

1 192.001 (1r) “Division of hearings and appeals” means the division of hearings
2 and appeals in the department of administration.

3 *–1187/4.57* SECTION 2168. 192.001 (2) of the statutes is repealed.

4 *–1187/4.58* SECTION 2169. 192.14 (10) of the statutes is amended to read:

5 192.14 (10) If in any particular case any temporary exemption from any
6 requirement of this section is deemed necessary by a carrier, the office department
7 shall consider the application of the carrier for temporary exemption and may grant
8 the exemption when accompanied by a full statement of the conditions existing and
9 the reasons for the exemption. Any exemption so granted will be limited to the
10 particular case specified and shall be limited to a stated period of time.

11 *–1187/4.59* SECTION 2170. 192.14 (12) of the statutes is amended to read:

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

14 *–1187/4.60* SECTION 2171. 192.15 (14) of the statutes is amended to read:

15 192.15 (14) If in any particular case any exemption from any requirement of
16 this section is deemed necessary by a carrier, the office department shall consider the
17 application of the carrier for exemption and may grant the exemption when
18 accompanied by a full statement of the conditions existing and the reasons for the
19 exemption. Any exemption so granted shall be limited to the particular case specified
20 and shall be limited to a stated period of time.

21 *–1187/4.61* SECTION 2172. 192.25 (3) (a) of the statutes is amended to read:

22 192.25 (3) (a) The office department, by rule, may grant an exception to sub.
23 (2) if the office department determines that the exception will not endanger the life
24 or property of any person.

25 *–1187/4.62* SECTION 2173. 192.27 (1) of the statutes is amended to read:

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1 192.27 (1) When the track of a railway corporation crosses the track of any
2 other railway corporation at grade, or when their tracks and right-of-way are
3 adjacent, except in counties having a population of at least 150,000, the corporations
4 shall, within 60 days after a written request of the office department or the council
5 or board of the city, town or village within which the tracks so cross or are adjacent,
6 make a track connection within such town, city or village to afford reasonable and
7 proper facilities for the interchange of traffic between their respective lines for
8 forwarding and delivering freight, and the expense thereof shall be borne equally by
9 those corporations, unless otherwise ordered by the office department.

10 *-1187/4.63* SECTION 2174. 192.29 (1) of the statutes is amended to read:

11 192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the office department by
12 the governing body of any city or village or by any railroad corporation alleging that
13 any railroad crossing of one or more public highways or streets in the city or village
14 is dangerous to human life and that public safety requires a designation of the
15 maximum speed of a train over such crossing or crossings, or that an order previously
16 made by the office department or, prior to the effective date of this subsection ...
17 [revisor inserts date], by the office of the commissioner of transportation under ch.
18 195, 1991 stats., or the office of the commissioner of railroads under ch. 195, 2001
19 stats., should be modified, the office department shall give notice to the parties in
20 interest and order a hearing thereon in the manner provided by s. 195.04 under ch.
21 227. If after the hearing the office ~~shall determine~~ department determines that the
22 crossing or crossings described in the petition are dangerous to human life, it may
23 by order determine what maximum speed of a train over the crossing is reasonably
24 required by public safety and is consistent with the public need for adequate and
25 expeditious passenger and freight service by railroad, having due regard for other

1 orders entered by the ~~office~~ department, or, prior to the effective date of this
2 subsection [revisor inserts date], by the office of the commissioner of
3 transportation or the office of the commissioner of railroads, and to practical railroad
4 operating conditions. Where the ~~office~~ department has designated the maximum
5 speed of any train or trains over such crossing or crossings, or, prior to the effective
6 date of this subsection [revisor inserts date], the office of the commissioner of
7 transportation or the office of the commissioner of railroads has designated the
8 maximum speed of any train or trains over such crossing or crossings and the
9 designation remains unmodified by the department, the rate of speed shall be the
10 lawful maximum speed at which any train affected by the order can be operated over
11 the public highway or street crossing, until changed by subsequent order of the ~~office~~
12 department. Every railroad corporation violating any order entered under this
13 subsection shall for every violation forfeit not less than \$10 nor more than \$100. The
14 jurisdiction over train speeds hereby vested in the ~~office~~ department shall be
15 exclusive, but any order entered by the ~~office~~ department hereunder shall be subject
16 to judicial review in the manner provided by ch. 227.

17 *~~-1187/4.64~~* SECTION 2175. 192.29 (2) of the statutes is amended to read:

18 192.29 (2) ARTERIAL STOP SIGNS. In any proceeding under sub. (1) or under s.
19 195.28, the ~~office~~ department may by order require that the state or municipality
20 install at any crossing involved in such proceeding an official stop sign.

21 *~~-1187/4.65~~* SECTION 2176. 192.29 (4) of the statutes is amended to read:

22 192.29 (4) HIGHWAYS, WHISTLE, HORN, BELL. No railroad train or locomotive shall
23 run over any public traveled grade highway crossing outside of the limits of
24 municipalities unless the whistle or horn shall be blown 1,320 feet from such crossing
25 and the engine bell rung continuously from thence until the crossing be reached. But

1 the office department may order that the ringing of the bell or the blowing of the
2 whistle, or horn, or both, as required by this subsection shall be omitted at any
3 crossing.

4 *~~1187/4.66~~* SECTION 2177. 192.29 (5) of the statutes is amended to read:

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

12 *~~1187/4.67~~* SECTION 2178. 192.31 (1) of the statutes is amended to read:

13 192.31 (1) Every railroad corporation shall maintain suitable telltales
14 wherever any overhead structure or any part thereof is less than 23 feet above the
15 top of rail; except that if the office department finds that the installation of a telltale
16 at any particular place would be impracticable or would result in an increased
17 hazard to either the public or an employee and that either or both such factors
18 outweigh the safety benefit which would result from the installation of a telltale, the
19 office department may enter an order providing an exemption from this section. The
20 exemption shall be ordered by the office department only after public hearing under
21 sub. (4).

22 *~~1187/4.68~~* SECTION 2179. 192.31 (2) of the statutes is amended to read:

23 192.31 (2) The office department may determine the materials for and the
24 construction and placing of such telltales.

25 *~~1187/4.69~~* SECTION 2180. 192.31 (4) of the statutes is amended to read:

1 192.31 (4) Upon finding that any such structure will not imperil life or limb,
2 and that the public interest requires or permits such structure to be constructed or
3 reconstructed otherwise than as permitted by sub. (3), the ~~office~~ department may
4 exempt such structure from such provision. Such findings shall be made only upon
5 written application, setting forth fully the grounds therefor and shall be made only
6 after public hearing. The findings and order granting exemption shall be in writing
7 and contain complete provisions and requirements as to the vertical clearance to be
8 maintained in such construction or reconstruction. Such structure shall be
9 constructed or reconstructed only in compliance with such order.

10 *~~1187/4.70~~* SECTION 2181. 192.31 (5) of the statutes is amended to read:

11 192.31 (5) Prior to July 1, in each year every corporation operating a railroad
12 within the state shall file with the ~~office~~ department a verified statement showing
13 the location of every such bridge or other structure over any of its tracks at a height
14 of less than 23 feet above the top of rail, together with a statement showing whether
15 or not the provisions of this section have been fully complied with.

16 *~~1187/4.71~~* SECTION 2182. 192.324 of the statutes is amended to read:

17 **192.324 Railroad bridges to be safe for employees.** Whenever a complaint
18 is lodged with the ~~office~~ department by any person to the effect that a railroad bridge
19 because of its style of construction does not have walks or railings and for that reason
20 is dangerous to the life and limb of railroad employees and the safety of such
21 employees requires the alteration so as to provide for such walks and railings of such
22 bridge, the ~~office~~ department shall give notice to the party in interest, other than the
23 complainant, of the filing of the complaint and furnish such party with a copy thereof,
24 and order a hearing thereon, ~~in the manner provided for hearings in s. 195.31. The~~
25 office under s. 85.013 (3) and ch. 227 by the division of hearings and appeals. The

1 department may proceed in a similar manner in the absence of a complaint when,
2 in the opinion of the office department, the safety of railroad employees requires the
3 alteration of a railroad bridge. After the hearing, the office division of hearings and
4 appeals shall determine what alteration, if any, of such bridge, shall be made. The
5 expense of such alteration shall be borne by the railroad company.

6 *-1187/4.72* SECTION 2183. 192.327 (3) of the statutes is amended to read:

7 192.327 (3) The office department shall make and enforce reasonable rules
8 relating to motor vehicles used to transport workers to and from their places of
9 employment or during the course of their employment.

10 *-1187/4.73* SECTION 2184. 192.327 (4) of the statutes is repealed.

11 *-1187/4.74* SECTION 2185. 192.327 (5) of the statutes is repealed.

12 *-1187/4.75* SECTION 2186. 192.327 (6) of the statutes is amended to read:

13 192.327 (6) The office department may, in enforcing the rules, inspect any
14 motor vehicle used to transport workers to and from their places of employment or
15 during the course of their employment. ~~Upon request of the office, the department~~
16 ~~shall direct its traffic officers to assist the office in those inspections.~~

17 *-1187/4.76* SECTION 2187. 192.327 (7) of the statutes is amended to read:

18 192.327 (7) Whenever the office department finds that a motor vehicle used to
19 transport workers to and from their places of employment or during the course of
20 their employment violates any provision of the rules, the office department shall
21 make, enter and serve upon the owner of the motor vehicle such order as may be
22 necessary to protect the safety of workers transported in the motor vehicle.

23 *-1187/4.77* SECTION 2188. 192.33 (5) of the statutes is amended to read:

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

4 *~~1187/4.78~~* SECTION 2189. 192.34 of the statutes is amended to read:

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

15 *~~1187/4.79~~* SECTION 2190. 192.47 of the statutes is amended to read:

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

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

9 ***-1187/4.80* SECTION 2191.** 192.52 (3) of the statutes is amended to read:

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

17 ***-1187/4.81* SECTION 2192.** 192.52 (4) of the statutes is amended to read:

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

23 ***-1187/4.82* SECTION 2193.** 192.52 (5) of the statutes is amended to read:

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

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

9 ***-1187/4.83* SECTION 2194.** 192.53 (4) (a) of the statutes is amended to read:

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

15 ***-1187/4.84* SECTION 2195.** 192.53 (4) (b) of the statutes is amended to read:

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

24 ***-1187/4.85* SECTION 2196.** 192.53 (5) (a) (intro.) of the statutes is amended

25 to read:

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

5 *~~1187/4.86~~* SECTION 2197. 192.53 (6) of the statutes is amended to read:

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

10 *~~1187/4.87~~* SECTION 2198. 192.55 (5) of the statutes is repealed.

11 *~~1187/4.88~~* SECTION 2199. 192.56 (1) of the statutes is amended to read:

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

17 *~~1187/4.89~~* SECTION 2200. 192.56 (2) of the statutes is amended to read:

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

25 *~~1187/4.90~~* SECTION 2201. 192.56 (3) of the statutes is amended to read:

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

4 ***-1187/4.91*** SECTION 2202. 192.56 (5) of the statutes is amended to read:

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

9 ***-1187/4.92*** SECTION 2203. 192.56 (6) of the statutes is amended to read:

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

22 ***-0529/4.200*** SECTION 2204. 194.51 of the statutes is amended to read:

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

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

11 *~~1187/4.93~~* SECTION 2205. 195.001 (1r) of the statutes is created to read:

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

14 *~~1187/4.94~~* SECTION 2206. 195.001 (2) of the statutes is repealed.

15 *~~1187/4.95~~* SECTION 2207. 195.001 (3) of the statutes is created to read:

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

17 *~~1187/4.96~~* SECTION 2208. 195.03 (title) of the statutes is amended to read:

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

20 *~~1187/4.97~~* SECTION 2209. 195.03 (1) of the statutes is amended to read:

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

24 *~~1187/4.98~~* SECTION 2210. 195.03 (2) of the statutes is amended to read:

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

4 *–1187/4.99* SECTION 2211. 195.03 (7) of the statutes is amended to read:

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

10 *–1187/4.100* SECTION 2212. 195.03 (8) of the statutes is amended to read:

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

19 *–1187/4.101* SECTION 2213. 195.03 (9) of the statutes is amended to read:

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

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

3 ***-1187/4.102*** SECTION 2214. 195.03 (10) of the statutes is amended to read:

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

10 ***-1187/4.103*** SECTION 2215. 195.03 (11) of the statutes is amended to read:

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

17 ***-1187/4.104*** SECTION 2216. 195.03 (12) of the statutes is repealed.

18 ***-1187/4.105*** SECTION 2217. 195.03 (13) of the statutes is repealed.

19 ***-1187/4.106*** SECTION 2218. 195.03 (14) of the statutes is repealed.

20 ***-1187/4.107*** SECTION 2219. 195.03 (15) of the statutes is repealed.

21 ***-1187/4.108*** SECTION 2220. 195.03 (16) of the statutes is repealed.

22 ***-1187/4.109*** SECTION 2221. 195.03 (17) of the statutes is amended to read:

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

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

3 ***-1187/4.110* SECTION 2222.** 195.03 (18) of the statutes is amended to read:

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

7 ***-1187/4.111* SECTION 2223.** 195.03 (19) of the statutes is amended to read:

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

10 ***-1187/4.112* SECTION 2224.** 195.03 (25) of the statutes is amended to read:

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

14 ***-1187/4.113* SECTION 2225.** 195.03 (28) of the statutes is amended to read:

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

18 ***-1187/4.114* SECTION 2226.** 195.03 (29) of the statutes is amended to read:

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

24 ***-1187/4.115* SECTION 2227.** 195.03 (30) (a) of the statutes is amended to read:

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

4 *–1187/4.116* SECTION 2228. 195.03 (30) (b) of the statutes is amended to read:

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

9 *–1187/4.117* SECTION 2229. 195.04 of the statutes is repealed.

10 *–1187/4.118* SECTION 2230. 195.041 of the statutes is repealed.

11 *–1187/4.119* SECTION 2231. 195.042 of the statutes is repealed.

12 *–1187/4.120* SECTION 2232. 195.043 of the statutes is repealed.

13 *–1187/4.121* SECTION 2233. 195.044 of the statutes is repealed.

14 *–1187/4.122* SECTION 2234. 195.045 of the statutes is repealed.

15 *–1187/4.123* SECTION 2235. 195.046 of the statutes is repealed.

16 *–1187/4.124* SECTION 2236. 195.047 of the statutes is repealed.

17 *–1187/4.125* SECTION 2237. 195.05 of the statutes is repealed.

18 *–1187/4.126* SECTION 2238. 195.055 of the statutes is amended to read:

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

21 *–1187/4.127* SECTION 2239. 195.06 of the statutes is repealed.

22 *–1187/4.128* SECTION 2240. 195.07 (1) of the statutes is repealed.

23 *–1187/4.129* SECTION 2241. 195.07 (2) of the statutes is amended to read:

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

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

4 *–1187/4.130* SECTION 2242. 195.08 of the statutes is repealed.

5 *–1187/4.131* SECTION 2243. 195.09 of the statutes is repealed.

6 *–1187/4.132* SECTION 2244. 195.10 of the statutes is repealed.

7 *–1187/4.133* SECTION 2245. 195.11 of the statutes is repealed.

8 *–1187/4.134* SECTION 2246. 195.12 of the statutes is repealed.

9 *–1187/4.135* SECTION 2247. 195.13 of the statutes is repealed.

10 *–1187/4.136* SECTION 2248. 195.14 of the statutes is repealed.

11 *–1187/4.137* SECTION 2249. 195.15 of the statutes is repealed.

12 *–1187/4.138* SECTION 2250. 195.16 of the statutes is repealed.

13 *–1187/4.139* SECTION 2251. 195.17 of the statutes is repealed.

14 *–1187/4.140* SECTION 2252. 195.19 (1) of the statutes is amended to read:

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

1 *–1187/4.141* SECTION 2253. 195.19 (3) of the statutes is amended to read:

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

15 *–1187/4.142* SECTION 2254. 195.20 of the statutes is amended to read:

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

1 ***-1187/4.143*** SECTION 2255. 195.21 of the statutes is amended to read:

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

18 ***-1187/4.144*** SECTION 2256. 195.26 of the statutes is amended to read:

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

1 *~~1187/4.145~~* SECTION 2257. 195.27 of the statutes is amended to read:

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

10 *~~1187/4.146~~* SECTION 2258. 195.28 (1) of the statutes is amended to read:

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

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

15 *~~1187/4.147~~* SECTION 2259. 195.28 (3) of the statutes is amended to read:

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

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

4 *~~1187/4.148~~* SECTION 2260. 195.28 (4) of the statutes is amended to read:

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

8 *~~1187/4.149~~* SECTION 2261. 195.285 (1) of the statutes is amended to read:

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

1 *–1187/4.150* SECTION 2262. 195.285 (2) of the statutes is amended to read:

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

6 *–1187/4.151* SECTION 2263. 195.285 (3) of the statutes is amended to read:

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

12 *–1187/4.152* SECTION 2264. 195.286 (2) of the statutes is repealed and
13 recreated to read:

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

19 *–1187/4.153* SECTION 2265. 195.286 (3) of the statutes is repealed.

20 *–1187/4.154* SECTION 2266. 195.286 (5) of the statutes is amended to read:

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

1 *~~1187/4.155~~* SECTION 2267. 195.286 (6) (title) of the statutes is amended to
2 read:

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

4 *~~1187/4.156~~* SECTION 2268. 195.286 (8) of the statutes is amended to read:
5 195.286 (8) PROSECUTIONS. The district attorney shall prosecute any person
6 violating this section, or begin and maintain any civil action necessary for its
7 enforcement upon the demand of any county highway commissioner, or the
8 department, ~~or the office~~.

9 *~~1187/4.157~~* SECTION 2269. 195.29 (1) of the statutes is amended to read:
10 195.29 (1) ~~PETITION, HEARING, PUBLIC SAFETY~~; ORDER. Upon If, upon its own
11 motion or upon petition by the common council or board of any city, village, town or
12 county within or bordering upon which a highway or street crosses a railroad, or a
13 highway or street is proposed to be laid out across a railroad, or a public highway
14 bridge across a railroad is required to connect existing streets or highways, or upon
15 petition by any railroad whose track crosses or is about to cross, or is crossed or about
16 to be crossed by a street or highway, or ~~upon petition by the department~~, in cases
17 where provision has been made for the improvement of the highway adjacent to such
18 crossing under any state aid or federal aid law, the department determines that
19 public safety requires an alteration in such crossing, its approaches, the method of
20 crossing, the location of the highway or crossing, or the closing of the crossing, and
21 the substitution of another therefor at grade or not at grade, or the removal of
22 obstructions to the view at such crossing, the relocation of the highway, or requires
23 the determination of the manner of making such new crossing, or of making the
24 proposed improvement or promoting the public safety or public convenience through
25 any other reasonable method, ~~and praying that the same may be ordered, the office~~

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

14 ***-1187/4.158* SECTION 2270.** 195.29 (2) of the statutes is amended to read:

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

24 ***-1187/4.159* SECTION 2271.** 195.29 (3) of the statutes is amended to read:

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

13 *~~-1187/4.160~~* SECTION 2272. 195.29 (4) of the statutes is amended to read:

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

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

15 *credit authority PRG1* *as affected by 2003 Wisconsin Act... (this act),*
 -1187/4.161 SECTION 2273. 195.29 (5) of the statutes is amended to read:

16 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. ~~Upon~~ If, upon its own motion *delete*

17 *delete score plain* or upon petition of the department, or of the common council or board of any city, *delete score plain*
 18 village, town, or county, alleging that one or more of them have undertaken or
 19 propose to undertake to relocate or improve an existing highway or to construct a new
 20 highway in such manner as to eliminate a highway grade crossing with any railroad
 21 or so as to permanently divert a material portion of the highway traffic from a
 22 highway grade crossing with any railroad, the office shall issue notice of
 23 investigation and hearing, as provided in s. 195.04. If upon such hearing the office

24 department finds that the public safety will be promoted by the highway relocation,
 25 improvement, or new construction, the office ~~department~~ shall order the old *delete score*

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1 crossings closed and new crossings opened as are deemed necessary for public safety.

2 The department may issue an appropriate order without a public hearing. The order

3 shall require the railroad company or companies to pay to the interested

4 municipality or municipalities such sum as the office department finds to be an

5 equitable portion of the cost of the highway relocation, improvement, or new

6 construction, if the work is performed by the municipalities; or to the state treasurer

7 secretary of administration if the work is performed by the state; or to the proper

8 county treasurer if the work is performed by the county. The sum shall be added to

9 the joint fund available for the improvement and may be expended in like manner

10 as the other portions of the fund.

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

11 ***-1187/4.162* SECTION 2274.** 195.29 (6) of the statutes is amended to read:

12 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.

13 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not

14 less than 330 feet in each direction from the center of its intersection at grade with

15 any public highway, and for such further distance as is necessary to provide an

16 adequate view of approaching trains, from the highway. Every municipality shall

17 keep the public highways within its jurisdiction clear of brush and shall adequately

18 trim all trees within 330 feet of the center of any railroad highway grade crossing.

19 Every person or corporation owning or occupying any land adjacent to any railroad

20 highway grade crossing shall keep all brush cut and adequately trim all trees on the

21 land within the triangles bounded on 2 sides by the railway and the highway, and on

22 the 3rd side by a line connecting points on the center lines of the railway and the

23 highway, 330 feet from the intersection of the center lines. The office department,

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

14 ***-1187/4.163* SECTION 2275.** 195.29 (7) of the statutes is amended to read:

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

19 ***-1187/4.164* SECTION 2276.** 195.29 (9) of the statutes is created to read:

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

24 ***-1187/4.165* SECTION 2277.** 195.29 (10) of the statutes is created to read:

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

5 *–1187/4.166* SECTION 2278. 195.295 of the statutes is created to read:

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

22 *–1187/4.167* SECTION 2279. 195.30 (1) of the statutes is amended to read:

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

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

17 *–1187/4.168* SECTION 2280. 195.305 of the statutes is amended to read:

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

1 *~~1187/4.169~~* SECTION 2281. 195.31 of the statutes is amended to read:

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

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

11 *~~1187/4.170~~* SECTION 2282. 195.32 of the statutes is amended to read:

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

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

4 *–1187/4.171* SECTION 2283. 195.325 of the statutes is created to read:

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

11 *–1187/4.172* SECTION 2284. 195.33 of the statutes is repealed.

12 *–1187/4.173* SECTION 2285. 195.34 of the statutes is amended to read:

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

18 *–1187/4.174* SECTION 2286. 195.36 of the statutes is amended to read:

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

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

4 *–1187/4.175* SECTION 2287. 195.37 of the statutes is repealed.

5 *–1187/4.176* SECTION 2288. 195.38 of the statutes is repealed.

6 *–1187/4.177* SECTION 2289. 195.45 (1) of the statutes is amended to read:

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

12 *–1187/4.178* SECTION 2290. 195.45 (2) of the statutes is amended to read:

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

16 *–1187/4.179* SECTION 2291. 195.45 (4) of the statutes is amended to read:

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

19 *–1187/4.180* SECTION 2292. 195.50 (1) of the statutes is amended to read:

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

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

8 *~~1187/4.181~~* SECTION 2293. 195.60 (title) of the statutes is amended to read:

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

10 *~~1187/4.182~~* SECTION 2294. 195.60 (1) of the statutes is amended to read:

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

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

13 *~~1187/4.183~~* SECTION 2295. 195.60 (2) of the statutes is amended to read:

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

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

, as affected by 2003 Wisconsin Act ... (this act),

8 ***-0529/4.201* SECTION 2296.** 195.60 (3) of the statutes is amended to read:

9 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)

10 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the

11 same or fails to file objections to the bill with the office division of hearings and

12 appeals, the office department shall transmit to the state treasurer secretary of

13 administration a certified copy of the bill, together with notice of neglect or refusal

14 to pay the bill, and on the same day the office department shall mail to the railroad

15 against which the bill has been rendered a copy of the notice which it has transmitted

16 to the state treasurer secretary of administration. Within 10 days after the receipt

17 of such notice and certified copy of such bill, the state treasurer secretary of

18 administration shall levy the amount stated on such bill to be due, with interest, by

19 distress and sale of any goods and chattels, including stocks, securities, bank

20 accounts, evidences of debt, and accounts receivable belonging to such delinquent

21 railroad. Such levy by distress and sale shall be governed by the provisions of s.

22 74.10, 1985 stats., except that it shall be made by the state treasurer secretary of

23 administration and that said goods and chattels anywhere within the state may be

24 levied upon.

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

1 *~~1187/4.184~~* SECTION 2297. 195.60 (4) (a) of the statutes is amended to read:

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

14 *~~1187/4.185~~* SECTION 2298. 195.60 (4) (b) of the statutes is amended to read:

15 195.60 (4) (b) If after the hearing the ~~office~~ division of hearings and appeals
16 finds the entire bill unlawful or invalid, it shall notify the objector and the
17 department of such determination, in which case the original bill shall be deemed
18 void.

19 *~~1187/4.186~~* SECTION 2299. 195.60 (4) (c) of the statutes is amended to read:

20 195.60 (4) (c) If after the hearing the ~~office~~ division of hearings and appeals
21 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,
22 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect

SECTION 2299

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

3 *-0529/4.202* SECTION 2300. 195.60 (4) (d) of the statutes is amended to read:

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

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

16 *-0529/4.203* SECTION 2301. 195.60 (5) of the statutes is amended to read:

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

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

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

6 ***-1187/4.187* SECTION 2302.** 195.60 (6) of the statutes is amended to read:

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

14 ***-1187/4.188* SECTION 2303.** 195.60 (7) (intro.) of the statutes is repealed.

15 ***-1187/4.189* SECTION 2304.** 195.60 (7) (a) of the statutes is renumbered
16 195.60 (7) and amended to read:

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

20 ***-1187/4.190* SECTION 2305.** 195.60 (7) (b) of the statutes is repealed.

21 ***-0529/4.204* SECTION 2306.** 196.199 (3) (d) of the statutes is amended to read:

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

SECTION 2306

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

15 *~~0666/9.100~~* SECTION 2307. 196.218 (3) (a) 3. b. of the statutes is amended
16 to read:

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

19 *~~0666/9.101~~* SECTION 2308. 196.218 (4t) of the statutes is amended to read:

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

1 *~~0666/9.102~~* SECTION 2309. 196.218 (5) (a) 5. of the statutes is amended to
2 read:

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

8 *~~1289/7.111~~* SECTION 2310. 196.218 (5) (a) 5. of the statutes, as affected by
9 2003 Wisconsin Act (this act), is amended to read:

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

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

15 *~~1289/7.112~~* SECTION 2311. 196.218 (5) (a) 6. of the statutes is amended to
16 read:

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

21 *~~0666/9.103~~* SECTION 2312. 196.218 (5) (a) 7. of the statutes is amended to
22 read:

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

5 *-0666/9.104* SECTION 2313. 196.218 (5) (a) 10. of the statutes is repealed.

6 *-1634/7.53* SECTION 2314. 196.491 (2) (e) of the statutes is amended to read:
7 196.491 (2) (e) Any state agency, as defined in s. 16.375 560.9810 (1), county,
8 municipality, town or person may submit written comments to the commission on a
9 strategic energy assessment within 90 days after copies of the draft are issued under
10 par. (b).

11 *-1373/8.17* SECTION 2315. 196.675 (1) of the statutes is renumbered 196.675
12 (1r).

13 *-1373/8.18* SECTION 2316. 196.675 (1g) of the statutes is created to read:
14 196.675 (1g) In this section, “assistant district attorney” includes an
15 assignable prosecutor, as defined in s. 978.001 (1c).

16 *-0529/4.205* SECTION 2317. 196.85 (3) of the statutes is amended to read:
17 196.85 (3) If any public utility, sewerage system, joint local water authority, or
18 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
19 days or fails to file objections to the bill with the commission, as provided in this
20 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of
21 administration a certified copy of the bill, together with notice of failure to pay the
22 bill, and on the same day the commission shall mail by registered mail to the public
23 utility, sewerage system, joint local water authority, or power district a copy of the
24 notice that it has transmitted to the state treasurer. Within 10 days after receipt of
25 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of

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

8 ***-0529/4.206*** SECTION 2318. 196.85 (4) (d) of the statutes is amended to read:

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

21 ***-0529/4.207*** SECTION 2319. 196.85 (5) of the statutes is amended to read:

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

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

8 *~~1289/7.113~~* SECTION 2320. 196.858 (1) and (2) of the statutes are amended
9 to read:

10 196.858 (1) The commission shall annually assess against local exchange and
11 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
12 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

13 (2) The commission shall assess a sum equal to the annual total amount under
14 sub. (1) to local exchange and interexchange telecommunications utilities in
15 proportion to their gross operating revenues during the last calendar year. If total
16 expenditures for telephone relay service exceeded the payment made under this
17 section in the prior year, the commission shall charge the remainder to assessed
18 telecommunications utilities in proportion to their gross operating revenues during
19 the last calendar year. A telecommunications utility shall pay the assessment within
20 30 days after the bill has been mailed to the assessed telecommunication utility. The
21 bill constitutes notice of the assessment and demand of payment. Payments shall
22 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

23 *~~1187/4.191~~* SECTION 2321. 197.10 (4) of the statutes is amended to read:

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

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

18 ***-1187/4.192* SECTION 2322.** 201.01 (1) of the statutes is amended to read:

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

22 ***-1187/4.193* SECTION 2323.** 201.01 (2) of the statutes is amended to read:

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

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

16 *~~1187/4.194~~* SECTION 2324. 201.10 (3) of the statutes is amended to read:

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

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

5 ***-1187/4.195* SECTION 2325.** 201.13 of the statutes is amended to read:

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

10 ***-1431/2.17* SECTION 2326.** 214.01 (1) (im) of the statutes is amended to read:

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

12 ***-1431/2.18* SECTION 2327.** 214.01 (1) (sr) of the statutes is amended to read:

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

15 ***-1431/2.19* SECTION 2328.** 214.592 of the statutes is amended to read:

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

21 **NOTICE OF RELATIONSHIP**

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

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

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

8 *~~1824/6.42~~* SECTION 2329. 214.72 (1) (b) of the statutes is amended to read:
9 214.72 (1) (b) “Financial regulator” means the department secretary and
10 deputy secretary, and an administrator, a supervisor of data processing, ~~legal counsel~~
11 and a financial institution examiner employed by the department and the
12 department’s legal counsel and includes any member of a financial regulator’s
13 immediate family, as defined in s. 19.42 (7).

14 *~~1431/2.20~~* SECTION 2330. 215.01 (6) of the statutes is amended to read:
15 215.01 (6) “Division” means the division of ~~savings institutions~~ banking.

16 *~~1431/2.21~~* SECTION 2331. 215.01 (22) of the statutes is amended to read:
17 215.01 (22) “Review board” means the ~~savings and loan~~ institutions review
18 board.

19 *~~1431/2.22~~* SECTION 2332. 215.02 (title) of the statutes is repealed and
20 recreated to read:

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

22 *~~1431/2.23~~* SECTION 2333. 215.02 (10) (a) 3. of the statutes is amended to
23 read:

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