

## SENATE BILL

## SECTION 1643

1 department and, upon collection, forwarded to the ~~state treasurer~~ secretary of  
2 administration and retained by the state. The payment dates provided for in sub.  
3 (3a) shall apply.

4 \*~~0529/4.152~~\* SECTION 1644. 76.48 (5) of the statutes is amended to read:

5 76.48 (5) Additional assessments may be made, if notice of such assessment is  
6 given, within 4 years of the date the annual return was filed, but if no return was  
7 filed, or if the return filed was incorrect and was filed with intent to defeat or evade  
8 the tax, an additional assessment may be made at any time upon the discovery of  
9 gross revenues by the department. Refunds may be made if a claim for the refund  
10 is filed in writing with the department within 4 years of the date the annual return  
11 was filed. Refunds shall bear interest at the rate of 9% per year and shall be certified  
12 by the department to the secretary of administration who shall audit the amounts  
13 of such overpayments and ~~the state treasurer shall~~ pay the amount audited.  
14 Additional assessments shall bear interest at the rate of 12% per year from the time  
15 they should have been paid to the date upon which they shall become delinquent if  
16 unpaid.

17 \*~~1767/3.55~~\* SECTION 1645. 76.48 (6) of the statutes is amended to read:

18 76.48 (6) All additional assessments and claims for refund shall be subject to  
19 the same procedure for review and final determination as is provided with respect  
20 to additional assessments and refunds of income or franchise taxes under chs. 71 and  
21 73, except that appeals of denials of claims for refunds shall be made directly to the  
22 office of the commissioner of tax appeals ~~commission~~ and except as such procedure  
23 conflicts with this section.

24 \*~~1680/2.24~~\* SECTION 1646. 76.82 of the statutes is amended to read:

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1           **76.82 Assessment.** The department, using the methods ~~that it uses~~ used to  
2 assess property under s. 70.995, shall assess the property that is taxable under s.  
3 76.81, including property that is exempt under s. 70.11 (27) from the tax under ch.  
4 70, at its value as of January 1.

5           \***-0338/1.5\*** **SECTION 1647.** 77.14 of the statutes is amended to read:

6           **77.14 Forest croplands information, protection, appropriation.** The  
7 department of natural resources shall publish and distribute information regarding  
8 the method of taxation of forest croplands under this subchapter, and may employ  
9 a fire warden in charge of fire prevention in forest croplands. All actual and  
10 necessary expenses incurred by the department of natural resources or by the  
11 department of revenue in the performance of their duties under this subchapter shall  
12 be paid from the appropriation made in s. 20.370 (1) ~~(mu)~~ (mv) upon certification by  
13 the department incurring such expenses.

14           \***-1767/3.56\*** **SECTION 1648.** 77.59 (6) (b) of the statutes is amended to read:

15           77.59 (6) (b) Appeals from the department's redeterminations shall be  
16 governed by the statutes applicable to income or franchise tax appeals but all appeals  
17 from decisions of the office of the commissioner of tax appeals ~~commission~~ with  
18 respect to the taxes imposed by this subchapter shall be appealed to the circuit court  
19 for Dane County.

20           \***-0529/4.153\*** **SECTION 1649.** 77.59 (7) of the statutes is amended to read:

21           77.59 (7) If the department believes that the collection of any tax imposed by  
22 this subchapter will be jeopardized by delay, it shall notify the person determined to  
23 owe the tax of its intention to proceed under s. 71.91 (5) for collection of the amount  
24 determined to be owing, including penalties and interest. Such notice shall be by  
25 certified or registered mail or by personal service and the warrant of the department

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1 shall not issue if the person, within 10 days after such notice furnishes a bond in such  
2 amount not exceeding double the amount determined to be owing and with such  
3 sureties as the department approves, conditioned upon the payment of so much of  
4 the taxes, interest, and penalties as shall finally be determined to be due. Nothing  
5 in this subsection shall affect the review of determinations of tax as provided in this  
6 subchapter and any amounts collected under this subsection shall be deposited with  
7 the ~~state treasurer~~ secretary of administration and disbursed after final  
8 determination of the taxes as are amounts deposited under ss. 71.89 (1) and 71.90  
9 (2).

10 \*~~1767/3.57~~\* SECTION 1650. 77.60 (2) (c) of the statutes is amended to read:

11 77.60 (2) (c) In the case of deficiency determinations, on or before the due date  
12 specified in the notice of deficiency, except that if the determination is contested  
13 before the office of the commissioner of tax appeals ~~commission~~ or in the courts, on  
14 or before the 30th day following the date on which the order or judgment  
15 representing the final determination becomes final.

16 \*~~1327/1.16~~\* SECTION 1651. 77.66 of the statutes is created to read:

17 **77.66 Refusal to collect taxes; certification.** The secretary of revenue shall  
18 determine and periodically certify to the secretary of administration the names of  
19 persons, and affiliates, as defined in s. 16.70 (1b), of persons, who refuse to collect and  
20 remit the taxes imposed under ss. 77.52 and 77.53 on their sales delivered to this  
21 state.

22 \*~~0338/1.6~~\* SECTION 1652. 77.91 (4) of the statutes is amended to read:

23 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses  
24 for the administration of this subchapter shall be paid from the appropriation under  
25 s. 20.370 (1) ~~(mu)~~ (mv).

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1           \*~~0338/1.7~~\* SECTION 1653. 77.91 (5) of the statutes is amended to read:

2           77.91 (5) RECORDING. Each register of deeds who receives notice of an order  
3 under this subchapter shall record the action as provided under s. 59.43 (1). The  
4 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.  
5 from the appropriation under s. 20.370 (1) (cr). If the amount in the appropriation  
6 under s. 20.370 (1) (cr) in any fiscal year is insufficient to pay the full amount  
7 required under this subsection in that fiscal year, the department shall pay the  
8 balance from the appropriation under s. 20.370 (1) (~~mu~~) (mv).

9           \*~~1564/2.1~~\* SECTION 1654. 79.015 of the statutes is amended to read:

10           **79.015 Statement of estimated payments.** The department of revenue, on  
11 or before September 15 of each year, shall provide to each municipality and county  
12 a statement of estimated payments to be made in the next calendar year to the  
13 municipality or county under ss. 79.03, 79.035, ~~79.036~~, 79.04, 79.05, 79.058, and  
14 79.06.

15           \*~~1564/2.2~~\* SECTION 1655. 79.02 (2) (b) of the statutes is amended to read:

16           79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the  
17 municipality's or county's estimated payments under ss. 79.03, 79.035, ~~79.036~~, 79.04,  
18 79.058, and 79.06 and 100% of the municipality's estimated payments under s. 79.05.

19           \*~~1567/9.11~~\* SECTION 1656. 79.02 (3) of the statutes is amended to read:

20           79.02 (3) (a) Subject to s. 59.605 (4), payments to each municipality and county  
21 in November shall equal that municipality's or county's entitlement to shared  
22 revenues under ss. 79.03, 79.035, ~~79.036~~, 79.04, 79.05, 79.058, and 79.06 for the  
23 current year, minus the amount distributed to the municipality or county in July.

24           (b) In November 2002, the amount of the payments to each municipality and  
25 county under ss. 79.03, 79.04, 79.05, 79.058, and 79.06 to be paid from the

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1 appropriation account under s. 20.855 (4) (rb) shall be the amount of such payments  
2 to the municipality or county multiplied by the quotient of an amount equal to the  
3 moneys available, as determined by the department of administration, from the  
4 appropriation account under s. 20.855 (4) (rb) divided by \$826,068,930.

\*\*\*\*NOTE: This is reconciled s. 79.02. This SECTION has been affected by LRB-1567  
and LRB-1564.

5 **\*-1567/9.12\* SECTION 1657.** 79.02 (3) (c) of the statutes is created to read:

6 79.02 (3) (c) In November 2003, the total amount of the payments to each  
7 municipality and county under ss. 79.03, 79.04, and 79.06 to be paid from the  
8 appropriation account under s. 20.835 (1) (t) shall equal \$230,000,000 and shall be  
9 applied to the payments in the manner determined by the department of revenue.

10 **\*-1567/9.13\* SECTION 1658.** 79.02 (3) (d) of the statutes is created to read:

11 79.02 (3) (d) 1. In November 2004, the total amount of the payments to each  
12 municipality and county under s. 79.035 to be paid from the appropriation account  
13 under s. 20.835 (1) (t) shall equal \$170,000,000 and shall be applied to the payments  
14 in the manner determined by the department of revenue.

15 2. In November 2004, the total amount of the payments to each municipality  
16 and county under s. 79.035 to be paid from the appropriation account under s. 20.835  
17 (1) (u) shall equal \$20,000,000 and shall be applied to the payments in the manner  
18 determined by the department of revenue.

19 **\*-1567/9.14\* SECTION 1659.** 79.03 (3) (a) of the statutes is amended to read:

20 79.03 (3) (a) The amount in the shared revenue account for municipalities and  
21 the amount in the shared revenue account for counties, less the payments under sub.  
22 (2) and s. 79.04, and, for the distribution in 2003, the amount appropriated under s.  
23 20.835 (1) (t), shall be allocated to each municipality and county respectively in

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1 proportion to its entitlement. In this paragraph, “entitlement” means the product  
2 of aidable revenues and tax base weight.

3 **\*-1565/6.1\* SECTION 1660.** 79.03 (4) of the statutes is amended to read:

4 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
5 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
6 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.  
7 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.  
8 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this  
9 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to  
10 municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,  
11 the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835  
12 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the  
13 total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ss. 20.835 (1)  
14 (d) and 20.855 (4) (rb) are \$769,092,800 to municipalities and \$170,671,600 to  
15 counties. In 2003, the total amounts to be distributed under ss. 79.03, 79.04, and  
16 79.06 from s. 20.835 (1) (d) and (t) are \$776,783,700 to municipalities, less the  
17 reductions under s. 79.034, and \$172,378,300 to counties, less the reductions under  
18 s. 79.034.

\*\*\*\*NOTE: This is reconciled s. 79.03 (4). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1565/4 and LRB-1567/8.

19 **\*-1565/6.2\* SECTION 1661.** 79.034 of the statutes is created to read:

20 **79.034 Reductions.** In 2003, after the total amount of the payments to each  
21 county and municipality under ss. 79.03, 79.04, 79.058, and 79.06 has been  
22 determined, the department of revenue shall reduce the total amount of such  
23 payments to each county and municipality by subtracting from such payments an

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1 amount based on the county's or municipality's population, as determined by the  
2 department, so that the total amount of the reduction to all such payments in 2003  
3 is \$10,000,000, except that the reduction applied to any county's or municipality's  
4 payments shall not exceed the amount of the payments distributed to the county or  
5 municipality under ss. 79.03, 79.04, 79.058, and 79.06 in 2003.

6 **\*-1567/9.15\* SECTION 1662.** 79.035 (1) of the statutes is amended to read:

7 79.035 (1) ~~Subject to reductions under s. 79.036 (3), in~~ In 2004 and subsequent  
8 years, each county and municipality shall receive a payment from the county and  
9 municipal aid account and, for distributions in 2004, from the appropriation  
10 accounts under s. 20.835 (1) (t) and (u) in an amount determined under sub. (2).

\*\*\*\*NOTE: This is reconciled s. 79.035 (1). This SECTION has been affected by  
LRB-1567 and LRB-1564.

11 **\*-1565/6.3\* SECTION 1663.** 79.035 (2) (a) 1. of the statutes is amended to read:

12 79.035 (2) (a) 1. For the distribution in 2004, each county and municipality will  
13 receive a payment that is equal to the amount of the payments the county or  
14 municipality would have received in 2003 under ss. 79.03, 79.058, and 79.06, if not  
15 for the reductions under s. 79.034, less the amount of the reduction under subd. 2.  
16 and, for a municipality, the reduction under subd. 3.

17 **\*-1565/6.4\* SECTION 1664.** 79.035 (2) (a) 2. of the statutes is amended to read:

18 79.035 (2) (a) 2. The department of revenue shall reduce the amount of the  
19 payments to be distributed to each county and municipality, as determined under  
20 subd. 1., by subtracting from such payments an amount based on the county's or  
21 municipality's population, as determined by the department, so that the total  
22 amount of the reduction to all such payments in 2004 is ~~\$40,000,000~~ \$50,000,000,  
23 except that the reduction applied to any county's or municipality's payment shall not

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1 exceed the amount of the payments specified under subd. 1. distributed to the county  
2 or municipality in 2003.

3 **\*-1565/6.5\* SECTION 1665.** 79.035 (2) (a) 3. of the statutes is created to read:

4 79.035 (2) (a) 3. After the reduction under subd. 2., the department of revenue  
5 shall reduce the amount of the payments to be distributed to each municipality, as  
6 determined under subd. 2., by subtracting from such payments an amount based on  
7 the municipality's population, as determined by the department, so that the total  
8 amount of the reduction to all such payments in 2004 is \$70,000,000, except that the  
9 reduction applied to any municipality's payment shall not exceed the amount of the  
10 payments specified under subd. 1. distributed to the municipality in 2003.

11 **\*-1564/2.3\* SECTION 1666.** 79.035 (2) (b) of the statutes is amended to read:

12 79.035 (2) (b) For the distribution in 2005 and subsequent years, each county  
13 and municipality shall receive a payment under this section that is equal to the  
14 amount of the payment determined for the county or municipality under par. (a) in  
15 2004 ~~prior to the reductions under s. 79.036.~~

16 **\*-1564/2.4\* SECTION 1667.** 79.036 of the statutes is repealed.

17 **\*-1567/9.16\* SECTION 1668.** 79.04 (1) (a) of the statutes is amended to read:

18 79.04 (1) (a) An amount from the shared revenue account or, for the  
19 distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by  
20 multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village,  
21 the first \$125,000,000 of the amount shown in the account, plus leased property, of  
22 each public utility except qualified wholesale electric companies, as defined in s.  
23 76.28 (1) (gm), on December 31 of the preceding year for either "production plant,  
24 exclusive of land" and "general structures", or "work in progress" for production  
25 plants and general structures under construction, in the case of light, heat and power



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1 companies, electric cooperatives or municipal electric companies, for all property  
2 within a municipality in accordance with the system of accounts established by the  
3 public service commission or rural electrification administration, less depreciation  
4 thereon as determined by the department of revenue and less the value of treatment  
5 plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as  
6 determined by the department of revenue plus an amount from the shared revenue  
7 account or, for the distribution in 2003, from the appropriation under s. 20.835 (1)  
8 (t) determined by multiplying by 3 mills in the case of a town, and 6 mills in the case  
9 of a city or village, of the first \$125,000,000 of the total original cost of production  
10 plant, general structures and work-in-progress less depreciation, land and  
11 approved waste treatment facilities of each qualified wholesale electric company, as  
12 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
13 within the municipality. The total of amounts, as depreciated, from the accounts of  
14 all public utilities for the same production plant is also limited to not more than  
15 \$125,000,000. The amount distributable to a municipality in any year shall not  
16 exceed \$300 times the population of the municipality.

17 \*~~1567/9.17~~\* SECTION 1669. 79.04 (2) (a) of the statutes is amended to read:

18 79.04 (2) (a) Annually, the department of administration, upon certification by  
19 the department of revenue, shall distribute from the shared revenue account or, for  
20 the distribution in 2003, from the appropriation under s. 20.835 (1) (t) to any county  
21 having within its boundaries a production plant or a general structure, including  
22 production plants and general structures under construction, used by a light, heat  
23 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described  
24 in s. 66.0813 unless the production plant is owned or operated by a local  
25 governmental unit that is located outside of the municipality in which the production

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1 plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48,  
2 respectively, or by a municipal electric company under s. 66.0825 an amount  
3 determined by multiplying by 6 mills in the case of property in a town and by 3 mills  
4 in the case of property in a city or village the first \$125,000,000 of the amount shown  
5 in the account, plus leased property, of each public utility except qualified wholesale  
6 electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding  
7 year for either “production plant, exclusive of land” and “general structures”, or  
8 “work in progress” for production plants and general structures under construction,  
9 in the case of light, heat and power companies, electric cooperatives or municipal  
10 electric companies, for all property within the municipality in accordance with the  
11 system of accounts established by the public service commission or rural  
12 electrification administration, less depreciation thereon as determined by the  
13 department of revenue and less the value of treatment plant and pollution  
14 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
15 department of revenue plus an amount from the shared revenue account or, for the  
16 distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by  
17 multiplying by 6 mills in the case of property in a town, and 3 mills in the case of  
18 property in a city or village, of the total original cost of production plant, general  
19 structures and work-in-progress less depreciation, land and approved waste  
20 treatment facilities of each qualified wholesale electric company, as defined in s.  
21 76.28 (1) (gm), as reported to the department of revenue of all property within the  
22 municipality. The total of amounts, as depreciated, from the accounts of all public  
23 utilities for the same production plant is also limited to not more than \$125,000,000.  
24 The amount distributable to a county in any year shall not exceed \$100 times the  
25 population of the county.

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1           \***-1565/6.6\*** SECTION 1670. 79.058 (3) (e) of the statutes is amended to read:

2           79.058 (3) (e) In 2003, \$21,181,100, less the reductions under s. 79.034.

3           \***-1837/2.3\*** SECTION 1671. 84.013 (2) (b) of the statutes is amended to read:

4           84.013 (2) (b) Except as provided in ss. 84.014, 84.03 (3), and 84.555, and  
5 subject to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall  
6 be funded from the appropriations under s. 20.395 (3) (cq) to (cx) and (4) (jq).

7           \***-1191/4.3\*** SECTION 1672. 84.014 (2) of the statutes is amended to read:

8           84.014 (2) Subject to ss. 84.555 and 86.255, any southeast Wisconsin freeway  
9 rehabilitation projects, including the Marquette interchange reconstruction project  
10 and projects that involve adding one or more lanes 5 miles or more in length to the  
11 existing freeway, may be funded only from the appropriations under ss. 20.395 (3)  
12 (cr), (cw), and (cy) and (4) (jq) and 20.866 (2) (uum).

      \*\*\*\*NOTE: This is reconciled s. 84.014 (2). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1191 and LRB-1837.

13           \***-1191/4.4\*** SECTION 1673. 84.014 (5m) (a) of the statutes is amended to read:

14           84.014 (5m) (a) Notwithstanding any other provision of this section, the  
15 department may not expend any moneys from the appropriations under s. 20.395 (3)  
16 (cr), (cw), and (cy) and (4) (jr) for a southeast Wisconsin freeway rehabilitation project  
17 that involves adding one or more lanes 5 miles or more in length to the existing  
18 freeway unless the project is specifically enumerated in a list under par. (b).

19           \***-1250/1.2\*** SECTION 1674. 84.03 (3) (title), (a) and (b) of the statutes are  
20 amended to read:

21           84.03 (3) (title) WEST CANAL STREET RECONSTRUCTION AND EXTENSION PROJECT.

22           (a) Subject to par. (b), the department shall, from the appropriations under s. 20.395

23           (3) (cr) and (cy), award a grant of \$5,000,000 from the amounts allocated for the

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1 Marquette interchange reconstruction project under 2001 Wisconsin Act 16, section  
2 9152 (5w), shall award a grant of \$2,500,000 under s. 86.31 (3s), and shall award  
3 grants totaling \$2,500,000 from the appropriation under s. 20.395 (3) (ck), to the city  
4 of Milwaukee for reconstruction of West Canal Street and extension of West Canal  
5 Street to USH 41 at Miller Park in the city of Milwaukee to serve as a transportation  
6 corridor for the purpose of mitigating traffic associated with the reconstruction of the  
7 Marquette interchange.

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

11 \*-1712/5.27\* SECTION 1675. 84.04 (3) of the statutes is repealed.

12 \*-1187/4.17\* SECTION 1676. 84.05 of the statutes is amended to read:

13 **84.05 Railroad crossing improvements.** On a highway which the  
14 department has authority to construct and which crosses a railroad, if the  
15 department determines that the construction or reconstruction of a grade separation  
16 or the rearrangement or elimination of a grade crossing or other rearrangement of  
17 the highway or tracks is necessary in the interest of public safety or for convenience  
18 of public travel, the department shall make a plan of the construction proposed and  
19 an estimate of the cost thereof, including the cost of needed right-of-way; and shall  
20 endeavor to make an arrangement with all persons concerned as to all matters  
21 involved in the plan, including the portion of the cost of the contemplated work which  
22 the persons shall defray. If the department is unable to contract with the persons  
23 concerned as to the distribution and payment of the cost of the work or the  
24 maintenance thereof, the department shall ~~lay the matter before the office of the~~  
25 ~~commissioner of railroads, and the office of the commissioner of railroads shall~~

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1 review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and  
2 195.29, and shall fix the portion of the cost of the construction and of the maintenance  
3 which is to be paid by the persons or corporations concerned, and the portion of the  
4 cost, if any, to be paid by the public, which portion shall be paid from the  
5 transportation fund, and issue an appropriate order. The office of the commissioner  
6 of railroads department shall determine the benefits, if any, which will inure to other  
7 highways, and apportion and charge to the units of government responsible for the  
8 construction of such other highways a fair portion of the cost. The department shall  
9 promulgate a rule establishing criteria with respect to the allocation of costs under  
10 this section. A person who is aggrieved by an order of the department under this  
11 section may, within 20 days after the date that the order is issued, request review of  
12 the order by the division of hearings and appeals. The division of hearings and  
13 appeals shall review the order in the manner provided in s. 195.325.

14 \*~~1640/1.4~~\* SECTION 1677. 84.06 (1) of the statutes is amended to read:

15 84.06 (1) DEFINITIONS. In this section, “improvement” or “highway  
16 improvement” includes construction, reconstruction, rehabilitation, and processes  
17 incidental to building, fabricating, or bettering a highway or street, but not  
18 maintenance. ~~The terms do not include the installation, replacement, rehabilitation,~~  
19 ~~or maintenance of highway signs, traffic control signals, highway lighting, pavement~~  
20 ~~markings, or intelligent transportation systems, unless incidental to building,~~  
21 ~~fabricating, or bettering a highway or street.~~

22 \*~~1640/1.5~~\* SECTION 1678. 84.06 (2) (a) of the statutes is amended to read:

23 84.06 (2) (a) All such highway improvements shall be executed by contract  
24 based on bids unless the department finds that another method as provided in sub.  
25 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in

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1 the manner determined by the department. Except as provided in s. 84.075, the  
2 contract shall be awarded to the lowest competent and responsible bidder as  
3 determined by the department. If the bid of the lowest competent bidder is  
4 determined by the department to be in excess of the estimated reasonable value of  
5 the work or not in the public interest, all bids may be rejected. The department shall,  
6 so far as reasonable, follow uniform methods of advertising for bids and may  
7 prescribe and require uniform forms of bids and contracts. Except as provided in par.  
8 (b), the secretary shall enter into the contract on behalf of the state. Every such  
9 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but  
10 ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an  
11 expenditure of \$1,000 or more shall not be valid until approved by the governor. The  
12 secretary may require the attorney general to examine any contract and any bond  
13 submitted in connection with the contract and report on its sufficiency of form and  
14 execution. The bond required by s. 779.14 (1m) is exempt from approval by the  
15 governor and shall be subject to approval by the secretary. This subsection also  
16 applies to contracts with private contractors based on bids under s. 84.067 and on  
17 bids for maintenance under s. 84.07.

18 \*~~1640/1.6~~\* **SECTION 1679.** 84.067 of the statutes is created to read:

19 **84.067 Contracts with private entities for certain services and**  
20 **materials.** The department may contract with a private entity for services or  
21 materials or both associated with the installation, replacement, rehabilitation, or  
22 maintenance of highway signs, traffic control signals, highway lighting, pavement  
23 markings, and intelligent transportation systems.

24 \*~~1640/1.7~~\* **SECTION 1680.** 84.07 (1) of the statutes is amended to read:

**SENATE BILL****SECTION 1680**

1           84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk  
2 highway system shall be maintained by the state at state expense. The department  
3 shall prescribe by rule specifications for such maintenance and may contract with  
4 any county highway committee or municipality to have all or certain parts of the  
5 work of maintaining the state trunk highways within or beyond the limits of the  
6 county or municipality, including interstate bridges, performed by the county or  
7 municipality, and any county or municipality may enter into such contract. General  
8 maintenance activities include the application of protective coatings, the removal  
9 and control of snow, the removal, treatment and sanding of ice, interim repair of  
10 highway surfaces and adjacent structures, and all other operations, activities and  
11 processes required on a continuing basis for the preservation of the highways on the  
12 state trunk system, and including the care and protection of trees and other roadside  
13 vegetation and suitable planting to prevent soil erosion or to beautify highways  
14 pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate  
15 traffic service. Special maintenance activities include the restoration,  
16 reinforcement, complete repair or other activities which the department deems are  
17 necessary on an individual basis for specified portions of the state trunk system.  
18 ~~Maintenance activities also include the installation, replacement, rehabilitation, or~~  
19 ~~maintenance of highway signs, traffic control signals, highway lighting, pavement~~  
20 ~~markings, and intelligent transportation systems. The department may contract~~  
21 ~~with a private entity for services or materials or both associated with the installation,~~  
22 ~~replacement, rehabilitation, or maintenance of highway signs, traffic control signals,~~  
23 ~~highway lighting, pavement markings, and intelligent transportation systems.~~

24           \*~~1712/5.28~~\* SECTION 1681. 84.07 (5) of the statutes is repealed.

25           \*~~1640/1.8~~\* SECTION 1682. 84.075 (1) of the statutes is amended to read:

**SENATE BILL****SECTION 1682**

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

9           \*~~1640/1.9~~\* **SECTION 1683.** 84.075 (3) of the statutes is amended to read:

10           84.075 (3) The department shall at least semiannually, or more often if  
11 required by the department of administration, report to the department of  
12 administration the total amount of money it has paid to contractors, subcontractors  
13 and vendors which are minority businesses under ss. 84.01 (13), 84.06, 84.067, and  
14 84.07 and the number of contacts with minority businesses in connection with  
15 proposed purchases and contracts. In its reports, the department shall include only  
16 amounts paid to businesses certified by the department as minority businesses.

17           \*~~1634/7.48~~\* **SECTION 1684.** 84.09 (5) of the statutes is amended to read:

18           84.09 (5) Subject to the approval of the governor, the department may sell at  
19 public or private sale property of whatever nature owned by the state and under the  
20 jurisdiction of the department when the department determines that the property  
21 is no longer necessary for the state's use for highway purposes and, if real property,  
22 the real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). The  
23 department shall present to the governor a full and complete report of the property  
24 to be sold, the reason for the sale, and the minimum price for which the same should  
25 be sold, together with an application for the governor's approval of the sale. The



## SENATE BILL

## SECTION 1684

1 governor shall thereupon make such investigation as he or she may deem necessary  
2 and approve or disapprove the application. Upon such approval and receipt of the  
3 full purchase price, the department shall by appropriate deed or other instrument  
4 transfer the property to the purchaser. The approval of the governor is not required  
5 for public or private sale of property having a fair market value at the time of sale  
6 of not more than \$3,000, for the transfer of surplus state real property to the  
7 department of administration under s. ~~16.375~~ 560.9810 or for the transfer of surplus  
8 state personal property to the department of tourism under sub. (5s). The funds  
9 derived from sales under this subsection shall be deposited in the transportation  
10 fund, and the expense incurred by the department in connection with the sale shall  
11 be paid from such fund.

12 \*~~1634/7.49~~\* SECTION 1685. 84.09 (5r) of the statutes is amended to read:

13 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),  
14 the department may, subject to the approval of the governor, donate real property  
15 that is adjacent to the veterans memorial site located at The Highground in Clark  
16 County and owned by the state and under the jurisdiction of the department to the  
17 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans  
18 memorial site located at The Highground in Clark County for the purpose of a  
19 memorial hall specified in s. 70.11 (9). The department may donate property under  
20 this subsection only when the department determines that the property is no longer  
21 necessary for the state's use for highway purposes and is not the subject of a petition  
22 under s. ~~16.375~~ 560.9810 (2) and is transferred with a restriction that the donee may  
23 not subsequently transfer the real property to any person except to this state, which  
24 shall not be charged for any improvements thereon. Such restriction shall be  
25 recorded in the office of the register of deeds in the county in which the property is

## SENATE BILL

## SECTION 1685

1 located. The department shall present to the governor a full and complete report of  
2 the property to be donated, the reason for the donation, and the minimum price for  
3 which the property could likely be sold under sub. (5), together with an application  
4 for the governor's approval of the donation. The governor shall thereupon make such  
5 investigation as he or she considers necessary and approve or disapprove the  
6 application. Upon such approval, the department shall by appropriate deed or other  
7 instrument transfer the property to the donee. The approval of the governor is not  
8 required for donation of property having a fair market value at the time of donation  
9 of not more than \$3,000. Any expense incurred by the department in connection with  
10 the donation shall be paid from the transportation fund.

11 **\*-0529/4.154\* SECTION 1686.** 84.11 (4) of the statutes is amended to read:

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

## SENATE BILL

## SECTION 1686

1 the project and for acquirement of any lands necessary for such streets or highways,  
2 relocation or construction. The estimate of cost made by the department shall be  
3 conclusive insofar as cost may determine eligibility of construction under this  
4 section.

5 **\*-0529/4.155\* SECTION 1687.** 84.12 (4) of the statutes is amended to read:

6 84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the  
7 construction is necessary, and that provision has been made or will be made by the  
8 adjoining state or its subdivisions to bear its or their portions of the cost of the project,  
9 the department, in cooperation with the state highway department of the adjoining  
10 state, shall determine the location thereof, the character and kind of bridge and other  
11 construction most suitable at such location, estimate the cost of the project, and  
12 determine the respective portions of the estimated cost to be paid by each state and  
13 its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the  
14 department shall further determine the respective portions of the cost to be paid by  
15 this state and by its subdivisions which are required to pay portions of the cost. The  
16 department, after such hearing, investigation, and negotiations, shall make its  
17 finding, determination, and order in writing and file a certified copy thereof with the  
18 clerk of each county, city, village, or town in this state in which any part of the bridge  
19 project will be located, with the secretary of state, and the ~~state treasurer~~ secretary  
20 of administration and with the state highway department of the adjoining state. The  
21 determination of the location set forth in the finding, determination, and order of the  
22 department shall be conclusive as to such location and shall constitute full authority  
23 for laying out new streets or highways or for any relocations of the highways made  
24 necessary for the construction of the project and for acquiring lands necessary for  
25 such streets or highways, relocation or construction.

## SENATE BILL

## SECTION 1688

1           \*~~0863/2.1~~\* SECTION 1688. 84.30 (2) (i) of the statutes is amended to read:

2           84.30 (2) (i) “Primary highway” means any highway, other than an interstate  
3 highway, ~~at any time officially designated by the department, and approved by the~~  
4 appropriate authority of the federal government, as a part of the federal-aid primary  
5 system ~~by the department and approved by the appropriate authority of the federal~~  
6 government in existence on June 1, 1991, or as a part of the national highway system  
7 identified in 23 USC 103 (b).

8           \*~~0863/2.2~~\* SECTION 1689. 84.30 (3) (intro.) of the statutes is amended to read:

9           84.30 (3) SIGNS PROHIBITED. (intro.) No sign visible from the main-traveled way  
10 of any interstate or federal-aid primary highway may be erected or maintained,  
11 except the following:

12           \*~~0863/2.3~~\* SECTION 1690. 84.30 (3) (d) of the statutes is amended to read:

13           84.30 (3) (d) Signs located in business areas on March 18, 1972. This  
14 paragraph does not apply to a sign in a business area adjoining that portion of an  
15 interstate or primary highway designated by the department as a scenic byway  
16 under s. 84.106.

17           \*~~0863/2.4~~\* SECTION 1691. 84.30 (3) (e) of the statutes is amended to read:

18           84.30 (3) (e) Signs to be erected in business areas subsequent to March 18,  
19 1972, which when erected will comply with sub. (4). This paragraph does not apply  
20 to a sign in a business area adjoining that portion of an interstate or primary  
21 highway designated by the department as a scenic byway under s. 84.106.

22           \*~~0863/2.5~~\* SECTION 1692. 84.30 (3) (i) of the statutes is amended to read:

23           84.30 (3) (i) Signs on farm buildings which are utilized by owners of the  
24 building for agricultural purposes if the signs promote a Wisconsin agricultural  
25 product unless prohibited by federal law. This paragraph does not apply to a sign in

## SENATE BILL

## SECTION 1692

1 an adjacent area adjoining that portion of an interstate or primary highway  
2 designated by the department as a scenic byway under s. 84.106.

3 \*–0863/2.6\* SECTION 1693. 84.30 (3) (j) 1. of the statutes is amended to read:

4 84.30 (3) (j) 1. Signs erected by the Crime Stoppers, the nationwide  
5 organization affiliated with local police departments, on or before October 14, 1997,  
6 without regard to whether the department has issued a license for the sign. The  
7 department may not remove a sign authorized under this paragraph unless the sign  
8 does not conform to federal requirements. The requirements under s. 86.19 do not  
9 apply to signs described in this subdivision. This subdivision does not apply to a sign  
10 in an adjacent area adjoining that portion of an interstate or primary highway  
11 designated by the department as a scenic byway under s. 84.106.

12 \*–0863/2.7\* SECTION 1694. 84.30 (6) (b) of the statutes is amended to read:

13 84.30 (6) (b) Signs lawfully in existence on land adjoining any highway made  
14 an interstate or primary highway after March 18, 1972, or on land adjoining that  
15 portion of an interstate or primary highway designated by the department as a scenic  
16 byway under s. 84.106 after the effective date of this paragraph .... [revisor inserts  
17 date].

18 \*–1191/4.5\* SECTION 1695. 84.59 (1) of the statutes is amended to read:

19 84.59 (1) Transportation facilities under s. 84.01 (28) and, major highway  
20 projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09,  
21 state highway rehabilitation projects for the purposes specified in s. 20.395 (3) (cq)  
22 and the purposes under ss. 84.06 and 84.09, and the Marquette interchange  
23 reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09 may  
24 be funded with the proceeds of revenue obligations issued subject to and in  
25 accordance with subch. II of ch. 18.

## SENATE BILL

## SECTION 1695

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

1           \***-1772/3.3\*** SECTION 1696. 84.59 (2) of the statutes is renumbered 84.59 (2) (a).

2           \***-1772/3.4\*** SECTION 1697. 84.59 (2) (b) of the statutes is created to read:

3           84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
4 distinct special fund outside the state treasury, in an account maintained by a  
5 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
6 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
7 and (2m), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am),  
8 (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2)  
9 (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3), and 342.14, except s. 342.14 (1r). The  
10 revenues deposited are the trustee's revenues in accordance with the agreement  
11 between this state and the trustee or in accordance with the resolution pledging the  
12 revenues to the repayment of revenue obligations issued under this section. Revenue  
13 obligations issued for the purposes specified in sub. (1) and deposited under this  
14 paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special  
15 fund programs, as defined in s. 18.52 (8).

16           \***-1772/3.5\*** SECTION 1698. 84.59 (3) of the statutes is amended to read:

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

## SENATE BILL

## SECTION 1698

1 in the transportation fund and that the transferred amounts are free of any prior  
2 pledge.

3 **\*-1191/4.6\* SECTION 1699.** 84.59 (6) of the statutes is amended to read:

4 84.59 (6) The building commission may contract revenue obligations when it  
5 reasonably appears to the building commission that all obligations incurred under  
6 this section can be fully paid from moneys received or anticipated and pledged to be  
7 received on a timely basis. Except as provided in this subsection, the principal  
8 amount of revenue obligations issued under this section may not exceed  
9 ~~\$1,753,067,500~~ \$2,916,403,000, excluding any obligations that have been defeased  
10 under a cash optimization program administered by the building commission, to be  
11 used for transportation facilities under s. 84.01 (28) ~~and~~, major highway projects for  
12 the purposes under ss. 84.06 and 84.09, state highway rehabilitation projects for the  
13 purposes specified in s. 20.395 (3) (cq) and the purposes under ss. 84.06 and 84.09,  
14 and the Marquette interchange reconstruction project under s. 84.014 for the  
15 purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal  
16 amount, the building commission may contract revenue obligations under this  
17 section as the building commission determines is desirable to refund outstanding  
18 revenue obligations contracted under this section and to pay expenses associated  
19 with revenue obligations contracted under this section.

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

20 **\*-1767/3.58\* SECTION 1700.** 85.013 (2) (b) (intro.) of the statutes is amended  
21 to read:

**SENATE BILL****SECTION 1700**

1           85.013 (2) (b) (intro.) Any hearing under s. 227.42 shall be held before the office  
2 of the commissioner of tax appeals ~~commission~~ under s. 73.01 if the hearing concerns  
3 an additional assessment, refund or denial of refund under any of the following:

4           \*–1187/4.18\* **SECTION 1701.** 85.013 (3) of the statutes is created to read:

5           85.013 (3) The division of hearings and appeals shall, in conducting any  
6 hearing or review for the department under s. 227.43 (1) (bk), give due weight to the  
7 experience, technical competence, and specialized knowledge of the department as  
8 well as discretionary authority conferred upon the department, and great weight to  
9 the department's interpretation of the statutes that it administers and rules  
10 promulgated under those statutes. If there is a conflict between this subsection and  
11 any other statute relating to any hearing or review conducted by the division of  
12 hearings and appeals for the department under s. 227.43 (1) (bk), the provisions of  
13 this subsection control.

14           \*–1189/3.4\* **SECTION 1702.** 85.062 (1) (c) of the statutes is created to read:

15           85.062 (1) (c) Initial construction or expansion of a commuter rail transit  
16 system. In this paragraph, "commuter rail" has the meaning given in s. 85.064 (1)  
17 (a).

18           \*–1189/3.5\* **SECTION 1703.** 85.064 of the statutes is created to read:

19           **85.064 Commuter rail transit system development.** (1) In this section:

20           (a) "Commuter rail" means rail passenger service, operating primarily on a  
21 dedicated right-of-way on existing railroad tracks used for rail freight service or  
22 intercity rail passenger service between and within metropolitan and suburban  
23 areas, connecting these areas with large business or urban centers in this state or  
24 another. Commuter rail usually operates during peak travel times with limited stops  
25 and in conjunction with other transit modes as part of a regional transit system.



**SENATE BILL****SECTION 1703**

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

4 (2) (a) The department shall administer a commuter rail transit system  
5 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),  
6 and (dx), the department may award grants to political subdivisions for preliminary  
7 engineering, property acquisition, equipment acquisition, and infrastructure  
8 construction projects related to the development or extension of commuter rail  
9 transit systems in this state.

10 (b) Upon completion of a planning study to the satisfaction of the department,  
11 any political subdivision may apply to the department for a grant for any purpose  
12 specified in par. (a). No grant may be awarded under this section for a project unless  
13 the project meets the eligibility criteria established by the department under sub. (3).

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

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

24 \*~~1712/5.29~~\* **SECTION 1704.** 85.09 (2) (a) of the statutes is amended to read:

**SENATE BILL****SECTION 1704**

1           85.09 (2) (a) The department of transportation shall have the first right to  
2 acquire, for present or future transportation or recreational purposes, any  
3 property used in operating a railroad or railway, including land and rails, ties,  
4 switches, trestles, bridges, and the like located ~~thereon, which~~ on that property, that  
5 has been abandoned. The department of transportation may, in connection with  
6 abandoned rail property, assign this right to a state agency, the board of regents of  
7 the University of Wisconsin System, any county or municipality, or any transit  
8 commission. Acquisition by the department of transportation may be by gift,  
9 purchase, or condemnation in accordance with the procedure under s. 32.05. In  
10 addition to its property management authority under s. 85.15, the department of  
11 transportation may lease and collect rents and fees for any use of rail property  
12 pending discharge of the department's duty to convey property that is not necessary  
13 for a public purpose. ~~In exercising its property management authority, the~~  
14 ~~department of transportation, to the greatest extent practicable, shall encourage and~~  
15 ~~utilize the Wisconsin conservation corps for appropriate projects.~~ No person owning  
16 abandoned rail property, including any person to whom ownership reverts upon  
17 abandonment, may convey or dispose of any abandoned rail property without first  
18 obtaining a written release from the department of transportation indicating that  
19 the first right of acquisition under this subsection will not be exercised or assigned.  
20 No railroad or railway may convey any rail property prior to abandonment if the rail  
21 property is part of a rail line shown on the railroad's system map as in the process  
22 of abandonment, expected to be abandoned, or under study for possible  
23 abandonment unless the conveyance or disposal is for the purpose of providing  
24 continued rail service under another company or agency. Any conveyance made  
25 without obtaining such release is void. The first right of acquisition of the

## SENATE BILL

## SECTION 1704

1 department of transportation under this subsection does not apply to any rail  
2 property declared by the department to be abandoned before January 1, 1977. The  
3 department of transportation may acquire any abandoned rail property under this  
4 section regardless of the date of its abandonment.

5 **\*-1634/7.50\* SECTION 1705.** 85.09 (4i) of the statutes is amended to read:

6 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or  
7 private sale rail property acquired under sub. (4) when the department determines  
8 that the rail property is not necessary for a public purpose and, if real property, the  
9 real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). Upon  
10 receipt of the full purchase price, the department shall, by appropriate deed or other  
11 instrument, transfer the rail property to the purchaser. The funds derived from sales  
12 under this subsection shall be deposited in the transportation fund, and the expense  
13 incurred by the department in connection with the sale shall be paid from the  
14 appropriation under s. 20.395 (2) (bq).

15 **\*-1289/7.107\* SECTION 1706.** 85.12 (3) of the statutes is amended to read:

16 85.12 (3) The department may contract with any local governmental unit, as  
17 defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services  
18 under this section.

19 **\*-0529/4.156\* SECTION 1707.** 85.14 (1) (b) of the statutes is amended to read:

20 85.14 (1) (b) Except for charges associated with a contract under par. (c), the  
21 department shall pay to the ~~state treasurer~~ secretary of administration the amount  
22 of charges associated with the use of credit cards under par. (a) that are assessed to  
23 the department.

24 **\*-0529/4.157\* SECTION 1708.** 85.14 (2) of the statutes is amended to read:

## SENATE BILL

## SECTION 1708

1           85.14 (2) The department shall certify to the ~~state treasurer~~ secretary of  
2 administration the amount of charges associated with the use of credit cards that is  
3 assessed to the department on deposits accepted under s. 345.26 (3) (a) by state  
4 traffic patrol officers and state motor vehicle inspectors, and the ~~state treasurer~~  
5 secretary of administration shall pay the charges from moneys under s. 59.25 (3) (j)  
6 and (k) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 20.907 (5)  
7 (e) 12e.

8           \*~~1198/2.1~~\* SECTION 1709. 85.20 (4m) (a) 6. cm. of the statutes is amended to  
9 read:

10           85.20 (4m) (a) 6. cm. ~~For aid payable for calendar years 2000 and 2001, from~~  
11 ~~the appropriation under s. 20.395 (1) (ht), the department shall pay \$53,555,600 to~~  
12 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~  
13 ~~an urban mass transit system that has annual operating expenses in excess of~~  
14 ~~\$80,000,000. For aid payable for calendar year 2002, from the appropriation under~~  
15 ~~s. 20.395 (1) (ht), the department shall pay \$55,697,800 to the eligible applicant that~~  
16 ~~pays the local contribution required under par. (b) 1. for an urban mass transit~~  
17 ~~system that has annual operating expenses in excess of \$80,000,000. Beginning with~~  
18 For aid payable for calendar year 2003 and for each calendar year thereafter, from  
19 the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to  
20 the eligible applicant that pays the local contribution required under par. (b) 1. for  
21 an urban mass transit system that has annual operating expenses in excess of  
22 \$80,000,000. For aid payable for calendar year 2004, from the appropriation under  
23 s. 20.395 (1) (ht), the department shall pay \$58,192,000 to the eligible applicant that  
24 pays the local contribution required under par. (b) 1. for an urban mass transit  
25 system that has annual operating expenses in excess of \$80,000,000. Beginning with

## SENATE BILL

## SECTION 1709

1 aid payable for calendar year 2005 and for each calendar year thereafter, from the  
2 appropriation under s. 20.395 (1) (ht), the department shall pay \$59,572,900 to the  
3 eligible applicant that pays the local contribution required under par. (b) 1. for an  
4 urban mass transit system that has annual operating expenses in excess of  
5 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is  
6 served by more than one urban mass transit system, the eligible applicant may  
7 allocate the aid between the urban mass transit systems in any manner the eligible  
8 applicant considers desirable.

9 \*~~1198/2.2~~\* SECTION 1710. 85.20 (4m) (a) 6. d. of the statutes is amended to  
10 read:

11 85.20 (4m) (a) 6. d. ~~For aid payable for calendar years 2000 and 2001, from the~~  
12 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$14,297,600 to the~~  
13 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~  
14 ~~urban mass transit system that has annual operating expenses in excess of~~  
15 ~~\$20,000,000 but less than \$80,000,000.~~ For aid payable for calendar year 2002, from  
16 the appropriation under s. 20.395 (1) (hu), the department shall pay \$14,869,500 to  
17 the eligible applicant that pays the local contribution required under par. (b) 1. for  
18 an urban mass transit system that has annual operating expenses in excess of  
19 \$20,000,000 but less than \$80,000,000. ~~Beginning with~~ For aid payable for calendar  
20 year 2003 ~~and for each calendar year thereafter, from the appropriation under s.~~  
21 20.395 (1) (hu), the department shall pay \$15,166,900 to the eligible applicant that  
22 pays the local contribution required under par. (b) 1. for an urban mass transit  
23 system that has annual operating expenses in excess of \$20,000,000 but less than  
24 \$80,000,000. For aid payable for calendar year 2004, from the appropriation under  
25 s. 20.395 (1) (hu), the department shall pay \$15,536,600 to the eligible applicant that

**SENATE BILL****SECTION 1710**

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

11 **\*-1198/2.3\* SECTION 1711.** 85.20 (4m) (a) 7. a. of the statutes is amended to  
12 read:

13 85.20 (4m) (a) 7. a. ~~From the appropriation under s. 20.395 (1) (hr), for aid~~  
14 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~  
15 ~~served by an urban mass transit system operating within an urbanized area having~~  
16 ~~a population as shown in the 1990 federal decennial census of at least 50,000 or~~  
17 ~~receiving federal mass transit aid for such area, and not specified in subd. 6. From~~  
18 ~~the appropriation under s. 20.395 (1) (hr), beginning with aid payable for calendar~~  
19 ~~year 2002 and for each calendar year thereafter, the uniform percentage for each~~  
20 ~~eligible applicant served by an urban mass transit system operating within an~~  
21 ~~urbanized area having a population as shown in the 2000 federal decennial census~~  
22 ~~of at least 50,000 or receiving federal mass transit aid for such area, and not specified~~  
23 ~~in subd. 6.~~

24 **\*-1198/2.4\* SECTION 1712.** 85.20 (4m) (a) 7. b. of the statutes is amended to  
25 read:

## SENATE BILL

## SECTION 1712

1           85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the  
2 amounts for aids are ~~\$19,804,200 in calendar years 2000 and 2001~~, \$20,596,400 in  
3 calendar year 2002, and ~~\$21,008,300~~ \$21,008,300 in calendar year 2003, \$21,555,300  
4 in calendar year 2004, and \$22,133,700 in calendar year 2005 and in each calendar  
5 year thereafter. These amounts, to the extent practicable, shall be used to determine  
6 the uniform percentage in the particular calendar year.

7           \*~~1198/2.5~~\* SECTION 1713. 85.20 (4m) (a) 8. a. of the statutes is amended to  
8 read:

9           85.20 (4m) (a) 8. a. ~~From the appropriation under s. 20.395 (1) (hs), for aid~~  
10 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~  
11 ~~served by an urban mass transit system operating within an area having a~~  
12 ~~population as shown in the 1990 federal decennial census of less than 50,000 or~~  
13 ~~receiving federal mass transit aid for such area.~~ From the appropriation under s.  
14 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each  
15 calendar year thereafter, the uniform percentage for each eligible applicant served  
16 by an urban mass transit system operating within an area having a population as  
17 shown in the 2000 federal decennial census of less than 50,000 or receiving federal  
18 mass transit aid for such area.

19           \*~~1198/2.6~~\* SECTION 1714. 85.20 (4m) (a) 8. b. of the statutes is amended to  
20 read:

21           85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
22 amounts for aids are ~~\$5,349,100 in calendar years 2000 and 2001~~, \$5,563,100 in  
23 calendar year 2002, and ~~\$5,674,400~~ \$5,674,400 in calendar year 2003, \$5,844,100 in  
24 calendar year 2004, and \$6,041,400 in calendar year 2005 and in each calendar year

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## SECTION 1714

1 thereafter. These amounts, to the extent practicable, shall be used to determine the  
2 uniform percentage in the particular calendar year.

3 \*~~1607/P3.9~~\* SECTION 1715. 85.55 of the statutes is amended to read:

4 **85.55 Safe-ride grant program.** The department may award grants to any  
5 county or municipality or to any nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~  
6 66.0129 (6) (b), to cover the costs of transporting persons suspected of having a  
7 prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises  
8 licensed under ch. 125 to sell alcohol beverages to their places of residence. The  
9 amount of a grant under this section may not exceed 50% of the costs necessary to  
10 provide the service. The liability of a provider of a safe-ride program to persons  
11 transported under the program is limited to the amounts required for an automobile  
12 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid  
13 from the appropriation under s. 20.395 (5) (ek).

14 \*~~1187/4.19~~\* SECTION 1716. 86.001 (2m) of the statutes is repealed.

15 \*~~1187/4.20~~\* SECTION 1717. 86.12 (2) of the statutes is amended to read:

16 86.12 (2) If a railroad company fails to comply with the resolution in sub. (1)  
17 within 30 days after service of the resolution, the county board, common council,  
18 village board or town board may file a complaint with the ~~office~~ department alleging  
19 the failure. The ~~office~~ department shall investigate and determine the matter in  
20 controversy ~~as provided in ch. 195. An order issued by the office under this~~  
21 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~  
22 may issue an appropriate order.

23 \*~~1187/4.21~~\* SECTION 1718. 86.13 (3) of the statutes is amended to read:

24 86.13 (3) If any railroad company fails to grade, construct, pave, surface or  
25 otherwise improve or maintain in good and safe condition for public travel as



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## SECTION 1718

1 required by this section any street or highway crossing after having been notified so  
2 to do by the officer in charge thereof or of the highway improvement for 30 days after  
3 such notification, the highway authorities may file a complaint with the office  
4 department. The office department shall investigate and determine the matter in  
5 controversy as ~~provided in ch. 195.~~ ~~An order issued by the office under this~~  
6 ~~subsection has the same effect as an order in a proceeding brought under ch. 195, and~~  
7 may issue an appropriate order.

8 \*~~1196/1.1~~\* SECTION 1719. 86.30 (2) (a) 1. of the statutes is amended to read:

9 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm), ~~sub. (10) and s.~~  
10 86.303, the amount of transportation aids payable by the department to each county  
11 shall be the aids amount calculated under subd. 2. and to each municipality shall be  
12 the aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts  
13 calculated for a municipality under subd. 2. or 3. are the same, transportation aids  
14 to that municipality shall be paid under subd. 2.

15 \*~~1196/1.2~~\* SECTION 1720. 86.30 (2) (a) 3. of the statutes is amended to read:

16 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
17 municipality as determined under s. 86.302, the mileage aid payment shall be \$1,704  
18 ~~in calendar year 2001, \$1,755 in calendar year 2002, and \$1,825 in calendar year~~  
19 2003, \$1,871 in calendar year 2004, and \$1,917 in calendar year 2005 and thereafter.

20 \*~~1196/1.3~~\* SECTION 1721. 86.30 (9) (b) of the statutes is amended to read:

21 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
22 the amounts for aids to counties are ~~\$84,059,500 in calendar years 2000 and 2001,~~  
23 ~~\$86,581,300 in calendar year 2002, and \$90,044,600 in calendar year 2003,~~  
24 \$92,295,700 in calendar year 2004, and \$94,603,100 in calendar year 2005 and

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1 thereafter. These amounts, to the extent practicable, shall be used to determine the  
2 statewide county average cost-sharing percentage in the particular calendar year.

3 **\*-1196/1.4\* SECTION 1722.** 86.30 (9) (c) of the statutes is amended to read:

4 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
5 the amounts for aids to municipalities are ~~\$264,461,500 in calendar years 2000 and~~  
6 ~~2001~~, \$272,395,300 in calendar year 2002, and \$283,291,100 in calendar year 2003,  
7 \$290,373,400 in calendar year 2004, and \$297,632,700 in calendar year 2005 and  
8 thereafter. These amounts, to the extent practicable, shall be used to determine the  
9 statewide municipal average cost-sharing percentage in the particular calendar  
10 year.

11 **\*-1196/1.5\* SECTION 1723.** 86.30 (10) of the statutes is repealed.

12 **\*-1250/1.3\* SECTION 1724.** 86.31 (3s) of the statutes is amended to read:

13 86.31 (3s) WEST CANAL STREET RECONSTRUCTION AND EXTENSION.  
14 Notwithstanding limitations on the amount and use of aids provided under this  
15 section, or on eligibility requirements for receiving aids under this section, and  
16 subject to s. 84.03 (3) (b), the department shall award a grant of \$2,500,000 to the city  
17 of Milwaukee for the ~~purpose~~ purposes specified under s. 84.03 (3) (a).  
18 Notwithstanding subs. (3) (b), (3g), (3m), and (3r), payment of the grant under this  
19 subsection shall be made from the appropriation under s. 20.395 (2) (fr) before  
20 making any other allocation of funds under subs. (3) (b), (3g), (3m), and (3r), and the  
21 allocation of funds under subs. (3) (b), (3g), (3m), and (3r) shall be reduced  
22 proportionately to reflect the amount of the grant made under this subsection. This  
23 subsection does not apply after December 31, 2005.

24 **\*-0529/4.158\* SECTION 1725.** 87.07 (4) of the statutes is amended to read:

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1           87.07 (4) BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts  
2 collectible, as thus found by the department, exceeds the estimated cost of  
3 construction of the improvement, the department shall order that the work of  
4 constructing such improvement proceed. If such aggregate amount collectible is less  
5 than the estimated cost of such improvement, the department shall enter an order  
6 dismissing the petition, unless the difference between said aggregate amounts be  
7 deposited in cash with the ~~state treasurer~~ secretary of administration within one  
8 year. Such deposit may be made by any person or any public or private corporation.  
9 Upon the making of such deposit, the department shall enter a further order that the  
10 work of constructing the improvement proceed.

11           \*~~0529/4.159~~\* SECTION 1726. 87.11 (2) of the statutes is amended to read:

12           87.11 (2) But should the total cost, as ascertained and certified by the flood  
13 control board after the letting of the contracts, in the manner hereinabove set forth,  
14 exceed the total amount found by the department to be collectible under s. 87.09, all  
15 contracts for the construction of the work shall be null and void. At the expiration  
16 of one year after such certification, any moneys held by the ~~state treasurer~~ secretary  
17 of administration on account of the project shall be refunded to the persons by whom  
18 they were paid to ~~such treasurer~~ the secretary of administration; and funds in the  
19 hands of the flood control board shall be refunded to the public corporation by which  
20 they were paid to such board; any funds held by any town, village, or city, having been  
21 collected by special assessments against property benefited, shall be refunded to the  
22 owners of such property; any funds raised by any public corporation by the issuance  
23 of bonds on account of such proposed improvements shall constitute a fund for the  
24 retirement or payment of such bonds; and any fund held by any public corporation,  
25 having been raised otherwise than by special assessments or bond issues, shall be

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1 available for the general purposes of such public corporation. Provided, however,  
2 that if within one year after the last mentioned certification of the flood control board  
3 there shall be deposited with the treasurer of said board a sum equal to the difference  
4 between the aggregate cost of constructing the improvement as estimated by the  
5 department and the aggregate cost thereof as determined and certified by the flood  
6 control board after the letting of the contracts, said board shall proceed to relet the  
7 contracts for the construction of the improvement and to complete the same unless  
8 the aggregate of such new contract prices, together with the department's estimate  
9 of the cost of acquiring lands and of overhead expenses and of the first 18 months'  
10 operation and maintenance, shall again exceed the amount found by the department  
11 to be collectible under s. 87.09. The deposit herein referred to may be made by any  
12 person or any public or private corporation.

13 \*~~0529/4.160~~\* **SECTION 1727.** 87.13 of the statutes is amended to read:

14 **87.13 Disbursements by board.** All sums which shall be deposited with the  
15 ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of  
16 the improvement shall be paid by ~~said treasurer~~ the secretary of administration to  
17 the flood control board upon requisitions from said board. If any moneys, other than  
18 those for operation and maintenance during the first 18 months, remain unexpended  
19 in the hands of the flood control board or subject to their requisition after the  
20 completion of the construction of the improvement, and if the funds for construction  
21 of the improvement shall have been in part raised through voluntary contributions  
22 under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion  
23 thereof as the funds remaining in the hands of the board or subject to its requisition  
24 will pay, shall be returned to the persons or corporations who made such voluntary  
25 contributions, in proportion to the amounts contributed by them.

## SENATE BILL

## SECTION 1728

1           \*~~1187/4.22~~\* SECTION 1728. 88.66 (2) of the statutes is amended to read:

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

16           \*~~1187/4.23~~\* SECTION 1729. 88.87 (4) of the statutes is amended to read:

17           88.87 (4) If a railway company fails to comply with sub. (2), any person  
18 aggrieved thereby may file a complaint with the ~~office of the commissioner of~~  
19 ~~railroads~~ division of hearings and appeals in the department of administration  
20 setting forth the facts. The ~~office~~ division of hearings and appeals shall ~~investigate~~  
21 ~~and~~ determine the matter in controversy in accordance with ~~ch. 195, and any order~~  
22 ~~it makes in such proceeding has the same effect as an order in any other proceeding~~  
23 ~~properly brought under ch. 195.~~

24           \*~~1187/4.24~~\* SECTION 1730. 88.88 (2) of the statutes is amended to read:

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## SECTION 1730

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

8           \*~~1712/5.30~~\* SECTION 1731. 91.19 (6s) (a) (intro.) of the statutes is amended  
9 to read:

10           91.19 (6s) (a) (intro.) The department may release from a farmland  
11 preservation agreement any land acquired or to be acquired by ~~a local unit of~~  
12 ~~government~~ the governing body of a municipality, as defined in s. ~~106.215 (1) (e)~~  
13 ~~281.59 (1) (c)~~, for public improvements or structures, including highway  
14 improvements, if all of the following occur:

15           \*~~1111/4.8~~\* SECTION 1732. 93.07 (1) of the statutes is amended to read:

16           93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent  
17 with law, as it may deem necessary for the exercise and discharge of all of the powers  
18 and duties of the department, and to adopt such measures and make such  
19 regulations as are necessary and proper for the ~~enforcement by the state of~~  
20 ~~department to carry out its duties and powers under~~ chs. 93 to 100, ~~which regulations~~  
21 ~~shall have the force of law.~~

22           \*~~1111/4.9~~\* SECTION 1733. 93.07 (23) of the statutes is created to read:

23           93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to  
24 100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,  
25 100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

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## SECTION 1734

1           \*~~1111/4.10~~\* SECTION 1734. 93.07 (24) of the statutes is amended to read:

2           93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.  
3 88 and 93 to 99, those laws under ch. 100 administered by the department, and all  
4 other laws entrusted to its administration, and especially:

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

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

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

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

20           \*~~1111/4.11~~\* SECTION 1735. 93.18 (3) of the statutes is amended to read:

21           93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41  
22 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,  
23 product or related material ceased, shall give written notice of its finding to the  
24 manufacturer, seller or other person responsible for placing the item in the channels  
25 of trade in this state. After such notice no person may sell, remove or otherwise

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1 dispose of such item except as directed by the department of justice. Any person  
2 affected by such notice may demand a prompt hearing to determine the validity of  
3 the department's findings of the department of justice. The hearing, if requested,  
4 shall be held as expeditiously as possible but not later than 30 days after notice. A  
5 request for hearing does not operate to stay enforcement of the order during the  
6 pendency of the hearing. The person petitioning for a hearing shall be entitled to the  
7 same rights specified under sub. (2).

8 **\*-1111/4.12\* SECTION 1736.** 93.18 (7) of the statutes is created to read:

9 93.18 (7) The department of justice shall follow the procedures under subs. (1),  
10 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the  
11 department of justice.

12 **\*-1111/4.13\* SECTION 1737.** 93.20 (1) of the statutes is amended to read:

13 93.20 (1) DEFINITION. In this section, "action" means an action that is  
14 commenced in court by, or on behalf of, the department of agriculture, trade and  
15 consumer protection to enforce chs. 88, 91 to 100 or 126 or an action that is  
16 commenced in court by the department of justice to enforce ch. 100.

17 **\*-1111/5\*SECTION 1738.** 93.22 (1) of the statutes is amended to read:

18 93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21,  
19 100.30, and 100.51, the department may be represented by its attorney.

20 **\*-1111/5\*SECTION 1739.** 93.22 (2) of the statutes is amended to read:

21 93.22 (2) The department may, with the approval of the governor, appoint  
22 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
23 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such  
24 special counsel shall be charged to the appropriation for the department.

25 **\*-0529/4.161\* SECTION 1740.** 93.31 of the statutes is amended to read:



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## SECTION 1740

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

20           \*~~0310/2.4~~\* **SECTION 1741.** 93.55 (2) of the statutes is amended to read:

21           **93.55 (2) COLLECTION GRANTS.** The department may award a grant to a county  
22 for a chemical and container collection program. A grant under this subsection shall  
23 fund all or a part of the cost of a program. Costs eligible for funding include the cost  
24 of establishing a collection site for chemicals and chemical containers, the cost of  
25 transporting chemical containers to a dealer or distributor for refill and reuse or to

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## SECTION 1741

1 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the  
2 proper use and handling and disposal or recycling of chemicals and chemical  
3 containers. Grants shall be paid from the appropriation under s. 20.115 (7) (~~▼~~) (va).

4 **\*-0158/1.1\* SECTION 1742.** 93.70 of the statutes is renumbered 93.70 (1).

5 **\*-0158/1.2\* SECTION 1743.** 93.70 (2) of the statutes is created to read:

6 93.70 (2) The department may not make a payment under sub. (1) to a person  
7 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),  
8 unless the person provides to the department a payment agreement that has been  
9 approved by the county child support agency under s. 59.53 (5) and that is consistent  
10 with rules promulgated under s. 49.858 (2) (a).

11 **\*-0310/2.5\* SECTION 1744.** 94.64 (4) (a) 1. of the statutes is amended to read:

12 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed  
13 ~~beginning on October 29, 1999, and ending on June 30, 2001~~ before July 1, 2003, and  
14 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2003, with  
15 a minimum fee of \$25.

16 **\*-0310/2.6\* SECTION 1745.** 94.64 (4) (a) 5. of the statutes is amended to read:

17 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per  
18 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~  
19 ~~1999~~, unless the department establishes a lower surcharge under s. 94.73 (15).

20 **\*-0310/2.7\* SECTION 1746.** 94.681 (1) (cm) of the statutes is created to read:

21 94.681 (1) (cm) “Payment period” means the 12 months ending on September  
22 30 of the calendar year for which a license is sought under s. 94.68.

23 **\*-0310/2.8\* SECTION 1747.** 94.681 (2) of the statutes is repealed and recreated  
24 to read:

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1           94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall  
2 pay an annual license fee for each pesticide product that the applicant sells or  
3 distributes for use in this state. The amount of the fee is based on sales of pesticide  
4 products during the payment period. An applicant shall pay an estimated fee before  
5 the start of each license year as provided in sub. (3s) (a) and shall make a fee  
6 adjustment payment before the end of the license year if required under sub. (3s) (b).  
7 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

8           (a) For each household pesticide product:

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

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

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

15           (b) For each industrial pesticide product:

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

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

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

22           (c) For each nonhousehold pesticide product:

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

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

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

6           \*~~0310/2.9~~\* SECTION 1748. 94.681 (3) of the statutes is amended to read:

7           94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~  
8 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant  
9 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for  
10 each nonhousehold pesticide product that the applicant sells or distributes for use  
11 in this state. The amount of the surcharge is based on sales of nonhousehold  
12 pesticide products during the payment period. An applicant shall pay an estimated  
13 surcharge before the start of each license year as provided in sub. (3s) (a) and shall  
14 make a surcharge adjustment payment before the end of the license year if required  
15 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of  
16 the surcharge is as follows:

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

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

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

25           \*~~0310/2.10~~\* SECTION 1749. 94.681 (3m) of the statutes is amended to read:

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## SECTION 1749

1           94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a  
2 license under s. 94.68 shall pay an environmental cleanup surcharge for each  
3 pesticide product that is not a household pesticide and is solely labeled for use on  
4 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or  
5 distributes in this state. The amount of the surcharge is based on sales of pesticide  
6 products that are not household pesticides and are solely labeled for use on wood and  
7 contain pentachlorophenol or coal tar creosote during the payment period. An  
8 applicant shall pay an estimated surcharge before the start of each license year as  
9 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the  
10 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the  
11 amount of the surcharge is as follows:

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

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

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

20           \*~~0310/2.11~~\* SECTION 1750. 94.681 (3s) of the statutes is created to read:

21           94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license  
22 year, an applicant shall estimate the gross revenues that the applicant will receive  
23 from sales of each pesticide product during the payment period that ends during the  
24 year for which a license is sought under s. 94.68 and shall pay the amounts under  
25 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to

**SENATE BILL****SECTION 1750**

1 sell a new pesticide product in this state, a licensee shall estimate the gross revenues  
2 that the applicant will receive from sales of that pesticide product during the  
3 payment period in which the licensee begins to sell the pesticide product and shall  
4 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

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

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

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

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

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

21 2. Subdivision 1. does not apply to a licensee if the licensee's payments under  
22 par. (a) are based on estimates of gross revenues from sales for each pesticide product  
23 that equal at least 90% of the licensee's gross revenues from sales of the pesticide  
24 product during the preceding year.

25 \*-0310/2.12\* SECTION 1751. 94.72 (6) (a) 1. of the statutes is repealed.

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## SECTION 1752

1           \*~~0310/2.13~~\* SECTION 1752. 94.72 (6) (a) 2. of the statutes is amended to read:  
2           94.72 (6) (a) 2. For commercial feeds distributed in this state ~~on or after~~ before  
3           January 1, ~~2002~~ 2004, a feed inspection fee of 23 cents per ton.

4           \*~~0310/2.14~~\* SECTION 1753. 94.72 (6) (a) 2m. of the statutes is created to read:  
5           94.72 (6) (a) 2m. For commercial feeds distributed in this state after December  
6           31, 2003, a feed inspection fee of 30 cents per ton.

7           \*~~0310/2.15~~\* SECTION 1754. 94.73 (6) (b) of the statutes is amended to read:  
8           94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall  
9           reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action  
10          costs incurred for each discharge site that are greater than \$3,000 and less than  
11          \$400,000.

12          \*~~0310/2.16~~\* SECTION 1755. 94.73 (6) (c) (intro.) of the statutes is amended to  
13          read:

14          94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall  
15          reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action  
16          costs incurred for each discharge site that are greater than \$7,500 and less than  
17          \$400,000 if any of the following applies:

18          \*~~0310/2.17~~\* SECTION 1756. 94.73 (15) (a) of the statutes is amended to read:

19          94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.  
20          94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704  
21          (3) (a) 2. below the amounts specified in those provisions. The department shall  
22          adjust surcharge amounts as necessary to maintain a balance in the agricultural  
23          chemical cleanup fund at the end of each fiscal year of ~~at least \$2,000,000 but not~~  
24          more than \$5,000,000, but may not increase a surcharge amount over the amount

**SENATE BILL****SECTION 1756**

1 specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2.,  
2 or 94.704 (3) (a) 2.

3 **\*-1506/2.1\* SECTION 1757.** 97.24 (4) (a) of the statutes is amended to read:

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

22 **\*-1506/2.2\* SECTION 1758.** 97.24 (4) (b) of the statutes is amended to read:

23 97.24 (4) (b) No sanitary requirement or standard established under this  
24 section or contained in any ordinance may prohibit the sale of milk or fluid milk  
25 products which are produced and processed under laws or rules of any governmental



## SENATE BILL

## SECTION 1758

1 unit, within or without this state, which are substantially equivalent to the  
2 requirements of the rules promulgated under this section, and which are enforced  
3 with equal effectiveness, as determined by a milk sanitation rating made or  
4 approved by the department of health and family services, under rules promulgated  
5 under this section.

6 \*~~1111/4.14~~\* SECTION 1759. 100.07 (6) of the statutes is amended to read:

7 100.07 (6) ~~Action~~ Upon request of the department of agriculture, trade, and  
8 rural resources, an action to enjoin violation of this section may be commenced and  
9 prosecuted by the department of justice in the name of the state in any court having  
10 equity jurisdiction.

11 \*~~1111/4.15~~\* SECTION 1760. 100.171 (7) (b) of the statutes, as affected by 2001  
12 Wisconsin Act 109, section 263, is amended to read:

13 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class  
14 I felony. A person intentionally violates this section if the violation occurs after the  
15 department of justice or a district attorney has notified the person by certified mail  
16 that the person is in violation of this section.

17 \*~~1111/4.16~~\* SECTION 1761. 100.171 (8) (intro.) of the statutes is amended to  
18 read:

19 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate  
20 violations of this section. The department of justice or any district attorney may on  
21 behalf of the state:

22 \*~~1111/4.17~~\* SECTION 1762. 100.173 (4) (intro.) of the statutes is amended to  
23 read:

**SENATE BILL****SECTION 1762**

1           100.173 (4) (intro.) The department of justice shall investigate violations of this  
2 section. The department of justice, or any district attorney upon informing the  
3 department of justice, may, on behalf of the state, do any of the following:

4           \***-1111/4.18\*** **SECTION 1763.** 100.173 (4) (a) of the statutes is amended to read:

5           100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in  
6 any court of competent jurisdiction for any violation of this section. The relief sought  
7 by the department of justice or district attorney may include the payment by a  
8 promoter into an escrow account of an amount estimated to be sufficient to pay for  
9 ticket refunds. The court may, upon entry of final judgment, award restitution when  
10 appropriate to any person suffering loss because of violations of this section if proof  
11 of such loss is submitted to the satisfaction of the court.

12           \***-1111/4.19\*** **SECTION 1764.** 100.174 (5) (intro.) of the statutes is amended to  
13 read:

14           100.174 (5) (intro.) The department of justice or any district attorney may on  
15 behalf of the state:

16           \***-1111/4.20\*** **SECTION 1765.** 100.174 (6) of the statutes is amended to read:

17           100.174 (6) The department of justice shall investigate violations of and  
18 enforce this section.

19           \***-1111/4.21\*** **SECTION 1766.** 100.175 (5) (a) (intro.) of the statutes is amended  
20 to read:

21           100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to  
22 pay more than \$100 for dating services before the buyer receives or has the  
23 opportunity to receive those services unless the person selling dating services  
24 establishes proof of financial responsibility by maintaining any of the following