 2146. 173.40 of the statutes, as affected by 2001  
19 Wisconsin Act 16, is repealed.

20 \*~~1187/4.25~~\* SECTION 2147. 182.36 (3) of the statutes is amended to read:

21 182.36 (3) The corporation may enter into contracts with public utilities,  
22 ~~including~~ and railroads, for the removal or change in location of the lines of such  
23 public utilities and railroads where the same is deemed necessary by the corporation  
24 in the construction of the project. Such contracts shall be for the payment of damages  
25 caused the utilities and railroads by the relocation of their lines. In the event the

1 corporation and the utility or railroad are unable to reach an agreement, the public  
2 service commission in the case of a utility or the department of transportation in the  
3 case of a railroad shall direct the manner, location and time allowed for the change  
4 in the utility or railroad line and the corporation shall be liable for the reasonable  
5 costs of such change. In the event the public utility or railroad fails to comply with  
6 the order of the public service commission or department of transportation it shall  
7 be liable to the corporation for all damages occasioned by such failure.

8 \*~~0419/2.1~~\* SECTION 2148. 183.0105 (2) (c) of the statutes is amended to read:  
9 183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~  
10 Including the name of its registered agent and the street address of its registered  
11 office, as changed, in its annual report under s. 183.0120. This paragraph also  
12 applies to a foreign limited liability company. A change under this paragraph is  
13 effective on the date the annual report is filed by ~~the office of the department.~~

14 \*~~0419/2.2~~\* SECTION 2149. 183.0109 (1) (a) 4. of the statutes is amended to  
15 read:  
16 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under  
17 s. 183.0120.

18 \*~~0419/2.3~~\* SECTION 2150. 183.0113 (2) (b) 1m. of the statutes is amended to  
19 read:  
20 183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The  
21 domestic or foreign limited liability company has, during its most recently completed  
22 report year, filed with the department an annual report required by s. 183.0120.

23 \*~~0419/2.4~~\* SECTION 2151. 183.0114 (1) (v) of the statutes is created to read:  
24 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

25 \*~~0419/2.5~~\* SECTION 2152. 183.0120 (title) of the statutes is amended to read:

1           **183.0120 (title) Annual report for foreign limited liability companies.**

2           \***-0419/2.6\*** SECTION 2153. 183.0120 (1) of the statutes is amended to read:

3           183.0120 (1) Each foreign limited liability company registered to transact  
4 business in this state and each domestic limited liability company shall file with the  
5 department an annual report that includes all of the following information:

6           (a) The name of the domestic or foreign limited liability company and, if a  
7 foreign limited liability company, the state or country under whose law it is  
8 organized.

9           (b) The address of the domestic or foreign limited liability company's registered  
10 office and the name of its registered agent at that office in this state.

11           (c) The address of the domestic or foreign limited liability company's principal  
12 office.

13           (d) If management of the domestic or foreign limited liability company is vested  
14 in one or more managers, the name and business address of each manager.

15           (e) The name and business address of each member of the domestic or foreign  
16 limited liability company.

17           (f) A brief description of the nature of the domestic or foreign limited liability  
18 company's business.

19           \***-0419/2.7\*** SECTION 2154. 183.0120 (2) of the statutes is amended to read:

20           183.0120 (2) Information in the annual report shall be current as of the date  
21 on which the annual report is executed on behalf of a the domestic or foreign limited  
22 liability company, except that the information required by sub. (1) (e) shall be current  
23 as of the close of the domestic or foreign limited liability company's fiscal year  
24 immediately before the date by which the annual report is required to be delivered  
25 to the department.

1           \***-0419/2.8\*** SECTION 2155. 183.0120 (3) of the statutes is amended to read:

2           183.0120 (3) A domestic limited liability company shall deliver its initial  
3 annual report to the department during the first calendar quarter of the year  
4 following the calendar year in which the limited liability company's articles of  
5 organization become effective under s. 183.0111 and shall deliver each subsequent  
6 annual report during the first calendar quarter of each subsequent year. A foreign  
7 limited liability company registered to transact business in this state shall deliver  
8 its annual report to the department during the first calendar quarter of each year  
9 following the calendar year in which the foreign limited liability company becomes  
10 registered to transact business in this state.

11           \***-0419/2.9\*** SECTION 2156. 183.0120 (4) of the statutes is amended to read:

12           183.0120 (4) If an annual report does not contain the information required by  
13 this section, the department shall promptly notify the reporting domestic or foreign  
14 limited liability company in writing and return the report to it for correction.

15           \***-0419/2.10\*** SECTION 2157. 183.0901 (3) of the statutes is created to read:

16           183.0901 (3) The department administratively dissolves the limited liability  
17 company under s. 183.09025 (2) (c), unless the limited liability company is  
18 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review  
19 under ss. 227.52 to 227.58.

20           \***-0419/2.11\*** SECTION 2158. 183.09025 of the statutes is created to read:

21           **183.09025 Administrative dissolution and reinstatement.** (1) GROUND  
22 FOR ADMINISTRATIVE DISSOLUTION. The department may bring a proceeding under sub.  
23 (2) to administratively dissolve any limited liability company that does not deliver  
24 to the department the limited liability company's complete annual report within one  
25 year after the annual report is due.

1           (2) PROCEDURE FOR ADMINISTRATIVE DISSOLUTION. (a) If the department  
2 determines that grounds exist under sub. (1) for dissolving a limited liability  
3 company, the department shall mail the limited liability company a notice of the  
4 determination. The notice shall be in writing and addressed to the registered office  
5 of the limited liability company.

6           (b) Within 60 days after the date on which the notice is received or the date on  
7 which the second insertion of the class 2 notice under par. (d) is published, the limited  
8 liability company shall correct each ground for dissolution or demonstrate to the  
9 reasonable satisfaction of the department that each ground determined by the  
10 department does not exist.

11           (c) If a limited liability company fails to satisfy par. (b), the department shall  
12 administratively dissolve the limited liability company. The department shall enter  
13 a notation in its records to reflect each ground for dissolution and the effective date  
14 of dissolution and shall mail the limited liability company a notice of those facts and  
15 a certificate of dissolution. The notice and certificate shall be in writing and  
16 addressed to the registered office of the limited liability company. The dissolution  
17 is subject to judicial review as provided in ss. 227.52 to 227.58.

18           (d) If a notice under par. (a) or (c) is returned to the department as  
19 undeliverable, the department shall again mail the notice to the limited liability  
20 company as provided under that paragraph. If the notice is again returned to the  
21 department as undeliverable, the department shall give the notice by publishing a  
22 class 2 notice under ch. 985 in the official state newspaper.

23           (3) USE OF NAME FOLLOWING ADMINISTRATIVE DISSOLUTION. A limited liability  
24 company's right to the exclusive use of its name terminates on the date of the  
25 administrative dissolution under sub. (2) (c).

1           (4) REINSTATEMENT. (a) A limited liability company that is administratively  
2 dissolved under sub. (2) (c) may apply to the department for reinstatement within  
3 30 days after the date on which the limited liability company is dissolved. The  
4 application shall include all of the following:

5           1. The name of the limited liability company and the date on which it was  
6 administratively dissolved.

7           2. A statement that each ground for dissolution either did not exist or has been  
8 cured.

9           3. A statement that the limited liability company's name satisfies s. 183.0103.

10          (b) The department shall cancel the certificate of dissolution and issue a  
11 certificate of reinstatement under this paragraph if the department determines that  
12 the application contains the information required under par. (a), that the  
13 information is correct, and that all fees and penalties owed by the limited liability  
14 company to the department under this chapter have been paid. The certificate of  
15 reinstatement shall state the department's determination under this paragraph and  
16 the effective date of reinstatement. The department shall file the certificate and  
17 provide a copy to the limited liability company or its representative.

18          (c) When the reinstatement becomes effective, it shall relate back to and take  
19 effect as of the effective date of the administrative dissolution, and the limited  
20 liability company may resume carrying on its business as if the administrative  
21 dissolution had never occurred.

22          (d) If the department denies a limited liability company's application for  
23 reinstatement under par. (a), the department shall serve the limited liability  
24 company with a written notice of denial that explains each reason for the denial. The  
25 denial is subject to judicial review as provided in ss. 227.52 to 227.58.

SECTION 2159

1           \*-1431/2.16\* SECTION 2159. 186.098 (12) of the statutes is amended to read:

2           186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members  
3 secured by assignment or transfer of stock certificates or other evidence of the  
4 borrower's ownership interest in a corporation formed for the cooperative ownership  
5 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a  
6 mortgage involving a one-family residence, apply to a proceeding to enforce the  
7 lender's rights in security given for a loan under this subsection. The office of credit  
8 unions shall promulgate joint rules with ~~the division of savings institutions and the~~  
9 division of banking that establish procedures for enforcing a lender's rights in  
10 security given for a loan under this subsection.

11           \*-1824/6.41\* SECTION 2160. 186.235 (11) (dg) of the statutes is amended to  
12 read:

13           186.235 (11) (dg) *Special deputies*. The office of credit unions may appoint one  
14 or more special deputies as agent to assist in the duty of liquidation and distribution  
15 of the assets of one or more credit unions whose business and property the office of  
16 credit unions holds. A certificate of appointment shall be filed in the office of credit  
17 unions and a certified copy in the office of the clerk of the circuit court for the county  
18 in which the credit union is located. ~~The office of credit unions may employ retain~~  
19 ~~counsel, with the advice and consent of the attorney general~~ and may procure expert  
20 assistance and advice as necessary in the liquidation and distribution of the assets  
21 of the credit union, and may retain any officers or employees of the credit union that  
22 the office of credit unions considers to be necessary. The special deputies and  
23 assistants shall furnish security for the faithful discharge of their duties in an  
24 amount that the office of credit unions considers to be necessary. The special  
25 deputies may execute, acknowledge and deliver any deeds, assignments, releases or

On behalf of the

the department of administration

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the office of credit unions

1 other instruments necessary to effect any sale and transfer or encumbrance of real  
2 estate or personal property and may borrow money for use in the liquidation after  
3 the liquidation has been approved by the office of credit unions and an order obtained  
4 from the circuit court of the county in which the credit union is located.

5 **\*-0596/2.1\* SECTION 2161.** 186.235 (16) (title) and (a) of the statutes are  
6 amended to read:

7 186.235 (16) (title) ANNUAL PERIODIC EXAMINATION.

8 (a) At Except as provided in par. (b), at least once each year every 18 months,  
9 the office of credit unions shall examine the records and accounts of each credit  
10 union. For that purpose the office of credit unions shall have full access to, and may  
11 compel the production of, each credit union's records and accounts. They may  
12 administer oaths to and examine each credit union's officers and agents.

13 **\*-0596/2.2\* SECTION 2162.** 186.235 (16) (b) of the statutes is amended to read:

14 186.235 (16) (b) Instead of an ~~annual~~ examination of a credit union under par.  
15 (a), the office of credit unions may accept an audit report of the condition of the credit  
16 union made by a certified public accountant not an employee of the credit union in  
17 accordance with rules promulgated by the office of credit unions or may accept an  
18 examination or audit made or approved by the national board.

19 **\*-1187/4.26\* SECTION 2163.** Chapter 189 of the statutes is repealed.

20 **\*-1187/4.27\* SECTION 2164.** 190.001 of the statutes is repealed and recreated  
21 to read:

22 **190.001 Definition.** In this chapter, "division of hearings and appeals" means  
23 the division of hearings and appeals in the department of administration.

24 **\*-1187/4.28\* SECTION 2165.** 190.02 (6) of the statutes is amended to read:

1           190.02 (6) RAILROAD INTERSECTIONS. To cross, intersect, join or unite its railroad  
2 with any other railroad, at any point, with the necessary turnouts, sidings and  
3 switches and other conveniences in furtherance of the objects of its connections. And  
4 if the 2 corporations cannot agree upon the amount of compensation to be made  
5 therefor or the points and manner of such crossings and connections the same shall  
6 be ascertained by the office division of hearings and appeals on application of either  
7 corporation.

8           \*~~-1187/4.29~~\* SECTION 2166. 190.025 (2) (b) of the statutes is amended to read:

9           190.025 (2) (b) A railroad corporation that is subject to this subsection shall  
10 have all powers conferred by law upon railroad corporations. The railroad  
11 corporation may issue, sell, pledge or otherwise dispose of its evidences of debt, at  
12 such times, in such amounts, for such considerations and upon such terms and  
13 conditions as the board of directors of the corporation shall determine, and as shall  
14 be authorized by the office department of financial institutions, or the ~~interstate~~  
15 ~~commerce commission~~ federal surface transportation board in the case of a railroad  
16 corporation organized for the purpose of acquiring a railroad engaged in interstate  
17 commerce, or any existing railroad corporation reorganized under the act and  
18 acquiring railroad property used in interstate commerce. The evidences of debt may  
19 be convertible, at the option of the holder, into stock, and shares of stock. The shares  
20 may have a nominal or par value or, if the shares are shares of common stock, be  
21 without nominal or par value. The shares may be of such classes, with such rights  
22 and voting powers as may be expressed in the corporation's articles or any  
23 amendment thereto.

24           \*~~-1187/4.30~~\* SECTION 2167. 190.03 of the statutes is amended to read:

1           **190.03 Office in state; books produced.** Any railroad corporation existing  
2 under the laws of this state shall produce before the ~~office of the commissioner of~~  
3 railroads department of financial institutions, the legislature, or any committee of  
4 either house, or any court of record, its books of account and stock books, or so many  
5 and such parts thereof as may be required by them, or in the discretion of the ~~office~~  
6 ~~of the commissioner of railroads~~ department of financial institutions, legislature,  
7 committee or court, transcripts from such books, or such parts thereof as may be  
8 called for, duly authenticated; and each such railroad corporation shall designate  
9 some office within this state as its principal office and inform the ~~office of the~~  
10 ~~commissioner of railroads~~ department of financial institutions of such designation,  
11 and shall keep there or at the office of its transfer agents or registrars a list of its  
12 stockholders, giving the names and addresses of its stockholders, together with a  
13 statement of the number and class of shares of its stock held by each of them, as  
14 shown by its books. A failure or refusal to comply with any of the foregoing provisions  
15 shall be cause of forfeiture of its franchises.

16           \***-1187/4.31\*** SECTION 2168. 190.13 of the statutes is amended to read:

17           **190.13 Report to stockholders.** Every railroad corporation shall make an  
18 annual report to its stockholders of its operations for the preceding calendar year, or  
19 for its fiscal year, as the case may be, which report shall contain a balance sheet  
20 showing its assets and liabilities, its capital stock, and funded debt, and an income  
21 account showing its operating revenues, operating expenses, gross and net income,  
22 as the result of its traffic or business operations, and such other information in  
23 respect of its affairs as the board of directors shall deem advisable. A copy of each  
24 such report shall be kept on file in its principal office in this state, shall be mailed

1 to each stockholder whose post-office address is known and shall be filed with the  
2 office of the commissioner of railroads department of financial institutions.

3 \*–1187/4.32\* SECTION 2169. 190.16 (4) (a) of the statutes is amended to read:

4 190.16 (4) (a) Every railroad shall acquire the necessary right-of-way for and  
5 shall construct, connect, maintain and operate a reasonably adequate spur track  
6 whenever such spur track does not necessarily exceed 3 miles in length, is practically  
7 indispensable to the successful operation of any existing or proposed industry or  
8 enterprise, and its construction and operation is not unusually dangerous, and is not  
9 unreasonably harmful to public interest, and any person aggrieved by the failure of  
10 any railroad to fully perform such obligation may prosecute proceedings before the  
11 office division of hearings and appeals to compel compliance therewith.

12 \*–1187/4.33\* SECTION 2170. 190.16 (4) (b) of the statutes is amended to read:

13 190.16 (4) (b) Such railroad may require the person primarily to be served  
14 thereby to pay the legitimate cost and expense of acquiring the necessary  
15 right-of-way for such spur track, and of constructing the same, the cost to be  
16 estimated in separate items by the office department of transportation or the division  
17 of hearings and appeals, and deposited with the railroad, before it shall be required  
18 to incur any expense whatever therefor; but such person, in lieu of depositing the  
19 total estimated cost may offer in writing to construct such spur track, the offer to be  
20 accompanied by a surety company bond, running to such railroad, and conditioned  
21 upon the construction of such spur track in a good and workmanlike manner,  
22 according to the plans and specifications of such railroad, approved by the office  
23 department of transportation or the division of hearings and appeals, and deposit  
24 with such railroad the estimated cost of the necessary right-of-way. Provided that  
25 before the railroad shall be required to incur any expense whatever in the

1 construction of such spur track, the person primarily to be served thereby shall give  
2 the railroad a bond to be approved by the office department of transportation or the  
3 division of hearings and appeals as to form, amount and surety, securing the railroad  
4 against loss on account of any expense incurred beyond the estimated cost.

5 \*-1187/4.34\* SECTION 2171. 190.16 (4) (c) of the statutes is amended to read:

6 190.16 (4) (c) Whenever a spur track is so constructed at the expense of the  
7 owner of any industry or enterprise, and any other person shall desire a connection  
8 with such spur track, application therefor shall be made to the office department of  
9 transportation or the division of hearings and appeals, and such other person shall  
10 be required to pay to such owner an equitable proportion of the cost thereof, to be  
11 determined by the office department of transportation or the division of hearings and  
12 appeals.

13 \*-1187/4.35\* SECTION 2172. 190.16 (5) of the statutes is amended to read:

14 190.16 (5) REMOVAL, WHEN. Except where a spur track was constructed prior  
15 to June 16, 1925, at the expense of the railroad company, no spur track shall be  
16 removed, dismantled or otherwise rendered unfit for service except upon order of the  
17 office department of transportation or the division of hearings and appeals made  
18 after hearing held upon notice to all parties interested, and for good cause shown;  
19 provided that if no objection has been filed with the office department of  
20 transportation or the division of hearings and appeals within 20 days from the  
21 original publication of such notice, the office department of transportation or the  
22 division of hearings and appeals may without hearing authorize such spur track  
23 removed, dismantled or otherwise rendered unfit for service.

24 \*-1187/4.36\* SECTION 2173. 191.001 of the statutes is amended to read:

1           **191.001 Definition.** In this chapter, “~~office~~” “department” means the ~~office of~~  
2 ~~the commissioner of railroads~~ department of transportation.

3           \*–1187/4.37\* SECTION 2174. 191.01 (2) of the statutes is amended to read:

4           191.01 (2) CONSTRUCTION, CERTIFICATE FROM OFFICE DEPARTMENT PREREQUISITE.  
5 No railroad corporation shall begin the construction of any proposed line of railroad  
6 in this state until it shall have obtained from the ~~office~~ department a certificate ~~that~~  
7 ~~public convenience and a necessity require~~ authorizing the construction of the  
8 ~~railroad, and the certificate shall constitute the license from this state to the~~  
9 ~~company to build its proposed railroad.~~

10          \*–1187/4.38\* SECTION 2175. 191.02 (title) of the statutes is amended to read:

11          **191.02 (title) Application for certificate of necessity.**

12          \*–1187/4.39\* SECTION 2176. 191.03 of the statutes is amended to read:

13          **191.03 Articles; publication prerequisite to certificate.** No railroad  
14 corporation shall make application for a certificate authorizing construction of a  
15 railroad unless it has caused a copy of its corporate articles to be published as a class  
16 2 notice, under ch. 985, in each county in which the railroad is proposed to be located  
17 within 6 months next prior to the time of making such application, and files  
18 satisfactory proof thereof with the ~~office~~ department.

19          \*–1187/4.40\* SECTION 2177. 191.05 of the statutes is amended to read:

20          **191.05 Maps and profiles with application; changes.** Complete maps and  
21 profiles of the proposed railroad shall be filed with the application for a certificate  
22 ~~of convenience and necessity~~ authorizing construction. The ~~office~~ department may  
23 permit errors, omissions or defects in the application, maps and profiles to be  
24 supplied or corrected, and permit changes in the proposed route to be made.

25          \*–1187/4.41\* SECTION 2178. 191.06 of the statutes is amended to read:

1           **191.06 Railroad extensions; certificate and notice necessary.** If any  
2 railroad company organized prior to July 1, 1907, shall desire to extend its lines in  
3 this state or to build branches connected therewith, or to construct any portion of its  
4 authorized line of railroad, it shall, before beginning construction thereof, obtain a  
5 certificate ~~of convenience and necessity~~ authorizing the construction; but it shall not  
6 be necessary to publish the articles of such railroad.

7           \*~~1187/4.42~~\* **SECTION 2179.** 191.07 of the statutes is amended to read:

8           **191.07 Hearing of applicants; notice.** Upon receiving ~~such an~~ application  
9 for a certificate authorizing construction, the ~~office shall~~ department may set a time  
10 and place for a hearing, which time shall not be less than 3 weeks nor more than 8  
11 weeks from the date of filing the application, and the place shall be at the city of  
12 Madison, or at some place along the line of the proposed railroad, if the ~~office~~  
13 department deems the latter more convenient, ~~and. If the department sets a hearing,~~  
14 the department shall give to the applicant notice thereof, which notice shall be  
15 published by the applicant, as a class 2 notice, under ch. 985, in each county in which  
16 the railroad, extension or branch is proposed to be located, and proof of such  
17 publication shall be filed with the ~~office~~ department.

18           \*~~1187/4.43~~\* **SECTION 2180.** 191.09 of the statutes is repealed and recreated  
19 to read:

20           **191.09 Procedures before the department.** Chapter 227 applies to all  
21 proceedings under this chapter.

22           \*~~1187/4.44~~\* **SECTION 2181.** 191.10 (title) of the statutes is amended to read:

23           **191.10 (title) Certificate of necessity.**

24           \*~~1187/4.45~~\* **SECTION 2182.** 191.10 (1) of the statutes is amended to read:

## SECTION 2182

1           191.10 (1) ISSUANCE, FILING, RECORDING, CONDEMNATION. If the ~~office of the~~  
2 ~~commissioner of railroads finds that the proposed railroad would be a public~~  
3 ~~convenience and that a necessity requires its construction, the office of the~~  
4 ~~commissioner of railroads shall enter an order to that effect and issue department~~  
5 ~~issues~~ to the applicant a certificate that public convenience and a necessity require  
6 ~~the construction of the railroad as proposed. The certificate shall be filed in the office~~  
7 ~~of the department of financial institutions and the department of financial~~  
8 ~~institutions~~ under this chapter, the applicant shall file the certificate with the  
9 department of financial institutions. The department of transportation shall  
10 approve the map showing the route of the railroad. The applicant shall record the  
11 map certified by the ~~office of the commissioner of railroads~~ department of  
12 transportation in the office of the register of deeds in each county in which the  
13 railroad shall be located. The filing of the certificate with the department of financial  
14 institutions and the recording of the map, as above provided, are conditions  
15 precedent to the right of the applicant to institute condemnation proceedings.

16           \*~~1187/4.46~~\* SECTION 2183. 191.10 (2) of the statutes is amended to read:

17           191.10 (2) CERTIFICATE FOR PART OF LINE. ~~Whenever it shall appear to the office~~  
18 ~~that public convenience and a necessity do not require the construction of the~~  
19 ~~railroad as proposed in the application, but do require the construction of a part~~  
20 ~~thereof, the office~~ The department may issue a certificate for the construction of such  
21 part of the railroad as ~~public convenience and necessity require~~ proposed in the  
22 application.

23           \*~~1187/4.47~~\* SECTION 2184. 191.10 (3) of the statutes is amended to read:

24           191.10 (3) REFUSAL OF CERTIFICATE; RENEWAL OF APPLICATION. If the ~~office shall~~  
25 ~~determine that the proposed railroad is not a necessity or is not required by public~~

1 ~~convenience, the office shall by order refuse to grant a certificate, department denies~~  
2 ~~the application for a certificate, the department shall issue an order refusing the~~  
3 ~~certificate and~~ stating the reasons for the refusal. The application may be renewed  
4 after 2 years from the date of the refusal, but not sooner.

5 \*~~1187/4.48~~\* SECTION 2185. 191.11 of the statutes is amended to read:

6 **191.11 Revocation of certificate.** If any railroad company after obtaining  
7 a certificate ~~that public convenience and a necessity require authorizing the~~  
8 construction of the whole or part of its railroad fails to begin construction within one  
9 year from the date of the certificate, or having begun such construction, fails to  
10 prosecute the same, the ~~office~~ department may inquire into the reasons for such  
11 failure and may revoke the certificate, if the ~~office~~ department finds, after notice and  
12 hearing, that such failure is unreasonable.

13 \*~~1187/4.49~~\* SECTION 2186. 191.13 (2) of the statutes is amended to read:

14 191.13 (2) No railroad corporation shall exercise such power until it has  
15 obtained from the ~~office~~ department a certificate ~~that public convenience and~~  
16 ~~necessity require authorizing the construction of the temporary railroad, and the~~  
17 ~~certificate shall constitute the license to the company to build its proposed temporary~~  
18 ~~railroad.~~ The certificate shall specify the length of time the railroad may be  
19 maintained and operated, and may be renewed from time to time upon application  
20 by the railroad company. At the expiration of the time specified in the certificate, or  
21 any renewal thereof, the railroad company shall discontinue, dismantle and remove  
22 the temporary railroad; and may prior to the expiration of such time, upon order of  
23 the ~~office~~ department, and after a hearing, upon notice to all parties interested and  
24 good cause shown, discontinue, dismantle and remove the railroad.

25 \*~~1187/4.50~~\* SECTION 2187. 191.16 of the statutes is amended to read:

1           **191.16 Construction items submitted to ~~office~~ department.** Upon  
2 receiving the certificate of ~~public convenience and necessity~~ authorizing  
3 construction, the applicant shall before commencing construction submit to the ~~office~~  
4 department a condensed specification of the character of construction that the  
5 applicant proposes to install, showing the kind, quality and weight of the rail  
6 proposed to be used, the mode of construction, character, quality, and strength of all  
7 bridges, culverts and viaducts, the abutments and approaches proposed to be built,  
8 the grade of and proposed method of draining the roadbed, and the kind of power to  
9 be used and the plant and appliances to be employed in power production, and such  
10 other facts relating to the construction of the proposed railroad as the ~~office~~  
11 department requires.

12           \*–1187/4.51\* SECTION 2188. 191.17 of the statutes is amended to read:

13           **191.17 Public safety; investigation; approval of plans.** Upon receiving  
14 the specification required by s. 191.16, the ~~office~~ department shall examine the same  
15 and shall hear the applicant in support thereof, shall suggest and require  
16 modifications of the specification if the public safety so demands, eliminating so far  
17 as may be practicable, consistent with reasonable cost, all grade crossings of public  
18 highways, shall inspect the route of the proposed railroad if deemed desirable, and  
19 shall otherwise investigate and determine that the proposed construction will be  
20 adequate for securing public safety in the operation of the railroad, and thereupon  
21 the ~~office~~ department shall enter an order approving the specification and  
22 authorizing the construction of the railroad in accordance therewith.

23           \*–1187/4.52\* SECTION 2189. 191.19 (1) of the statutes is amended to read:

24           191.19 (1) Upon the completion of the construction of any railroad under the  
25 approved specification, the company shall, before operating the same for public

1 service, report to the ~~office~~ department; and the ~~office~~ department shall inspect the  
2 work. If the ~~office~~ department finds that the railroad has been constructed in  
3 accordance with the approved specification and is otherwise suitable and properly  
4 constructed so as to secure public safety in the operation thereof, the ~~office~~  
5 department shall enter an order authorizing its operation, which order shall be  
6 presumptive evidence of the sufficiency of such construction.

7 **\*-1187/4.53\* SECTION 2190.** 191.19 (3) of the statutes is amended to read:

8 191.19 (3) If upon inspection the ~~office~~ department shall deem that public  
9 safety requires the installation, operation and maintenance of some protective  
10 appliance at any grade crossing of railroad tracks the ~~office~~ department may, before  
11 granting the order, after notice and hearing, require the installation, operation and  
12 maintenance of suitable protective appliances, and shall apportion the expense of  
13 constructing, maintaining and operating such protective appliances among the  
14 owners of the tracks.

15 **\*-1187/4.54\* SECTION 2191.** 191.20 of the statutes is amended to read:

16 **191.20 Railroad routes; right to alter.** Every railroad company may, by the  
17 vote of two-thirds of its directors, alter or change the route of its railroad, by making  
18 and filing with the ~~office of the commissioner of railroads~~ department and the  
19 department of financial institutions and also by recording in the office of the register  
20 of deeds of the county or counties where the alteration or change is to be made, a  
21 surveyed map and certificate of the alteration or change. The alteration or change  
22 may not deviate from the original route for a greater distance than one mile at any  
23 point. No city or village may be left off the railroad by the change of route. The  
24 original end points of the railroad, or the route in any city or village, shall not be

1 changed without the approval of the ~~office of the commissioner of railroads~~  
2 department of transportation after notice to the municipality.

3 \*~~1187/4.55~~\* SECTION 2192. 191.21 of the statutes is amended to read:

4 **191.21 Notices in counties without newspapers.** If no newspaper is  
5 published in any county in which a railroad is proposed to be located, the publications  
6 required by this chapter may be made in such manner and at such places as the ~~office~~  
7 department shall designate.

8 \*~~1187/4.56~~\* SECTION 2193. 192.001 (1r) of the statutes is created to read:

9 192.001 (1r) "Division of hearings and appeals" means the division of hearings  
10 and appeals in the department of administration.

11 \*~~1187/4.57~~\* SECTION 2194. 192.001 (2) of the statutes is repealed.

12 \*~~1187/4.58~~\* SECTION 2195. 192.14 (10) of the statutes is amended to read:

13 192.14 (10) If in any particular case any temporary exemption from any  
14 requirement of this section is deemed necessary by a carrier, the ~~office~~ department  
15 shall consider the application of the carrier for temporary exemption and may grant  
16 the exemption when accompanied by a full statement of the conditions existing and  
17 the reasons for the exemption. Any exemption so granted will be limited to the  
18 particular case specified and shall be limited to a stated period of time.

19 \*~~1187/4.59~~\* SECTION 2196. 192.14 (12) of the statutes is amended to read:

20 192.14 (12) The ~~office~~ department may after public hearing make rules and  
21 establish the standards deemed necessary to carry out the purposes of this section.

22 \*~~1187/4.60~~\* SECTION 2197. 192.15 (14) of the statutes is amended to read:

23 192.15 (14) If in any particular case any exemption from any requirement of  
24 this section is deemed necessary by a carrier, the ~~office~~ department shall consider the  
25 application of the carrier for exemption and may grant the exemption when

1 accompanied by a full statement of the conditions existing and the reasons for the  
2 exemption. Any exemption so granted shall be limited to the particular case specified  
3 and shall be limited to a stated period of time.

4 \*–1187/4.61\* SECTION 2198. 192.25 (3) (a) of the statutes is amended to read:  
5 192.25 (3) (a) The office department, by rule, may grant an exception to sub.  
6 (2) if the office department determines that the exception will not endanger the life  
7 or property of any person.

8 \*–1187/4.62\* SECTION 2199. 192.27 (1) of the statutes is amended to read:  
9 192.27 (1) When the track of a railway corporation crosses the track of any  
10 other railway corporation at grade, or when their tracks and right-of-way are  
11 adjacent, except in counties having a population of at least 150,000, the corporations  
12 shall, within 60 days after a written request of the office department or the council  
13 or board of the city, town or village within which the tracks so cross or are adjacent,  
14 make a track connection within such town, city or village to afford reasonable and  
15 proper facilities for the interchange of traffic between their respective lines for  
16 forwarding and delivering freight, and the expense thereof shall be borne equally by  
17 those corporations, unless otherwise ordered by the office department.

18 \*–1187/4.63\* SECTION 2200. 192.29 (1) of the statutes is amended to read:  
19 192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the office department by  
20 the governing body of any city or village or by any railroad corporation alleging that  
21 any railroad crossing of one or more public highways or streets in the city or village  
22 is dangerous to human life and that public safety requires a designation of the  
23 maximum speed of a train over such crossing or crossings, or that an order previously  
24 made by the office department or, prior to the effective date of this subsection ....  
25 [revisor inserts date], by the office of the commissioner of transportation under ch.

1 195, 1991 stats., or the office of the commissioner of railroads under ch. 195, 2001  
2 stats., should be modified, the office department shall give notice to the parties in  
3 interest and order a hearing thereon in the manner provided by s. 195.04 under ch.  
4 227. If after the hearing the office shall determine department determines that the  
5 crossing or crossings described in the petition are dangerous to human life, it may  
6 by order determine what maximum speed of a train over the crossing is reasonably  
7 required by public safety and is consistent with the public need for adequate and  
8 expeditious passenger and freight service by railroad, having due regard for other  
9 orders entered by the office department, or, prior to the effective date of this  
10 subsection .... [revisor inserts date], by the office of the commissioner of  
11 transportation or the office of the commissioner of railroads, and to practical railroad  
12 operating conditions. Where the office department has designated the maximum  
13 speed of any train or trains over such crossing or crossings, or, prior to the effective  
14 date of this subsection .... [revisor inserts date], the office of the commissioner of  
15 transportation or the office of the commissioner of railroads has designated the  
16 maximum speed of any train or trains over such crossing or crossings and the  
17 designation remains unmodified by the department, the rate of speed shall be the  
18 lawful maximum speed at which any train affected by the order can be operated over  
19 the public highway or street crossing, until changed by subsequent order of the office  
20 department. Every railroad corporation violating any order entered under this  
21 subsection shall for every violation forfeit not less than \$10 nor more than \$100. The  
22 jurisdiction over train speeds hereby vested in the office department shall be  
23 exclusive, but any order entered by the office department hereunder shall be subject  
24 to judicial review in the manner provided by ch. 227.

25 \*-1187/4.64\* SECTION 2201. 192.29 (2) of the statutes is amended to read:

1           192.29 (2) ARTERIAL STOP SIGNS. In any proceeding under sub. (1) or under s.  
2           195.28, the office department may by order require that the state or municipality  
3           install at any crossing involved in such proceeding an official stop sign.

4           \*~~1187/4.65~~\* SECTION 2202. 192.29 (4) of the statutes is amended to read:

5           192.29 (4) HIGHWAYS, WHISTLE, HORN, BELL. No railroad train or locomotive shall  
6           run over any public traveled grade highway crossing outside of the limits of  
7           municipalities unless the whistle or horn shall be blown 1,320 feet from such crossing  
8           and the engine bell rung continuously from thence until the crossing be reached. But  
9           the office department may order that the ringing of the bell or the blowing of the  
10          whistle, or horn, or both, as required by this subsection shall be omitted at any  
11          crossing.

12          \*~~1187/4.66~~\* SECTION 2203. 192.29 (5) of the statutes is amended to read:

13          192.29 (5) ~~DANGER~~ WARNING SIGNS. Wherever its track crosses a public highway  
14          or street, every railroad corporation shall maintain on each side of the track and near  
15          such crossing a large signboard with the following inscription, painted in large  
16          letters: "Railroad Crossing," in such manner as to be visible to approaching traffic  
17          on the highway or street at least 100 feet distant railroad crossing sign. The sign  
18          shall be constructed and erected as provided in the manual adopted by the  
19          department under s. 84.02 (4) (e).

20          \*~~1187/4.67~~\* SECTION 2204. 192.31 (1) of the statutes is amended to read:

21          192.31 (1) Every railroad corporation shall maintain suitable telltales  
22          wherever any overhead structure or any part thereof is less than 23 feet above the  
23          top of rail; except that if the office department finds that the installation of a telltale  
24          at any particular place would be impracticable or would result in an increased  
25          hazard to either the public or an employee and that either or both such factors

1 outweigh the safety benefit which would result from the installation of a telltale, the  
2 office department may enter an order providing an exemption from this section. The  
3 exemption shall be ordered by the office department only after public hearing under  
4 sub. (4).

5 \*–1187/4.68\* SECTION 2205. 192.31 (2) of the statutes is amended to read:

6 192.31 (2) The office department may determine the materials for and the  
7 construction and placing of such telltales.

8 \*–1187/4.69\* SECTION 2206. 192.31 (4) of the statutes is amended to read:

9 192.31 (4) Upon finding that any such structure will not imperil life or limb,  
10 and that the public interest requires or permits such structure to be constructed or  
11 reconstructed otherwise than as permitted by sub. (3), the office department may  
12 exempt such structure from such provision. Such findings shall be made only upon  
13 written application, setting forth fully the grounds therefor and shall be made only  
14 after public hearing. The findings and order granting exemption shall be in writing  
15 and contain complete provisions and requirements as to the vertical clearance to be  
16 maintained in such construction or reconstruction. Such structure shall be  
17 constructed or reconstructed only in compliance with such order.

18 \*–1187/4.70\* SECTION 2207. 192.31 (5) of the statutes is amended to read:

19 192.31 (5) Prior to July 1, in each year every corporation operating a railroad  
20 within the state shall file with the office department a verified statement showing  
21 the location of every such bridge or other structure over any of its tracks at a height  
22 of less than 23 feet above the top of rail, together with a statement showing whether  
23 or not the provisions of this section have been fully complied with.

24 \*–1187/4.71\* SECTION 2208. 192.324 of the statutes is amended to read:

1           **192.324 Railroad bridges to be safe for employees.** Whenever a complaint  
2 is lodged with the ~~office~~ department by any person to the effect that a railroad bridge  
3 because of its style of construction does not have walks or railings and for that reason  
4 is dangerous to the life and limb of railroad employees and the safety of such  
5 employees requires the alteration so as to provide for such walks and railings of such  
6 bridge, the ~~office~~ department shall give notice to the party in interest, other than the  
7 complainant, of the filing of the complaint and furnish such party with a copy thereof,  
8 and order a hearing thereon, ~~in the manner provided for hearings in s. 195.31.~~ The  
9 ~~office~~ under s. 85.013 (3) and ch. 227 by the division of hearings and appeals. The  
10 department may proceed in a similar manner in the absence of a complaint when,  
11 in the opinion of the ~~office~~ department, the safety of railroad employees requires the  
12 alteration of a railroad bridge. After the hearing, the ~~office~~ division of hearings and  
13 appeals shall determine what alteration, if any, of such bridge, shall be made. The  
14 expense of such alteration shall be borne by the railroad company.

15           \*~~1187/4.72~~\* **SECTION 2209.** 192.327 (3) of the statutes is amended to read:

16           192.327 (3) The ~~office~~ department shall make and enforce reasonable rules  
17 relating to motor vehicles used to transport workers to and from their places of  
18 employment or during the course of their employment.

19           \*~~1187/4.73~~\* **SECTION 2210.** 192.327 (4) of the statutes is repealed.

20           \*~~1187/4.74~~\* **SECTION 2211.** 192.327 (5) of the statutes is repealed.

21           \*~~1187/4.75~~\* **SECTION 2212.** 192.327 (6) of the statutes is amended to read:

22           192.327 (6) The ~~office~~ department may, in enforcing the rules, inspect any  
23 motor vehicle used to transport workers to and from their places of employment or  
24 during the course of their employment. ~~Upon request of the office, the department~~  
25 ~~shall direct its traffic officers to assist the office in those inspections.~~

## SECTION 2213

1           \***-1187/4.76\*** SECTION 2213. 192.327 (7) of the statutes is amended to read:

2           192.327 (7) Whenever the ~~office~~ department finds that a motor vehicle used to  
3 transport workers to and from their places of employment or during the course of  
4 their employment violates any provision of the rules, the ~~office~~ department shall  
5 make, enter and serve upon the owner of the motor vehicle such order as may be  
6 necessary to protect the safety of workers transported in the motor vehicle.

7           \***-1187/4.77\*** SECTION 2214. 192.33 (5) of the statutes is amended to read:

8           192.33 (5) The maintenance of cattle guards may be omitted by the railroad  
9 company with the written consent of the ~~office~~ department specifying the particular  
10 crossings.

11           \***-1187/4.78\*** SECTION 2215. 192.34 of the statutes is amended to read:

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

22           \***-1187/4.79\*** SECTION 2216. 192.47 of the statutes is amended to read:

23           **192.47 Railroad police; oath; powers.** Any railway company may, at its own  
24 expense, appoint and employ railroad police officers at the stations or other places  
25 on the line of its road within this state as it deems necessary for the protection of its

1 property and the preservation of order on its premises and in and about its cars,  
2 depots, depot grounds, yards, buildings or other structures. Each police officer shall  
3 take an oath to support the constitution of the United States and claiming to be a  
4 citizen of the United States and shall file it with the ~~office~~ department. Each police  
5 officer shall, when on duty, wear a shield furnished by the company bearing the  
6 words "Railroad Police" and the name of the company. These police officers may  
7 arrest, with or without warrant, any person who in their presence commits upon the  
8 premises of the company or in or about its cars, depots, depot grounds, yards,  
9 buildings or other structures any offense against the laws of this state or the  
10 ordinances of any town, city or village, and shall also have the authority of sheriffs  
11 in regard to the arrest or apprehension of these offenders in or about the premises  
12 or appurtenances. In case of the arrest, by a railroad police officer, of any person  
13 without warrant the officer shall immediately take the offender before a judge  
14 having jurisdiction and make complaint against the offender. Every railway  
15 company shall be responsible for the acts of its police officers.

16 **\*-1187/4.80\* SECTION 2217.** 192.52 (3) of the statutes is amended to read:

17 192.52 (3) No railroad company operating in this state shall remove its shops  
18 from the place where the same are now located to any other point within or without  
19 this state or permanently close any shops in this state without first having secured  
20 ~~the consent and permission of the office~~ an order for such removal from the division  
21 of hearings and appeals, after due notice and public hearing, and in all other respects  
22 as provided for hearings in ch. 195 227. The ~~office~~ division of hearings and appeals  
23 shall render its decision within 30 days after such hearing.

24 **\*-1187/4.81\* SECTION 2218.** 192.52 (4) of the statutes is amended to read:

1           192.52 (4) No railroad company operating in this state shall remove or transfer  
2 its terminals or permanently close any terminals in this state without the permission  
3 ~~or consent of the office~~ an order for such removal, transfer or closing from the division  
4 of hearings and appeals after due hearing had on the matter, in compliance with ch.  
5 195 227.

6           \*~~1187/4.82~~\* SECTION 2219. 192.52 (5) of the statutes is amended to read:

7           192.52 (5) Before any railroad company operating in this state shall make any  
8 removal or transfer of shops or terminals or abandons the same, it shall file notice  
9 of intention so to do with the ~~office~~ division of hearings and appeals, and the ~~office~~  
10 division of hearings and appeals shall have the power to investigate whether such  
11 proposed removal, transfer or abandonment, as the case may be, is in the public  
12 interest and is not unreasonable or unfair as to the employees of such railroad  
13 company. No such removal or transfer shall be made during such investigation, or  
14 thereafter, if the ~~office~~ division of hearings and appeals finds such removal, transfer  
15 or abandonment is not in the public interest or is unreasonable or unfair as to the  
16 employees of such railroad.

17           \*~~1187/4.83~~\* SECTION 2220. 192.53 (4) (a) of the statutes is amended to read:

18           192.53 (4) (a) Upon finding that any structure that is subject to the provisions  
19 of this section will not imperil life or limb, and that the public interest requires or  
20 permits the structure to be constructed or reconstructed otherwise than as permitted  
21 by the provisions of this section, the ~~office~~ department may exempt the structure  
22 from the provisions of this section.

23           \*~~1187/4.84~~\* SECTION 2221. 192.53 (4) (b) of the statutes is amended to read:

24           192.53 (4) (b) The ~~office~~ department shall make the findings described in par.  
25 (a) only upon written application to it to exempt the construction or reconstruction

1 of a structure from the requirements of this section, setting forth fully the grounds  
2 therefor, and only after public hearing. The office's department's findings and order  
3 granting the exemption shall be in writing and shall contain complete provisions and  
4 requirements as to the horizontal clearance to be maintained in the construction or  
5 reconstruction. The structure shall be constructed or reconstructed only in  
6 compliance with the office's department's order.

7 \*-1187/4.85\* SECTION 2222. 192.53 (5) (a) (intro.) of the statutes is amended  
8 to read:

9 192.53 (5) (a) (intro.) Except as otherwise provided in this section and subject  
10 to the power of the office department to make exceptions to this section in a manner  
11 similar to the power given it in sub. (4), no railroad or shipper may do any of the  
12 following:

13 \*-1187/4.86\* SECTION 2223. 192.53 (6) of the statutes is amended to read:

14 192.53 (6) Any railroad or shipper to which this section applies, who violates  
15 any provision of this section or who fails, neglects or refuses to obey any lawful order  
16 made by the office department under this section, shall be fined not more than \$100  
17 or imprisoned for not more than 60 days or both.

18 \*-1187/4.87\* SECTION 2224. 192.55 (5) of the statutes is repealed.

19 \*-1187/4.88\* SECTION 2225. 192.56 (1) of the statutes is amended to read:

20 192.56 (1) It is unlawful for any railroad company owning or operating any  
21 railroad in whole or in part in this state, to abandon any station in any town, village  
22 or city on its line of railroad, within this state, or to remove the depot therefrom, or  
23 to withdraw agency service therefrom, without first obtaining from the office division  
24 of hearings and appeals an order authorizing such action.

25 \*-1187/4.89\* SECTION 2226. 192.56 (2) of the statutes is amended to read:

1           192.56 (2) At a station where agency service is provided the application to the  
2           office division of hearings and appeals for such authorizing order shall set forth the  
3           facts showing the necessity for such action by the railroad company, and if the office  
4           division of hearings and appeals finds that the application is sufficient  
5           presumptively to justify the order prayed for, it shall enter an order fixing the time  
6           and place of hearing on the application, which time shall not be less than 20 days  
7           after the posting provided for in sub. (3).

8           \*–1187/4.90\* SECTION 2227. 192.56 (3) of the statutes is amended to read:

9           192.56 (3) Notice of the time and place of the hearing and of the purpose thereof  
10          shall be given, by the office division of hearings and appeals, by posting the notice  
11          in 5 conspicuous places in the town or village.

12          \*–1187/4.91\* SECTION 2228. 192.56 (5) of the statutes is amended to read:

13          192.56 (5) The hearing shall be held as other hearings before the office division  
14          of hearings and appeals are held as far as applicable. The office division of hearings  
15          and appeals may dismiss the application or may grant it in whole or in part and under  
16          such conditions as it may deem equitable.

17          \*–1187/4.92\* SECTION 2229. 192.56 (6) of the statutes is amended to read:

18          192.56 (6) At a station where no agency service is provided, the application to  
19          the office division of hearings and appeals for such authorizing order shall set forth  
20          the facts showing the necessity for such action by the railroad company. Notice of  
21          proposed removal or abandonment shall be given by the office division of hearings  
22          and appeals by posting notice in 5 conspicuous places in the town or village  
23          concerned; and if within 20 days after the posting of notice no objections in writing  
24          are filed with the office division of hearings and appeals by persons directly affected,  
25          an order authorizing the abandonment of the station may be issued by the office

1 division of hearings and appeals. If such objections to the granting of the order are  
2 filed with the ~~office~~ division of hearings and appeals, the ~~office~~ division of hearings  
3 and appeals shall proceed to hold a hearing in the matter as provided in subs. (4) and  
4 (5).

5 \*~~0529/4.200~~\* SECTION 2230. 194.51 of the statutes is amended to read:

6 **194.51 Suit to recover protested tax.** No suit shall be maintained in any  
7 court to restrain or delay the collection or payment of the taxes levied in this chapter.  
8 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,  
9 may at any time within 90 days from the date of such payment, sue the state in an  
10 action at law to recover the tax so paid. If it is finally determined that said tax, or  
11 any part thereof, was wrongfully collected for any reason, it shall be the duty of the  
12 ~~department~~ secretary of administration to ~~issue a warrant on the state treasurer for~~  
13 pay out of the transportation fund the amount of such tax so adjudged to have been  
14 wrongfully collected, ~~and the treasurer shall pay the same out of the transportation~~  
15 fund. A separate suit need not be filed for each separate payment made by any  
16 taxpayer, but a recovery may be had in one suit for as many payments as may have  
17 been made within any 90-day period preceding the commencement of such an action.  
18 Such suits shall be commenced as provided in s. 775.01.

19 \*~~1187/4.93~~\* SECTION 2231. 195.001 (1r) of the statutes is created to read:

20 195.001 (1r) “Division of hearings and appeals” means the division of hearings  
21 and appeals in the department of administration.

22 \*~~1187/4.94~~\* SECTION 2232. 195.001 (2) of the statutes is repealed.

23 \*~~1187/4.95~~\* SECTION 2233. 195.001 (3) of the statutes is created to read:

24 195.001 (3) “Secretary” means the secretary of transportation.

25 \*~~1187/4.96~~\* SECTION 2234. 195.03 (title) of the statutes is amended to read:

1           **195.03** (title) **Office Department; powers and duties, general**  
2 **enumeration.**

3           \*–1187/4.97\* **SECTION 2235.** 195.03 (1) of the statutes is amended to read:

4           195.03 (1) **PRACTICE RULES.** The office department may take testimony and  
5 administer oaths and may promulgate rules to govern its proceedings and to regulate  
6 the mode and manner of all hearings. All hearings shall be open to the public.

7           \*–1187/4.98\* **SECTION 2236.** 195.03 (2) of the statutes is amended to read:

8           195.03 (2) ~~OFFICE DEPARTMENT~~ **INITIATIVE.** In any matter within its jurisdiction  
9 under ch. 192 or this chapter, the office department may initiate, investigate and  
10 order a hearing at its discretion upon such notice as it considers proper.

11           \*–1187/4.99\* **SECTION 2237.** 195.03 (7) of the statutes is amended to read:

12           195.03 (7) **STUDY CARRIER BUSINESS, DEMAND INFORMATION.** The office  
13 department may inquire into the management of the business of all railroads, and  
14 shall keep itself informed as to the manner in which the same is conducted, and may  
15 obtain from any railroad all necessary information to enable the office department  
16 to perform the duties and carry out the objects for which it is responsible.

17           \*–1187/4.100\* **SECTION 2238.** 195.03 (8) of the statutes is amended to read:

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

1           \***-1187/4.101\*** SECTION 2239. 195.03 (9) of the statutes is amended to read:

2           195.03 (9) EXAMINE BOOKS AND FILES OF CARRIERS. ~~The commissioner of railroads~~  
3           secretary or any person employed by the ~~office~~ department for that purpose shall,  
4           upon demand, have the right to inspect the books and papers of any railroad and to  
5           examine under oath any officer, agent or employee of such railroad in relation to its  
6           business and affairs; provided that any person other ~~that~~ than the ~~commissioner of~~  
7           railroads secretary who makes such demand shall produce his or her authority under  
8           the hand and seal of the ~~office~~ secretary.

9           \***-1187/4.102\*** SECTION 2240. 195.03 (10) of the statutes is amended to read:

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

16          \***-1187/4.103\*** SECTION 2241. 195.03 (11) of the statutes is amended to read:

17          195.03 (11) UNIFORM SYSTEM OF ACCOUNTING. ~~The office~~ department may  
18          prescribe a uniform system of keeping and rendering accounts of all railroad  
19          business transacted in this state, and the time within which railroads shall adopt  
20          such system; provided that all forms of accounts which may be prescribed by the  
21          office department shall conform as nearly as practicable to similar forms prescribed  
22          by federal authority.

23          \***-1187/4.104\*** SECTION 2242. 195.03 (12) of the statutes is repealed.

24          \***-1187/4.105\*** SECTION 2243. 195.03 (13) of the statutes is repealed.

25          \***-1187/4.106\*** SECTION 2244. 195.03 (14) of the statutes is repealed.

1           \*–1187/4.107\* SECTION 2245. 195.03 (15) of the statutes is repealed.

2           \*–1187/4.108\* SECTION 2246. 195.03 (16) of the statutes is repealed.

3           \*–1187/4.109\* SECTION 2247. 195.03 (17) of the statutes is amended to read:

4           195.03 (17) PRIVATE TRACKS. The ~~office~~ department shall have control of private  
5           railroad tracks insofar as the same are used by common carriers for the  
6           transportation of freight, in all respects the same as though such tracks were part  
7           of a public railroad.

8           \*–1187/4.110\* SECTION 2248. 195.03 (18) of the statutes is amended to read:

9           195.03 (18) SAFETY DEVICES. The ~~office~~ department may make reasonable rules,  
10          regulations, specifications and standards for the installation, operation and  
11          maintenance of all safety devices and measures.

12          \*–1187/4.111\* SECTION 2249. 195.03 (19) of the statutes is amended to read:

13          195.03 (19) RAILROAD STRUCTURES. The ~~office~~ department may order the repair  
14          or reconstruction of any inadequate or unsafe railroad track or structure.

15          \*–1187/4.112\* SECTION 2250. 195.03 (25) of the statutes is amended to read:

16          195.03 (25) DISTRIBUTION OF ORDERS. The ~~office~~ department shall upon  
17          application furnish certified copies, under its seal, of any order made by it, which  
18          shall be prima facie evidence of the facts stated therein.

19          \*–1187/4.113\* SECTION 2251. 195.03 (28) of the statutes is amended to read:

20          195.03 (28) LEGAL ACTIONS. The ~~office may sue and be sued in that name, and~~  
21          department may confer with or participate in any proceedings before any regulatory  
22          agency of any other state or of the federal government.

23          \*–1187/4.114\* SECTION 2252. 195.03 (29) of the statutes is amended to read:

24          195.03 (29) TRAIN PRIVILEGES. The employees authorized by the ~~office~~  
25          department to perform railroad inspection duties may, in the performance of such

1 duties, ride in and upon any engine, car or train of any class, of any railroad, upon  
2 payment of the lawful passenger fare, but such railroad shall not thereby be deemed  
3 to become a common carrier of passengers other than on passenger cars.

4 \*-1187/4.115\* SECTION 2253. 195.03 (30) (a) of the statutes is amended to read:

5 195.03 (30) (a) The ~~office~~ department shall give testimony at the hearing under  
6 s. 350.138 (4) (b), or shall submit a written report for introduction into the hearing  
7 record, on the factors stated in s. 350.138 (4) (d) 1., 2., 3., and 4.

8 \*-1187/4.116\* SECTION 2254. 195.03 (30) (b) of the statutes is amended to read:

9 195.03 (30) (b) The ~~office~~ department shall give the department of natural  
10 resources the ~~office's~~ department's opinion on whether the snowmobile crossing  
11 should be closed or removed in testimony at the hearing under s. 350.1395 (2) (b) 2.  
12 or in a written report for introduction into the hearing record.

13 \*-1187/4.117\* SECTION 2255. 195.04 of the statutes is repealed.

14 \*-1187/4.118\* SECTION 2256. 195.041 of the statutes is repealed.

15 \*-1187/4.119\* SECTION 2257. 195.042 of the statutes is repealed.

16 \*-1187/4.120\* SECTION 2258. 195.043 of the statutes is repealed.

17 \*-1187/4.121\* SECTION 2259. 195.044 of the statutes is repealed.

18 \*-1187/4.122\* SECTION 2260. 195.045 of the statutes is repealed.

19 \*-1187/4.123\* SECTION 2261. 195.046 of the statutes is repealed.

20 \*-1187/4.124\* SECTION 2262. 195.047 of the statutes is repealed.

21 \*-1187/4.125\* SECTION 2263. 195.05 of the statutes is repealed.

22 \*-1187/4.126\* SECTION 2264. 195.055 of the statutes is amended to read:

23 195.055 **Judicial review.** All orders and determinations of the ~~office~~  
24 department under this chapter are subject to judicial review under ch. 227.

25 \*-1187/4.127\* SECTION 2265. 195.06 of the statutes is repealed.

1           \*–1187/4.128\* SECTION 2266. 195.07 (1) of the statutes is repealed.

2           \*–1187/4.129\* SECTION 2267. 195.07 (2) of the statutes is amended to read:

3           195.07 (2) ATTORNEY GENERAL AND DISTRICT ATTORNEY TO PROSECUTE. Upon  
4 request of the office department, the attorney general or the district attorney of the  
5 proper county shall aid in any investigation, hearing or trial had under, and shall  
6 institute and prosecute all necessary actions or proceedings for the enforcement of,  
7 laws relating to railroads.

8           \*–1187/4.130\* SECTION 2268. 195.08 of the statutes is repealed.

9           \*–1187/4.131\* SECTION 2269. 195.09 of the statutes is repealed.

10          \*–1187/4.132\* SECTION 2270. 195.10 of the statutes is repealed.

11          \*–1187/4.133\* SECTION 2271. 195.11 of the statutes is repealed.

12          \*–1187/4.134\* SECTION 2272. 195.12 of the statutes is repealed.

13          \*–1187/4.135\* SECTION 2273. 195.13 of the statutes is repealed.

14          \*–1187/4.136\* SECTION 2274. 195.14 of the statutes is repealed.

15          \*–1187/4.137\* SECTION 2275. 195.15 of the statutes is repealed.

16          \*–1187/4.138\* SECTION 2276. 195.16 of the statutes is repealed.

17          \*–1187/4.139\* SECTION 2277. 195.17 of the statutes is repealed.

18          \*–1187/4.140\* SECTION 2278. 195.19 (1) of the statutes is amended to read:

19          195.19 (1) PASSENGER. Every railroad shall provide and maintain adequate  
20 passenger depots equipped with proper toilet facilities at its regular stations for the  
21 accommodation of passengers, and said depots shall be kept clean, well-lighted and  
22 warmed, for the comfort and accommodation of the traveling public, and shall be kept  
23 open continuously from not less than 20 minutes before any train carrying  
24 passengers is scheduled to arrive and until such train has departed and for such  
25 longer period in any case as the office department may determine is necessary for the

1 convenience and accommodation of the public. Where the office department  
2 determines that the service of certain trains in making stops on signals is in excess  
3 of reasonably adequate service, the provisions of this section shall not apply in  
4 connection with the rendition of such service.

5 \*~~1187/4.141~~\* SECTION 2279. 195.19 (3) of the statutes is amended to read:

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

19 \*~~1187/4.142~~\* SECTION 2280. 195.20 of the statutes is amended to read:

20 195.20 Joint use of railroad property. Whenever, upon complaint and after  
21 hearing had, the office department finds that ~~public convenience and necessity~~  
22 ~~require~~ the use by one or more railroads of the tracks, wires, poles, rights-of-way,  
23 switches, bridges or other property belonging to another railroad over or on any  
24 street, railroad, railway, right-of-way, bridge or viaduct, upon or over which said  
25 railroads have a right to operate, and ~~that such use will not prevent the owners or~~

1 other users thereof from performing their public duties, nor result in irreparable  
2 injury to such owners or other users thereof, the ~~office~~ department may, by order,  
3 direct that such use be permitted, and prescribe a reasonable compensation and  
4 reasonable terms and conditions for such joint use.

5 \*~~1187/4.143~~\* SECTION 2281. 195.21 of the statutes is amended to read:

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

22 \*~~1187/4.144~~\* SECTION 2282. 195.26 of the statutes is amended to read:

23 **195.26 Safety devices; block system.** Every railroad shall adopt reasonably  
24 adequate safety measures and install, operate and maintain reasonably adequate  
25 safety devices for the protection of life and property. If after investigation the ~~office~~

1 department shall determine that public safety requires it, the ~~office~~ department may  
2 order the railroad to install, operate and maintain a block system or other safety  
3 device or measure as may be necessary to render the operation of such railroad  
4 reasonably safe.

5 \*~~1187/4.145~~\* SECTION 2283. 195.27 of the statutes is amended to read:

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

14 \*~~1187/4.146~~\* SECTION 2284. 195.28 (1) of the statutes is amended to read:

15 195.28 (1) PETITION; HEARING; ORDER. Upon petition of ~~the department, city a~~  
16 city council, village board, town board, superintendent of highways or by 5 or more  
17 electors in any town, village or city, or of any railroad corporation or railroad  
18 historical society, to determine whether a public highway and railroad grade crossing  
19 protects and promotes public safety, or upon its own motion, the office department  
20 may investigate and issue an appropriate order without a public hearing. The  
21 department shall issue its order on the basis of investigation and criteria  
22 promulgated by rule with respect to the adequacy of grade crossing protection. The  
23 rule may include programming criteria relating to the priority of grade crossings in  
24 need of protection. If the petitioner, railroad, railroad historical society or any  
25 interested party objects to the order and ~~requests a hearing~~ within 20 days after the

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1 date that the order is issued, the ~~office shall proceed under s. 195.04.~~ Notice of an  
2 investigation or hearing shall be served upon the department, which shall be an  
3 interested party, and any recommendation it may file with the office at or prior to a  
4 hearing, if there is one, regarding crossing protection shall be considered as evidence  
5 in the proceeding department shall refer the order to the division of hearings and  
6 appeals for review as provided in s. 195.325. The ~~office~~ department or the division  
7 of hearings and appeals shall determine whether the existing warning devices at  
8 such crossing are adequate to protect and promote public safety. If the ~~office~~  
9 department or division of hearings and appeals determines, either without or after  
10 a hearing, that ~~protection~~ any such warning device is not adequate, it may order the  
11 railroad company or railroad historical society to keep a flagman at the crossing or  
12 to install automatic signals or other suitable safety device at specific locations at  
13 such crossing. The ~~office~~ department or the division of hearings and appeals may  
14 order the relocation of existing signals and devices to improve protection at a  
15 crossing. Any crossing ~~protection~~ warning device installed or maintained as  
16 approved by the ~~office~~ department or the division of hearings and appeals, whether  
17 by order or otherwise, shall be deemed adequate and appropriate protection for the  
18 crossing.

19 \*~~1187/4.147~~\* SECTION 2285. 195.28 (3) of the statutes is amended to read:

20 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this  
21 subsection, the cost of maintaining crossing ~~protection~~ warning devices ordered  
22 under sub. (1) shall be the responsibility of the railroad or railroad historical society.  
23 Any railroad company or railroad historical society that incurs expenses for  
24 maintenance of signals or other safety devices may file a claim for reimbursement  
25 with the department regardless of the date of installation of the signals or devices.

1 At the close of each fiscal year the department shall reimburse claimants under this  
2 subsection for 50% of the costs, as determined by the ~~office~~ department, incurred for  
3 maintenance of railroad crossing ~~protection~~ warning devices from the  
4 appropriations under s. 20.395 (2) (gj) and (gq). If the amount in the appropriations  
5 under s. 20.395 (2) (gj) and (gq) is not adequate to fund maintenance reimbursement  
6 under this subsection, the amount shall be prorated in the manner determined by  
7 the ~~office~~ department.

8 \*~~1187/4.148~~\* SECTION 2286. 195.28 (4) of the statutes is amended to read:

9 195.28 (4) PREVIOUS ~~OFFICE~~ ORDERS. Subsection (3) applies to maintenance costs  
10 for all crossing ~~protection~~ warning devices regardless of any prior order of the ~~office~~  
11 apportioning maintenance costs.

12 \*~~1187/4.149~~\* SECTION 2287. 195.285 (1) of the statutes is amended to read:

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

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1 from stopping at the crossing. If a petitioner or interested party objects to an order  
2 under this subsection within 20 days after the date that the order is issued, the  
3 department shall refer the order to the division of hearings and appeals for review  
4 as provided in s. 195.325.

5 \*–1187/4.150\* SECTION 2288. 195.285 (2) of the statutes is amended to read:

6 195.285 (2) Signs placed upon the order of the ~~office~~ department or the division  
7 of hearings and appeals under this section shall exempt vehicles from stopping as  
8 required under s. 346.45, unless a train or engine is occupying or approaching the  
9 crossing.

10 \*–1187/4.151\* SECTION 2289. 195.285 (3) of the statutes is amended to read:

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

16 \*–1187/4.152\* SECTION 2290. 195.286 (2) of the statutes is repealed and  
17 recreated to read:

18 195.286 (2) DESCRIPTION AND LOCATION. The signs shall be constructed, erected  
19 and located as specified by the manual adopted by the department under s. 84.02 (4)  
20 (e). This subsection does not apply to any sign complying with s. 195.286 (2) and (3),  
21 2001 stats., on the effective date of this subsection .... [revisor inserts date], until such  
22 time as the sign is replaced or relocated.

23 \*–1187/4.153\* SECTION 2291. 195.286 (3) of the statutes is repealed.

24 \*–1187/4.154\* SECTION 2292. 195.286 (5) of the statutes is amended to read:

1           195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or  
2 appearance of the signs provided for in this section shall be placed or permitted upon  
3 any highway, ~~nor any sign between such advance signs except signs or signals now~~  
4 ~~required by law or permitted by the office for protection at railway crossings.~~

5           \*~~1187/4.155~~\* SECTION 2293. 195.286 (6) (title) of the statutes is amended to  
6 read:

7           195.286 (6) (title) PENALTIES RELATING TO ~~FENCES~~ SIGNS.

8           \*~~1187/4.156~~\* SECTION 2294. 195.286 (8) of the statutes is amended to read:

9           195.286 (8) PROSECUTIONS. The district attorney shall prosecute any person  
10 violating this section, or begin and maintain any civil action necessary for its  
11 enforcement upon the demand of any county highway commissioner, or the  
12 department, ~~or the office.~~

13           \*~~1187/4.157~~\* SECTION 2295. 195.29 (1) of the statutes is amended to read:

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

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

18 \*~~1187/4.158~~\* SECTION 2296. 195.29 (2) of the statutes is amended to read:

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