

1 department for a project that is completed after May 25, 2006, the department shall,  
2 and with respect to the sale of property acquired by the department for a project that  
3 is completed before May 25, 2006, the department may offer for sale or transfer  
4 ownership of the property that the department determines is no longer necessary for  
5 the state's use for transportation purposes, if the property is not the subject of a  
6 petition under s. ~~560.9810~~ 16.310 (2). This disposition process shall take place within  
7 24 months of the completion of the transportation project for which the property was  
8 acquired. Except as provided in par. (c) 3., the department shall offer limited and  
9 general marketable properties at appraised value, as determined by a state-certified  
10 or licensed appraiser, for not less than 12 months. If the department does not sell  
11 the property at or above its appraised value, the department shall offer the property  
12 for sale by means of sealed bids or public auction. For the purposes of this paragraph,  
13 a project is completed when final payment is made under the contract for the project.

14 **SECTION 2229.** 84.09 (5r) of the statutes is amended to read:

15 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),  
16 the department may, subject to the approval of the governor, donate real property  
17 that is adjacent to the veterans memorial site located at The Highground in Clark  
18 County and owned by the state and under the jurisdiction of the department to the  
19 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans  
20 memorial site located at The Highground in Clark County for the purpose of a  
21 memorial hall specified in s. 70.11 (9). The department may donate property under  
22 this subsection only when the department determines that the property is no longer  
23 necessary for the state's use for transportation purposes and is not the subject of a  
24 petition under s. ~~560.9810~~ 16.310 (2) and is transferred with a restriction that the  
25 donee may not subsequently transfer the real property to any person except to this

1 state, which shall not be charged for any improvements thereon. Such restriction  
2 shall be recorded in the office of the register of deeds in the county in which the  
3 property is located. The department shall present to the governor a full and complete  
4 report of the property to be donated, the reason for the donation, and the minimum  
5 price for which the property could likely be sold under sub. (5), together with an  
6 application for the governor's approval of the donation. The governor shall  
7 thereupon make such investigation as he or she considers necessary and approve or  
8 disapprove the application. Upon such approval, the department shall by  
9 appropriate deed or other instrument transfer the property to the donee. The  
10 approval of the governor is not required for donation of property having an appraised  
11 value at the time of donation of not more than \$15,000. Any expense incurred by the  
12 department in connection with the donation shall be paid from the transportation  
13 fund.

14 **SECTION 2230.** 84.185 (1) (a) of the statutes is amended to read:

15 84.185 (1) (a) "Business" ~~has the meaning given in s. 560.60 (2)~~ means a  
16 company located in this state, a company that has made a firm commitment to locate  
17 a facility in this state, or a group of companies at least 80 percent of which are located  
18 in this state.

19 **SECTION 2231.** 84.185 (1) (b) of the statutes is amended to read:

20 84.185 (1) (b) "Governing body" ~~has the meaning specified in s. 560.60 (6)~~  
21 means a county board, city council, village board, town board, regional planning  
22 commission or transit commission under s. 59.58 (2) or 66.1021.

23 **SECTION 2232.** 84.185 (1) (ce) of the statutes is amended to read:

1           84.185 (1) (ce) “Job” ~~has the meaning specified in s. 560.17 (1) (bm)~~ means a  
2 position providing full-time equivalent employment. “Job” does not include initial  
3 training before an employment position begins.

4           **SECTION 2233g.** 84.28 (1) of the statutes is amended to read:

5           84.28 (1) Moneys from the appropriation under s. 20.370 (7) (mc) may be  
6 expended for the renovation, marking and maintenance of a town or county highway  
7 located within the boundaries of any state park, state forest or other property under  
8 the jurisdiction of the department of natural resources. Moneys from the  
9 appropriation under s. 20.370 (7) (mc) may be expended for the renovation, marking  
10 and maintenance of a town or county highway located in the lower Wisconsin state  
11 riverway as defined in s. 30.40 (15). Outside the lower Wisconsin state riverway as  
12 defined in s. 30.40 (15), or outside the boundaries of these parks, forests or property,  
13 moneys from the appropriation under s. 20.370 (7) (mc) may be expended for the  
14 renovation, marking and maintenance of roads which the department of natural  
15 resources certifies are utilized by a substantial number of visitors to state parks,  
16 state forests or other property under the jurisdiction of the department of natural  
17 resources. The department of natural resources shall authorize expenditures under  
18 this subsection. The department of natural resources shall rank projects eligible for  
19 assistance under a priority system and funding may be restricted to those projects  
20 with highest priority. In ranking projects, the department of natural resources shall  
21 consider whether the project is for the renovation, marking, or maintenance of roads  
22 used for forestry management on property under the jurisdiction of the department  
23 of natural resources.

24           **SECTION 2233m.** 84.30 (5r) of the statutes is created to read:

1           **84.30 (5r) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE REALIGNED**  
2 BECAUSE OF STATE HIGHWAY PROJECTS. (a) In this subsection, “realignment” means  
3 relocation on the same site.

4           (b) If a highway project of the department causes the realignment of a sign that  
5 does not conform to a local ordinance, the realignment shall not affect the sign’s  
6 nonconforming status under the ordinance.

7           (c) If in connection with a highway project of the department the department  
8 proposes the realignment of a sign that does not conform to a local ordinance, the  
9 department shall notify the governing body of the municipality or county where the  
10 sign is located and which adopted the ordinance of the sign’s proposed realignment.  
11 Upon receiving this notice, the governing body may petition the department to  
12 acquire the sign and any real property interest of the sign owner. If the department  
13 succeeds in condemning the sign, the governing body that made the petition to the  
14 department shall pay to the department an amount equal to the condemnation  
15 award, less relocation costs for the sign that would have been paid by the department  
16 if the sign had been realigned rather than condemned. Notwithstanding s. 86.30 (2)  
17 (a) 1. and (b) 1., 1g., and 1r., if the governing body fails to pay this amount, the  
18 department may reduce the municipality’s or county’s general transportation aid  
19 payment under s. 86.30 by an equal amount.

20           (d) This subsection does not permit the alteration or movement of a sign that  
21 is nonconforming under this section.

22           **SECTION 2234.** 84.555 (1m) of the statutes is amended to read:

23           **84.555 (1m)** Notwithstanding sub. (1) and ss. 84.51 and 84.59, the proceeds of  
24 general obligation bonds issued under s. 20.866 (2) (uum) are allocated for  
25 expenditure obligations under s. 84.95 and s. 84.014 and the proceeds of general

1 obligation bonds issued under s. 20.866 (2) (uup) may be used to fund expenditure  
2 obligations for the Marquette interchange reconstruction project under s. 84.014  
3 and, for the reconstruction of the I 94 north-south corridor, as defined in s. 84.014  
4 (5m) (ag) 1., for the reconstruction of the Zoo interchange, as defined in s. 84.014 (5m)  
5 (ag) 2., and southeast Wisconsin freeway megaprojects under s. 84.0145.

6 **SECTION 2235.** 84.59 (2) (b) of the statutes is amended to read:

7 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
8 distinct special fund outside the state treasury, in an account maintained by a  
9 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
10 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
11 (2e), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), and  
12 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265  
13 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305  
14 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, ~~except~~  
15 ~~s. 342.14 (1r)~~, and from any payments received with respect to agreements or  
16 ancillary arrangements entered into under s. 18.55 (6) with respect to revenue  
17 obligations issued under this section. The revenues deposited are the trustee's  
18 revenues in accordance with the agreement between this state and the trustee or in  
19 accordance with the resolution pledging the revenues to the repayment of revenue  
20 obligations issued under this section. Revenue obligations issued for the purposes  
21 specified in sub. (1) and for the repayment of which revenues are deposited under this  
22 paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special  
23 fund programs, as defined in s. 18.52 (8).

24 **SECTION 2236.** 84.59 (6) of the statutes is amended to read:

1           84.59 (6) The building commission may contract revenue obligations when it  
2 reasonably appears to the building commission that all obligations incurred under  
3 this section can be fully paid from moneys received or anticipated and pledged to be  
4 received on a timely basis. Except as provided in this subsection, the principal  
5 amount of revenue obligations issued under this section may not exceed  
6 ~~\$3,009,784,200~~ \$3,351,547,300, excluding any obligations that have been defeased  
7 under a cash optimization program administered by the building commission, to be  
8 used for transportation facilities under s. 84.01 (28) and major highway projects for  
9 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal  
10 amount, the building commission may contract revenue obligations under this  
11 section as the building commission determines is desirable to refund outstanding  
12 revenue obligations contracted under this section, to make payments under  
13 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect  
14 to revenue obligations issued under this section, and to pay expenses associated with  
15 revenue obligations contracted under this section.

16           **SECTION 2237.** 85.05 of the statutes is amended to read:

17           **85.05 Evaluation of proposed major highway projects.** The department  
18 by rule shall establish a procedure for numerically evaluating projects considered for  
19 enumeration under s. 84.013 (3) as a major highway project. The evaluation  
20 procedure may include any criteria that the department considers relevant. The  
21 rules shall establish a minimum score that a project shall meet or exceed when  
22 evaluated under the procedure established under this section before the department  
23 may recommend the project to the transportation projects commission for  
24 consideration under s. 13.489 (4). This section does not apply to major highway  
25 projects identified in s. 84.013 (3) (ad).

1           **SECTION 2237e.** 85.062 (3) (c) of the statutes is repealed.

2           **SECTION 2237m.** 85.063 (3) (b) 1. of the statutes is amended to read:

3           85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the  
4 satisfaction of the department, of a study under s. 85.022, a political subdivision in  
5 a county, ~~or a transit authority created under s. 66.1039~~, that includes the urban area  
6 may apply to the department for a grant for property acquisition for an urban rail  
7 transit system.

8           **SECTION 2237o.** 85.064 (1) (b) of the statutes is amended to read:

9           85.064 (1) (b) "Political subdivision" means any city, village, town, county, or  
10 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.  
11 66.0301, ~~or transit authority created under s. 66.1039~~ within this state ~~or the~~  
12 ~~southeastern regional transit authority under s. 59.58 (7).~~

13           **SECTION 2237p.** 85.08 (4m) (c) (intro.) of the statutes is amended to read:

14           85.08 (4m) (c) *Railroad facilities acquisition grants and loans.* (intro.) The  
15 department may make grants to eligible applicants for the purpose of preserving  
16 freight rail service through the acquisition of rail property. The grant may be  
17 composed of state funds, federal funds, state property, the use of state property, or  
18 any combination of state funds, federal funds, state property, and the use of state  
19 property. No grant for the acquisition of rail property improvements may exceed 80%  
20 of the acquisition cost. No grant for the acquisition of rail property exclusive of rail  
21 property improvements may exceed 100% of the acquisition cost. The department  
22 shall give priority in awarding grants to those projects for which the applicant agrees  
23 to pay greater than 20% of the cost of the acquisition of rail property improvements.  
24 A grant may be made to an eligible applicant before or after abandonment of a  
25 railroad line as defined in s. 85.09 (3). The department may permit an eligible

1 applicant's share of an increase in the acquisition cost of rail property or rail property  
2 improvements to be paid in installments if the increase in acquisition cost is caused  
3 by negotiation or litigation. No grant may be made under this paragraph for the  
4 acquisition of rail property if the acquisition price exceeds an amount deemed  
5 reasonable by the department. If a grant is made to an eligible applicant under this  
6 paragraph, the department may award a loan to the eligible applicant for not more  
7 than 15% of the acquisition cost. A grant of money or a loan made under this  
8 paragraph shall be paid from the appropriation under s. 20.395 (2) (bq), (bu), or (bx)  
9 or 20.866 (2) (uw). The department shall administer this program and shall have all  
10 powers necessary and convenient to implement this paragraph and par. (d),  
11 including the following powers:

12 **SECTION 2237s.** 85.08 (4m) (d) of the statutes is amended to read:

13 85.08 (4m) (d) *Railroad rehabilitation and construction grants and loans.* The  
14 department may make grants to eligible applicants for the purpose of rehabilitating  
15 or constructing rail property improvements. Construction shall be limited to that  
16 which is required to continue rail service on a particular line or to provide alternative  
17 rail service when a line has been abandoned. A grant under this paragraph may be  
18 composed of state funds, federal funds, state property, the use of state property,  
19 technical assistance, or any combination of state funds, federal funds, state property,  
20 the use of state property, and technical assistance. The value of a grant may not  
21 exceed 80% of the costs of rehabilitation or construction. The department shall give  
22 priority in awarding grants to those projects for which the applicant agrees to pay  
23 greater than 20% of the costs of rehabilitation or construction. If a grant is made to  
24 an eligible applicant under this paragraph, the department may award a loan to the  
25 eligible applicant for not more than 15% of the rehabilitation or construction costs.

1 A grant may be made before or after abandonment of a railroad line as defined in s.  
2 85.09 (3). A grant or loan made under this paragraph shall be paid from the  
3 appropriation under s. 20.395 (2) (bq), (bu), or (bx) or 20.866 (2) (uw).

4 **SECTION 2238.** 85.09 (4i) of the statutes is amended to read:

5 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or  
6 private sale rail property acquired under sub. (4) when the department determines  
7 that the rail property is not necessary for a public purpose and, if real property, the  
8 real property is not the subject of a petition under s. ~~560.9810~~ <sup>plain</sup> ~~16.310~~ (2). Upon  
9 receipt of the full purchase price, the department shall, by appropriate deed or other  
10 instrument, transfer the rail property to the purchaser. The funds derived from sales  
11 under this subsection shall be deposited in the transportation fund, and the expense  
12 incurred by the department in connection with the sale shall be paid from the  
13 appropriation under s. 20.395 (2) (bq). This subsection does not apply to real  
14 property that is sold under s. 16.848.

15 **SECTION 2239.** 85.09 (4m) of the statutes is amended to read:

16 85.09 (4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the  
17 department determines that acquiring rail property under this section will not result  
18 in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a  
19 statement of its determinations with the <sup>check</sup> department of ~~commerce~~ administration. ✓

20 **SECTION 2240m.** ✓ 85.095 (2) (b) of the statutes is amended to read:

21 85.095 (2) (b) To establish criteria for evaluating applications for harbor  
22 assistance grants in order to provide for the disbursement of grants. In establishing  
23 these criteria, the department ~~shall consult with the department of commerce and~~  
24 shall give priority to applicants based on the amount of tonnage and waterborne  
25 transportation handled in the harbor.

1           **SECTION 2241.** 85.11 of the statutes is repealed.

2           **SECTION 2242.** 85.14 (title) of the statutes is amended to read:

3           **85.14 (title) ~~Payments of fees and deposits by credit card, debit card,~~**  
4           **~~or other electronic payment mechanism; electronic transactions.~~**

5           **SECTION 2243.** 85.14 (1) (a) of the statutes is amended to read:

6           85.14 (1) (a) The department may accept payment by credit card, debit card,  
7           or any other electronic payment mechanism of ~~a~~ any fee that is required to be paid  
8           to the department ~~under ch. 194, 218, 341, 342, 343 or 348.~~ The department shall  
9           determine which fees may be paid by credit card, debit card, or any other electronic  
10          payment mechanism and the manner in which the payments may be made. If the  
11          department permits the payment of a fee by credit card, debit card, or any other  
12          electronic payment mechanism, the department may charge a convenience fee for  
13          each transaction in an amount to be established by rule. The convenience fee shall  
14          approximate the cost to the department for providing this service to persons who  
15          request it. If the department permits the payment of a fee by credit card, debit card,  
16          or any other electronic payment mechanism, the department may charge a service  
17          fee of \$2.50 for each transaction until a rule is promulgated under this paragraph.

18          **SECTION 2244.** 85.14 (3) of the statutes is created to read:

19          85.14 (3) The department may establish procedures for conducting any  
20          transaction in an electronic format or using an electronic process. Any form  
21          prescribed by the department may be prescribed in an automated format to facilitate  
22          the department's authority under this subsection.

23          **SECTION 2245.** 85.14 (4) of the statutes is created to read:

24          85.14 (4) The department may promulgate rules requiring a person to pay an  
25          additional fee for conducting an in-person, telephone, or paper transaction in lieu

1 of using an electronic filing or submission option when the department has made an  
2 electronic filing or submission option available. These rules providing for an  
3 additional fee shall not apply to individuals unless the department offered an  
4 electronic filing or submission option in connection with a service on the effective  
5 date of this subsection .... [LRB inserts date], and the department charged an  
6 additional fee to individuals for electing this option as of that date. These rules may  
7 provide for exemptions from the additional fee for designated categories of persons  
8 or transactions. The fee authorized under this subsection is in addition to any other  
9 fee that may be imposed by the department.

10 **SECTION 2245k.** 85.193 of the statutes is created to read:

11 **85.193 Borrow and material disposal sites for transportation projects.**

12 (1) DEFINITIONS. In this section:

13 (a) "Borrow" means soil or a mixture of soil and stone, gravel, or other material  
14 suitable for use in the construction of embankments or other similar earthworks  
15 constructed as part of a transportation project.

16 (b) "Borrow site" means a site off of the transportation project property from  
17 which borrow is excavated for use in a transportation project.

18 (c) "Material disposal site" means a site off of the transportation project  
19 property used for the lawful disposal of surplus materials from a transportation  
20 project and that is under the direct control of the transportation project contractor  
21 or a transportation project subcontractor. "Material disposal site" does not include  
22 a private landfill that is not managed by the transportation project contractor or a  
23 transportation project subcontractor or a landfill that is owned or directly controlled  
24 by a political subdivision.

25 (d) "Political subdivision" means a city, village, town, or county.

1           (e) “Transportation project” means a construction or maintenance project  
2 directed and supervised by the department that relates to an airport, railroad,  
3 highway, bridge, or other transportation facility and that is subject to an agreement  
4 under s. 30.2022.

5           **(2) EXEMPTION FROM LOCAL ZONING.** No zoning ordinance enacted under s. 59.69,  
6 60.61, 60.62, 61.35, or 62.23 may apply to a borrow site or material disposal site if  
7 all of the following apply:

8           (a) The owner of the property consents to the establishment of a site on his or  
9 her property.

10           (b) The department determines that the site is not a commercial establishment  
11 that has a fixed place of business from which the establishment regularly supplies  
12 processed or manufactured materials or products.

13           (c) The transportation project contractor assumes sole responsibility for the  
14 operation of the site.

15           (d) The site is used solely for the specified transportation project and solely  
16 during the period of construction of the specified transportation project.

17           (e) The transportation project contractor or a transportation project  
18 subcontractor does not crush, screen, wash, blast, or apply another manufacturing  
19 process to mineral aggregate from the borrow site, on or off the borrow site, to  
20 produce finished aggregate products.

21           (g) The transportation project contractor complies with all of the following:

22           1. Any applicable noise limit standards for mine and quarry operations  
23 established under s. 101.15 (2) (e).

1           2. Any applicable restoration requirements for construction site erosion control  
2 established under s. 85.19 (1) and any applicable restoration requirements  
3 established under an agreement under s. 30.2022.

4           **SECTION 2246.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

5           85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the  
6 department shall pay ~~\$63,784,700 for aid payable for calendar year 2008,~~  
7 ~~\$65,299,200 for aid payable for calendar year 2009,~~ \$66,585,600 for aid payable for  
8 calendar year 2010, and \$68,583,200 for aid payable for calendar year 2011, and  
9 \$61,724,900 for aid payable for calendar year 2012 and thereafter, to the eligible  
10 applicant that pays the local contribution required under par. (b) 1. for an urban  
11 mass transit system that has annual operating expenses of \$80,000,000 or more. If  
12 the eligible applicant that receives aid under this subd. 6. cm. is served by more than  
13 one urban mass transit system, the eligible applicant may allocate the aid between  
14 the urban mass transit systems in any manner the eligible applicant considers  
15 desirable.

16           **SECTION 2248.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

17           85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the  
18 department shall pay ~~\$16,754,000 for aid payable for calendar year 2008,~~  
19 ~~\$17,158,400 for aid payable for calendar year 2009,~~ \$17,496,400 for aid payable for  
20 calendar year 2010, and \$18,021,300 for aid payable for calendar year 2011, and  
21 \$16,219,200 for aid payable for calendar year 2012 and thereafter, to the eligible  
22 applicant that pays the local contribution required under par. (b) 1. for an urban  
23 mass transit system that has annual operating expenses in excess of \$20,000,000 but  
24 less than \$80,000,000. If the eligible applicant that receives aid under this subd. 6.  
25 d. is served by more than one urban mass transit system, the eligible applicant may

1 allocate the aid between the urban mass transit systems in any manner the eligible  
2 applicant considers desirable.

3 **SECTION 2252.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

4 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the  
5 amounts for aids are ~~\$24,034,400 in calendar year 2008, \$24,614,500 in calendar~~  
6 ~~year 2009,~~ \$25,099,500 in calendar year 2010, and \$25,852,500 in calendar year  
7 2011, and \$23,267,200 in calendar year 2012 and thereafter. These amounts, to the  
8 extent practicable, shall be used to determine the uniform percentage in the  
9 particular calendar year.

10 **SECTION 2254.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

11 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
12 amounts for aids are ~~\$5,440,500 in calendar year 2008, \$5,571,800 in calendar year~~  
13 ~~2009,~~ \$5,681,600 in calendar year 2010, and \$5,852,200 in calendar year 2011, and  
14 \$5,267,000 in calendar year 2012 and thereafter. These amounts, to the extent  
15 practicable, shall be used to determine the uniform percentage in the particular  
16 calendar year.

17 **SECTION 2255m.** 85.205 of the statutes is created to read:

18 **85.205 Paratransit aids.** (1) DEFINITIONS. In this section:

19 (a) "Eligible applicant" has the meaning given in s. 85.20 (1) (b).

20 (b) "Paratransit service" means comparable transportation service required by  
21 the federal Americans with Disabilities Act for individuals with disabilities who are  
22 unable to use fixed route transportation services.

23 (c) "Urban mass transit system" has the meaning given in s. 85.20 (1) (L).

24 (2) ADMINISTRATION. (a) From the appropriation under s. 20.395 (1) (hq), the  
25 department shall provide aid payments to eligible applicants that receive state aid

1 payments under s. 85.20 (4m) and that are served by an urban mass transit system  
2 that provides paratransit service to assist those eligible applicants in providing  
3 paratransit service.

4 (b) In awarding grants under par. (a), the department shall do all of the  
5 following:

6 1. Maximize the level of paratransit service provided by urban mass transit  
7 systems serving eligible applicants.

8 2. Give priority to eligible applicants for maintaining paratransit service  
9 provided by urban mass transit systems on the effective date of this subdivision ....  
10 [LRB inserts date].

11 **SECTION 2256.** 85.25 (2) (c) 1m. b. of the statutes is amended to read:

12 85.25 (2) (c) 1m. b. It is currently performing a useful business function as  
13 defined in s. 560.036 16.287 (1) (h).

14 **SECTION 2267x.** 86.25 (4) of the statutes is amended to read:

15 86.25 (4) Sections 61.54, 62.15 and 66.0901 (1) and (2) to (9) shall not apply to  
16 funds provided or agreements made pursuant to this section.

17 **SECTION 2268.** 86.30 (2) (a) 3. of the statutes is amended to read:

18 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
19 municipality as determined under s. 86.302, the mileage aid payment shall be \$1,956  
20 ~~in calendar year 2008, \$2,015 in calendar year 2009,~~ \$2,055 in calendar year 2010,  
21 and \$2,117 in calendar year 2011 and thereafter.

22 **SECTION 2269.** 86.30 (2) (b) 1. of the statutes is amended to read:

23 86.30 (2) (b) 1. Except as provided under par. (d) and s. 86.303 (5), no  
24 municipality whose aid is determined under par. (a) 2. may receive an increase in its  
25 annual transportation aid payment in excess of 15% of its last previous calendar year

1 aid payment or a decrease in its annual transportation aid payment in excess of 5%  
2 10 percent of its last previous calendar year transportation aid payment.

3 **SECTION 2270.** 86.30 (2) (b) 1g. of the statutes is amended to read:

4 86.30 (2) (b) 1g. Except as provided under par. (d) and s. 86.303 (5), no  
5 municipality whose aid is determined under par. (a) 3. may receive a decrease in its  
6 annual transportation aid payment in excess of 5% 10 percent of its last previous  
7 calendar year transportation aid payment.

8 **SECTION 2271.** 86.30 (2) (b) 1r. of the statutes is amended to read:

9 86.30 (2) (b) 1r. Except as provided under s. 86.303, no county may receive an  
10 increase in its annual transportation aid payment in excess of 15% of its last previous  
11 calendar year aid payment. Except as provided under par. (dm) and s. 86.303, no  
12 county may receive a decrease in its annual transportation aid payment in excess of  
13 ~~2%~~ 10 percent of its last previous calendar year transportation aid payment.

14 **SECTION 2271m.** 86.30 (2) (dr) of the statutes is created to read:

15 86.30 (2) (dr) *Aid reduction related to outdoor advertising sign condemnation.*

16 The department may reduce aids paid to a county or municipality under par. (e) as  
17 provided in s. 84.30 (5r) (c).

18 **SECTION 2272.** 86.30 (9) (b) of the statutes is amended to read:

19 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
20 the amounts for aids to counties are ~~\$96,492,900 in calendar year 2008, \$99,387,700~~  
21 ~~in calendar year 2009, \$101,375,500 in calendar year 2010, and \$104,416,800 in~~  
22 ~~calendar year 2011, and \$94,615,600 in calendar year 2012~~ and thereafter. These  
23 amounts, to the extent practicable, shall be used to determine the statewide county  
24 average cost-sharing percentage in the particular calendar year.

25 **SECTION 2273.** 86.30 (9) (c) of the statutes is amended to read:

1           86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
2           the amounts for aids to municipalities are ~~\$303,578,100 in calendar year 2008,~~  
3           ~~\$312,685,400 in calendar year 2009,~~ \$318,939,100 in calendar year 2010, and  
4           \$328,507,300 in calendar year 2011, and \$308,904,300 in calendar year 2012 and  
5           thereafter. These amounts, to the extent practicable, shall be used to determine the  
6           statewide municipal average cost-sharing percentage in the particular calendar  
7           year.

8           **SECTION 2278d.** 86.31 (2) (a) of the statutes is amended to read:

9           86.31 (2) (a) The department shall administer a local roads improvement  
10          program to accelerate the improvement of seriously deteriorating local roads by  
11          reimbursing political subdivisions for improvements. The selection of improvements  
12          that may be funded under the program shall be performed by officials of each political  
13          subdivision, consistent with par. (h) and the requirements of subs. (3), (3g), (3m), and  
14          (3r). The department shall notify each county highway commissioner of any deadline  
15          that affects eligibility for reimbursement under the program no later than 15 days  
16          before such deadline. ✓

17          **SECTION 2278em.** ✓ 86.31 (2) (b) of the statutes is amended to read:

18          86.31 (2) (b) Except as provided in par. (d), improvements for highway  
19          construction projects funded under the program shall be under contracts. Such  
20          contracts shall be awarded on the basis of competitive bids and shall be awarded to  
21          the lowest responsible bidder. If a city or village does not receive a responsible bid  
22          for an improvement, the city or village may contract with a county for the  
23          improvement. ~~A~~ Subject to s. 59.52 (30), a town may contract with a county for the  
24          improvement subject to the criteria and procedures promulgated as rules under sub.  
25          (6) (h). ✓

1           **SECTION 2278j.** 86.31 (2) (h) of the statutes is created to read:

2           86.31 (2) (h) A double seal coat project on a town road may be funded under the  
3 program if it has a projected life of at least 10 years, similar projects in the same  
4 geographic area have performed satisfactorily, and the county highway  
5 commissioner of the county in which the project is located approves the project's  
6 eligibility for funding.

7           **SECTION 2278m.** ✓ 86.31 (3m) of the statutes is amended to read:

8           86.31 (3m) TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the  
9 appropriation under s. 20.395 (2) (ft), the department shall allocate \$765,000 in fiscal  
10 year ~~2007-08~~, \$780,300 in fiscal year ~~2008-09~~, and \$732,500 in fiscal year 2009-10  
11 and in fiscal year 2010-11, and \$5,732,500 in fiscal year 2011-12 and each fiscal year  
12 thereafter, to fund town road improvements with eligible costs totaling \$100,000 or  
13 more. The funding of improvements under this subsection is in addition to the  
14 allocation of funds for entitlements under sub. (3).

15           **SECTION 2278o.** ✓ 86.31 (6) (h) (intro.) of the statutes is amended to read:

16           86.31 (6) (h) Criteria Subject to s. 59.52 (30), criteria and procedures for  
17 contracting with a county for a town road improvement that includes at least all of  
18 the following: ✓

19           **SECTION 2279.** ✓ 91.04 (2) (j) of the statutes is amended to read:

20           91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts  
21 under s. 91.48, ~~including the amounts of conversion fees paid to political subdivisions~~  
22 ~~under s. 91.48 (1) (b).~~

23           **SECTION 2280.** 91.48 (1) (intro.) of the statutes is amended to read:

24           91.48 (1) (intro.) A political subdivision with a certified farmland preservation  
25 zoning ordinance may rezone land out of a farmland preservation zoning district

1 without having the rezoning certified under s. 91.36, if ~~all of the following apply the~~  
2 political subdivision finds all of the following, after public hearing:

3 **SECTION 2281.** 91.48 (1) (a) (intro.) of the statutes is repealed.

4 **SECTION 2282.** 91.48 (1) (a) 1. to 4. of the statutes are renumbered 91.48 (1) (a)  
5 to (d).

6 **SECTION 2283.** 91.48 (1) (b) of the statutes is repealed.

7 **SECTION 2284.** 91.48 (2) (intro.) and (a) of the statutes are consolidated,  
8 renumbered 91.48 (2) and amended to read:

9 91.48 (2) A political subdivision shall by March of 1 of each year provide all of  
10 ~~the following~~ to the department: ~~(a) A~~ a report of the number of acres that the  
11 political subdivision has rezoned out of a farmland preservation zoning district  
12 under sub. (1) during the previous year and a map that clearly shows the location of  
13 those acres.

14 **SECTION 2285.** 91.48 (2) (b) and (c) of the statutes are repealed.

15 **SECTION 2286.** 91.48 (3) of the statutes is amended to read:

16 91.48 (3) A political subdivision that is not a county shall by March 1 of each  
17 year submit a copy of the information that it reports to the department under sub.  
18 (2) ~~(a) and (b)~~ to the county in which the political subdivision is located.

19 **SECTION 2287.** 91.49 of the statutes is repealed.

20 **SECTION 2292.** 92.07 (15) of the statutes is amended to read:

21 92.07 (15) ADMINISTRATION AND ENFORCEMENT OF ORDINANCES. A land  
22 conservation committee may, if authorized by the county board, administer and  
23 enforce those provisions of an ordinance enacted under s. 101.65 (1) (a) related to  
24 construction site erosion, a zoning ordinance enacted under s. 59.693 or an ordinance  
25 enacted under authority granted under s. ~~281.33 (3m)~~ 101.1206.

1           **SECTION 2293.** 93.07 (3) of the statutes is amended to read:

2           **93.07 (3) PROMOTION OF AGRICULTURE.** To promote the interests of agriculture,  
3 dairying, horticulture, manufacturing, commercial fishing and the domestic arts and  
4 to advertise Wisconsin and its dairy, food, and agricultural products by conducting  
5 campaigns of education throughout the United States and in foreign markets. Such  
6 campaigns shall include the distribution of educational and advertising material  
7 concerning Wisconsin and its plant, animal, food, and dairy products. The  
8 department shall coordinate efforts by the state to advertise and promote  
9 agricultural products of this state, with the ~~department of commerce~~ Wisconsin  
10 Economic Development Corporation where appropriate. The department shall  
11 submit its request and plan for market development program expenditures for each  
12 biennium with its biennial budget request. The plan shall include the identification  
13 and priority of expenditures for each market development program activity.

14           **SECTION 2294.** 93.07 (18) (b) (intro.) of the statutes is amended to read:

15           **93.07 (18) (b) (intro.)** In consultation with the ~~department of commerce~~  
16 Wisconsin Economic Development Corporation, to do all of the following for each  
17 economic development program administered by the department of agriculture,  
18 trade and consumer protection:

19           **SECTION 2295.** 93.07 (20) (title) of the statutes is amended to read:

20           **93.07 (20) (title)** ECONOMIC DEVELOPMENT ASSISTANCE COORDINATION AND  
21 REPORTING.

22           **SECTION 2296.** 93.07 (20) of the statutes is renumbered 93.07 (20) (b) and  
23 amended to read:

24           **93.07 (20) (b)** Annually, no later than October 1, to submit to the joint  
25 legislative audit committee and to the appropriate standing committees of the

1 legislature under s. 13.172 (3) a comprehensive report assessing economic  
2 development programs, as defined in sub. (18) (a), administered by the department.  
3 The report shall include all of the information required under s. ~~560.01 (2) (am)~~  
4 238.07 (2). The department shall collaborate with the ~~department of commerce~~  
5 Wisconsin Economic Development Corporation to make readily accessible to the  
6 public on an Internet-based system the information required under this subsection.

7 **SECTION 2297.** 93.07 (20) (a) of the statutes is created to read:

8 93.07 (20) (a) The department shall coordinate any economic development  
9 assistance with the Wisconsin Economic Development Corporation.

10 **SECTION 2298.** 93.07 (26) of the statutes is amended to read:

11 93.07 (26) ALTERNATIVE FUEL REFUELING FACILITIES. To pursue ~~in cooperation~~  
12 ~~with the office of energy independence~~, the establishment and maintenance of  
13 sufficient alternative fuel refueling facilities at public retail outlets to meet the  
14 traveling needs of the public.

15 **SECTION 2299.** 93.33 (5) (intro.) of the statutes is amended to read:

16 93.33 (5) ANNUAL REPORT. (intro.) In September of each year, the council shall  
17 submit a report to the appropriate standing committees of the legislature as  
18 determined by the speaker of the assembly and the president of the senate, under s.  
19 13.172 (3), the governor, the secretary of agriculture, trade and consumer protection,  
20 the state superintendent of public instruction, the secretary of workforce  
21 development, the secretary of natural resources, the ~~secretary of commerce~~ chief  
22 executive officer of the Wisconsin Economic Development Corporation, the president  
23 of the University of Wisconsin System, the director of the technical college system,  
24 the chancellor of the University of Wisconsin-Extension, the chancellor of the  
25 University of Wisconsin-Madison, the chancellor of the University of

1 Wisconsin-Platteville, the chancellor of the University of Wisconsin-River Falls,  
2 and the chancellor of the University of Wisconsin-Stevens Point. The council shall  
3 include all of the following in the report:

4 **SECTION 2299r.** 93.40 (1) (g) of the statutes is amended to read:

5 93.40 (1) (g) Promote the growth of the dairy industry through research,  
6 planning, and assistance, including grants and loans to dairy producers.

7 **SECTION 2300.** 93.42 (1) (e) of the statutes is amended to read:

8 93.42 (1) (e) Cooperating with the ~~department of commerce~~ Wisconsin  
9 Economic Development Corporation in promoting the state's products through the  
10 state's foreign trade offices.

11 **SECTION 2301.** 93.42 (3) of the statutes is repealed.

12 **SECTION 2303.** 93.46 (1) (am) of the statutes is repealed.

13 **SECTION 2305.** 93.46 (2) (d) of the statutes is repealed.

14 **SECTION 2305c.** 93.46 (2) (e) of the statutes is amended to read:

15 93.46 (2) (e) The department may not make a grant under this subsection that  
16 exceeds ~~75~~ 67 percent of project costs.

17 **SECTION 2307c.** 93.73 (2) (b) of the statutes is amended to read:

18 93.73 (2) (b) The department, after consultation with the council under sub.  
19 (13), shall solicit applications under sub. (3) ~~at least annually.~~ The department shall  
20 issue each solicitation in writing and shall publish a notice announcing the  
21 solicitation. In soliciting applications, the department may specify the total amount  
22 of funds available, application deadlines, application requirements and procedures,  
23 preliminary criteria for evaluating applications, and other relevant information.

24 **SECTION 2308.** 93.80 of the statutes is amended to read:

ok

1           **93.80 Arsenic in wood.** The department, jointly with the department of  
2 ~~commerce~~ safety and professional services, shall review scientific evidence to  
3 determine whether there is a substantial likelihood that wood treated with copper,  
4 chromium, and arsenic is harmful to the environment or to human health.

5           **SECTION 2308m.** 94.64 (4) (c) 3. of the statutes is amended to read:

6           94.64 (4) (c) 3. The department shall credit the fee ~~fees~~ collected under par. (a) ~~plan~~  
7 3. to the appropriation account under s. 20.285 (1) (hm) (k) for the University of  
8 Wisconsin-Extension outreach services. ↑ score ← plain

9           **SECTION 2309.** 96.01 (4m) of the statutes is amended to read:

10           96.01 (4m) "Bioenergy feedstock" ~~has the meaning given in s. 16.954 (1) (b)~~  
11 means biomass used to produce energy, including transportation fuel, heat, or  
12 electricity.

13           **SECTION 2309g.** 97.60 of the statutes is repealed.

14           **SECTION 2310.** 100.14 (2) of the statutes is amended to read:

15           100.14 (2) The ~~secretary of state~~ department of financial institutions shall,  
16 upon application of the department of agriculture, trade and consumer protection,  
17 record any such label or trademark under ss. 132.01 to 132.11. The department of  
18 agriculture, trade and consumer protection shall be entitled to protect such label or  
19 trademark under said sections and in any other manner authorized by law. ✓

20           **SECTION 2312.** ✓ 100.60 (1) (b) 2. of the statutes is amended to read:

21           100.60 (1) (b) 2. Any other fuel that can substitute for petroleum-based diesel  
22 fuel, that is derived from a renewable resource, that meets all of the applicable  
23 requirements of the American Society for Testing and Materials for that fuel, and  
24 that the department of ~~commerce~~ safety and professional services designates as a  
25 diesel-replacement renewable fuel under sub. (7) (a).

1           **SECTION 2313.** 100.60 (1) (c) 2. of the statutes is amended to read:

2           100.60 (1) (c) 2. Any other fuel that can substitute for gasoline, that is derived  
3 from a renewable resource, that meets all of the applicable requirements of the  
4 American Society for Testing and Materials for that fuel, and that the department  
5 of ~~commerce~~ safety and professional services designates as a gasoline-replacement  
6 renewable fuel under sub. (7) (b).

7           **SECTION 2314.** 100.60 (3) (a) of the statutes is amended to read:

8           100.60 (3) (a) Annually, beginning in 2011, the department, in cooperation with  
9 and with assistance from the department of ~~commerce~~, safety and professional  
10 services and the department of revenue, ~~and the office of energy independence~~, shall  
11 determine whether the annual goals for sales of renewable fuels in sub. (2) (b) and  
12 (c), for the previous year, were met in the state in that year.

13           **SECTION 2315.** 100.60 (6) (a) of the statutes is amended to read:

14           100.60 (6) (a) The department shall consult with the department of ~~commerce~~,  
15 safety and professional services and the department of revenue, ~~and the office of~~  
16 ~~energy independence~~ to determine if information necessary to make a determination  
17 under sub. (3) (a) or an assessment under sub. (4) is being collected by these agencies  
18 under laws in effect on June 2, 2010. If the information is not being collected, the  
19 department may request the department of ~~commerce~~, safety and professional  
20 services and the department of revenue, ~~or the office of energy independence~~ to  
21 collect the information if collection by one of these agencies is more cost-effective for  
22 state government and less burdensome for the persons subject to the reporting  
23 requirements than collection of the information by the department.

24           **SECTION 2316.** 100.60 (7) (title) of the statutes is amended to read:



1           **SECTION 2322.** 101.02 (18m) of the statutes is amended to read:

2           **101.02 (18m)** The department may perform, or contract for the performance  
3 of, testing of petroleum products other than testing provided under ch. 168. The  
4 department may establish a schedule of fees for such petroleum product testing  
5 services. The department shall credit all revenues received from fees established  
6 under this subsection to the appropriation account under s. ~~20.143 (3)~~ 20.165 (2) (ga).  
7 Revenues from fees established under this subsection may be used by the  
8 department to pay for testing costs, including laboratory supplies and equipment  
9 amortization, for such products.

10           **SECTION 2323.** 101.02 (20) (a) of the statutes is amended to read:

11           **101.02 (20) (a)** For purposes of this subsection, “license” means a license,  
12 permit, or certificate of certification or registration issued by the department under  
13 ss. 101.09 (3) (c), 101.122 (2) (c), ~~101.136~~, 101.143 (2) (g), 101.147, 101.15 (2) (e),  
14 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653,  
15 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,  
16 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
17 145.175, 145.18, or 167.10 (6m).

18           **SECTION 2324.** 101.02 (20) (b) of the statutes is amended to read:

19           **101.02 (20) (b)** Except as provided in par. (e), the department of ~~eommeree~~  
20 safety and professional services may not issue or renew a license unless each  
21 applicant who is an individual provides the department of ~~eommeree~~ safety and  
22 professional services with his or her social security number and each applicant that  
23 is not an individual provides the department of ~~eommeree~~ safety and professional  
24 services with its federal employer identification number. The department of  
25 ~~eommeree~~ safety and professional services may not disclose the social security

1 number or the federal employer identification number of an applicant for a license  
2 or license renewal except to the department of revenue for the sole purpose of  
3 requesting certifications under s. 73.0301.

4 **SECTION 2325.** 101.02 (20) (c) of the statutes is amended to read:

5 101.02 (20) (c) The department of ~~commerce~~ safety and professional services  
6 may not issue or renew a license if the department of revenue certifies under s.  
7 73.0301 that the applicant or licensee is liable for delinquent taxes.

8 **SECTION 2326.** 101.02 (20) (d) of the statutes is amended to read:

9 101.02 (20) (d) The department of ~~commerce~~ safety and professional services  
10 shall revoke a license if the department of revenue certifies under s. 73.0301 that the  
11 licensee is liable for delinquent taxes.

12 **SECTION 2327.** 101.02 (20) (e) 1. of the statutes is amended to read:

13 101.02 (20) (e) 1. If an applicant who is an individual does not have a social  
14 security number, the applicant, as a condition of applying for or applying to renew  
15 a license shall submit a statement made or subscribed under oath or affirmation to  
16 the department of ~~commerce~~ safety and professional services that the applicant does  
17 not have a social security number. The form of the statement shall be prescribed by  
18 the department of children and families.

19 **SECTION 2328.** 101.02 (21) (a) of the statutes is amended to read:

20 101.02 (21) (a) In this subsection, "license" means a license, permit, or  
21 certificate of certification or registration issued by the department under s. 101.09  
22 (3) (c), 101.122 (2) (c), ~~101.136~~, 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g),  
23 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6),  
24 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3),

1 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or  
2 167.10 (6m).

3 **SECTION 2329.** 101.02 (21) (b) of the statutes is amended to read:

4 101.02 (21) (b) As provided in the memorandum of understanding under s.  
5 49.857 and except as provided in par. (e), the department of ~~commerce~~ safety and  
6 professional services may not issue or renew a license unless the applicant provides  
7 the department of ~~commerce~~ safety and professional services with his or her social  
8 security number. The department of ~~commerce~~ safety and professional services may  
9 not disclose the social security number except that the department of ~~commerce~~  
10 safety and professional services may disclose the social security number of an  
11 applicant for a license under par. (a) or a renewal of a license under par. (a) to the  
12 department of children and families for the sole purpose of administering s. 49.22.

13 **SECTION 2330.** 101.02 (21) (e) 1. of the statutes is amended to read:

14 101.02 (21) (e) 1. If an applicant who is an individual does not have a social  
15 security number, the applicant, as a condition of applying for or applying to renew  
16 a license shall submit a statement made or subscribed under oath or affirmation to  
17 the department of ~~commerce~~ safety and professional services that the applicant does  
18 not have a social security number. The form of the statement shall be prescribed by  
19 the department of children and families.

20 **SECTION 2330c.** 101.09 (1) (cm) of the statutes is created to read:

21 101.09 (1) (cm) "Secondary containment" means a barrier, approved by the  
22 department, that is installed around a storage tank system and that is designed to  
23 prevent a leak from a primary tank or piping from contacting the surrounding earth  
24 or waters of the state.

25 **SECTION 2330g.** 101.09 (3m) of the statutes is created to read:

1           101.09 **(3m)** SECONDARY CONTAINMENT REQUIREMENTS. (a) In this subsection,  
2           “hazardous substance” means a combustible liquid, a flammable liquid, or a federally  
3           regulated hazardous substance.

4           (b) The department may not impose any requirement that specifies that pipe  
5           connections at the top of a storage tank and beneath all freestanding pumps and  
6           dispensers that routinely contain a hazardous substance be placed within secondary  
7           containment sumps, if the pipe connections were installed or in place on or before  
8           February 1, 2009. This subsection does not apply after December 31, 2020.

9           **SECTION 2331.** 101.1206 (title) of the statutes is created to read:

10           **101.1206** (title) **Erosion control; construction of public buildings and**  
11           **buildings that are places of employment.**

12           **SECTION 2333.** 101.136 of the statutes is repealed.

13           **SECTION 2338.** 101.143 (2) (d) of the statutes is amended to read:

14           101.143 **(2)** (d) The department shall reserve a portion, not to exceed 20%, of  
15           the amount annually appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) for awards under  
16           this section to be used to fund emergency remedial action and claims that exceed the  
17           amount initially anticipated.

18           **SECTION 2339.** 101.143 (2) (h) (intro.) of the statutes is amended to read:

19           101.143 **(2)** (h) (intro.) The department of ~~commerce~~ safety and professional  
20           services and the department of natural resources, jointly, shall promulgate rules  
21           designed to facilitate effective and cost-efficient administration of the program  
22           under this section that specify all of the following:

23           **SECTION 2340.** 101.143 (2) (i) (intro.) of the statutes is amended to read:

24           101.143 **(2)** (i) (intro.) The department of ~~commerce~~ safety and professional  
25           services and the department of natural resources, jointly, shall promulgate rules

1 specifying procedures for evaluating remedial action plans and procedures to be used  
2 by employees of the department of ~~commerce~~ safety and professional services and the  
3 department of natural resources while remedial actions are being conducted. The  
4 departments shall specify procedures that include all of the following:

5 **SECTION 2341.** 101.143 (2) (j) (intro.) of the statutes is amended to read:

6 101.143 (2) (j) (intro.) The department of ~~commerce~~ safety and professional  
7 services and the department of natural resources, jointly, shall promulgate rules  
8 specifying all of the following:

9 **SECTION 2342.** 101.143 (2) (k) of the statutes is amended to read:

10 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of  
11 ~~commerce~~ safety and professional services and the department of natural resources  
12 shall attempt to reach an agreement that is consistent with those provisions. If the  
13 department of ~~commerce~~ safety and professional services and the department of  
14 natural resources are unable to reach an agreement, they shall refer the matters on  
15 which they are unable to agree to the secretary of administration for resolution. The  
16 secretary of administration shall resolve any matters on which the departments  
17 disagree in a manner that is consistent with pars. (h) to (j). The department of  
18 ~~commerce~~ safety and professional services and the department of natural resources,  
19 jointly, shall promulgate rules incorporating any agreement between the  
20 department of ~~commerce~~ safety and professional services and the department of  
21 natural resources under this paragraph and any resolution of disagreements  
22 between the departments by the secretary of administration under this paragraph.

23 **SECTION 2343.** 101.143 (2) (L) of the statutes is amended to read:

24 101.143 (2) (L) The department may promulgate rules for the assessment and  
25 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and

1 for providing other assistance requested by applicants under this section. Any  
2 moneys collected under this paragraph shall be credited to the appropriation account  
3 under s. ~~20.143 (3)~~ 20.165 (2) (Lm).

4 **SECTION 2344.** 101.143 (2e) (a) of the statutes is amended to read:

5 101.143 (2e) (a) The department of ~~commerce~~ safety and professional services  
6 and the department of natural resources shall attempt to agree on a method, which  
7 shall include individualized consideration of the routes for migration of petroleum  
8 product contamination at each site, for determining the risk to public health, safety  
9 and welfare and to the environment posed by discharges for which the department  
10 of ~~commerce~~ safety and professional services receives notification under sub. (3) (a)  
11 3.

12 **SECTION 2345.** 101.143 (2e) (b) of the statutes is amended to read:

13 101.143 (2e) (b) If the department of ~~commerce~~ safety and professional services  
14 and the department of natural resources are unable to reach an agreement under  
15 par. (a), they shall refer the matters on which they are unable to agree to the  
16 secretary of administration for resolution. The secretary of administration shall  
17 resolve any matters on which the departments disagree in a manner that is  
18 consistent with par. (a). The department of ~~commerce~~ safety and professional  
19 services and the department of natural resources, jointly, shall promulgate rules  
20 incorporating any agreement between the department of ~~commerce~~ safety and  
21 professional services and the department of natural resources under par. (a) and any  
22 resolution of disagreements between the departments by the secretary of  
23 administration under this paragraph.

24 **SECTION 2346.** 101.143 (2e) (c) of the statutes is amended to read:

1           101.143 (2e) (c) The department of natural resources or, if the discharge is  
2 covered under s. 101.144 (2) (b), the department of ~~commerce~~ safety and professional  
3 services shall apply the method in the rules promulgated under par. (b) to determine  
4 the risk posed by a discharge for which the department of ~~commerce~~ safety and  
5 professional services receives notification under sub. (3) (a) 3.

6           **SECTION 2347.** 101.143 (2m) of the statutes is amended to read:

7           101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of  
8 ~~commerce~~ safety and professional services receives a notification under sub. (3) (a)  
9 3. or the department of natural resources receives a notification of a petroleum  
10 product discharge under s. 292.11, the department receiving the notification shall  
11 contact the other department and shall schedule a meeting of the owner or operator  
12 or person owning a home oil tank system and representatives of both departments.

13           **SECTION 2348.** 101.143 (3) (c) 4. of the statutes is amended to read:

14           101.143 (3) (c) 4. Receive written approval from the department of natural  
15 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department  
16 of ~~commerce~~ safety and professional services that the remedial action activities  
17 performed under subd. 3. meet the requirements of s. 292.11.

18           **SECTION 2349.** 101.143 (3) (cm) of the statutes is amended to read:

19           101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
20 owning a home oil tank system may, with the approval of the department of natural  
21 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of  
22 ~~commerce~~ safety and professional services, satisfy the requirements of par. (c) 2. and  
23 3. by proposing and implementing monitoring to ensure the effectiveness of natural  
24 attenuation of petroleum product contamination.

25           **SECTION 2350.** 101.143 (3) (cp) 1. of the statutes is amended to read:

1           101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of  
2           natural resources or, if the site is covered under s. 101.144 (2) (b), the department of  
3           ~~commerce~~ safety and professional services estimates that the cost to complete a site  
4           investigation, remedial action plan and remedial action for an occurrence exceeds  
5           \$60,000, the department of ~~commerce~~ safety and professional services shall  
6           implement a competitive public bidding process to obtain information to assist in  
7           making the determination under par. (cs).

8           **SECTION 2351.** 101.143 (3) (cp) 2. of the statutes is amended to read:

9           101.143 (3) (cp) 2. The department of ~~commerce~~ safety and professional  
10          services or the department of natural resources may waive the requirement under  
11          subd. 1. if an enforcement standard is exceeded in groundwater within 1,000 feet of  
12          a well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any  
13          other well used to provide water for human consumption.

14          **SECTION 2352.** 101.143 (3) (cp) 5. of the statutes is amended to read:

15          101.143 (3) (cp) 5. The department of ~~commerce~~ safety and professional  
16          services or the department of natural resources may waive the requirement under  
17          subd. 1. after providing notice to the other department.

18          **SECTION 2353.** 101.143 (3) (cp) 6. of the statutes is amended to read:

19          101.143 (3) (cp) 6. The department of ~~commerce~~ safety and professional  
20          services may disqualify a bid received under subd. 1. if, based on information  
21          available to the department and experience with remedial action at other sites, the  
22          bid is unlikely to establish an amount to sufficiently fund remedial action that will  
23          comply with par. (c) 3. and with enforcement standards.

24          **SECTION 2354.** 101.143 (3) (cp) 7. of the statutes is amended to read:

1           101.143 (3) (cp) 7. The department of ~~commerce~~ safety and professional  
2 services may disqualify a person from submitting bids under subd. 1. if, based on past  
3 performance of the bidder, the department determines that the person has  
4 demonstrated an inability to complete remedial action within established cost limits.

5           **SECTION 2355.** 101.143 (3) (cs) 1. of the statutes is amended to read:

6           101.143 (3) (cs) 1. The department of ~~commerce~~ safety and professional  
7 services shall review the remedial action plan for a site that is classified as low or  
8 medium risk under s. 101.144 and shall determine the least costly method of  
9 complying with par. (c) 3. and with enforcement standards. The department shall  
10 notify the owner or operator of its determination of the least costly method and shall  
11 notify the owner or operator that reimbursement for remedial action under this  
12 section is limited to the amount necessary to implement that method.

13           **SECTION 2356.** 101.143 (3) (cs) 2. of the statutes is amended to read:

14           101.143 (3) (cs) 2. The department of natural resources and the department of  
15 ~~commerce~~ safety and professional services shall review the remedial action plan for  
16 a site that is classified as high risk under s. 101.144 and shall jointly determine the  
17 least costly method of complying with par. (c) 3. and with enforcement standards.  
18 The departments shall notify the owner or operator of their determination of the  
19 least costly method and shall notify the owner or operator that reimbursement for  
20 remedial action under this section is limited to the amount necessary to implement  
21 that method.

22           **SECTION 2357.** 101.143 (3) (cs) 3. of the statutes is amended to read:

23           101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the  
24 department of natural resources and the department of ~~commerce~~ safety and

1 professional services shall determine whether natural attenuation will achieve  
2 compliance with par. (c) 3. and with enforcement standards.

3 **SECTION 2358.** 101.143 (3) (cs) 4. of the statutes is amended to read:

4 101.143 (3) (cs) 4. The department of ~~commerce~~ safety and professional  
5 services may review and modify an amount established under subd. 1. if the  
6 department determines that new circumstances, including newly discovered  
7 contamination at a site, warrant those actions. The department of ~~commerce~~ safety  
8 and professional services and the department of natural resources may review and  
9 modify an amount established under subd. 2. if the departments determine that new  
10 circumstances, including newly discovered contamination at a site, warrant those  
11 actions.

12 **SECTION 2359.** 101.143 (3) (cw) 1. of the statutes is amended to read:

13 101.143 (3) (cw) 1. The department of ~~commerce~~ safety and professional  
14 services shall conduct the annual review required under sub. (2) (i) 1. for a site that  
15 is classified as low or medium risk under s. 101.144 and shall determine the least  
16 costly method of completing remedial action at the site in order to comply with par.  
17 (c) 3. and with enforcement standards. The department shall notify the owner or  
18 operator of its determination of the least costly method and shall notify the owner  
19 or operator that reimbursement under this section for any remedial action conducted  
20 after the date of the notice is limited to the amount necessary to implement that  
21 method.

22 **SECTION 2360.** 101.143 (3) (cw) 2. of the statutes is amended to read:

23 101.143 (3) (cw) 2. The department of natural resources and the department  
24 of ~~commerce~~ safety and professional services shall conduct the annual review  
25 required under sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144

1 and shall jointly determine the least costly method of completing remedial action at  
2 the site in order to comply with par. (c) 3. and with enforcement standards. The  
3 departments shall notify the owner or operator of their determination of the least  
4 costly method and shall notify the owner or operator that reimbursement under this  
5 section for remedial action conducted after the date of the notice is limited to the  
6 amount necessary to implement that method.

7 **SECTION 2361.** 101.143 (3) (cw) 3. of the statutes is amended to read:

8 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the  
9 department of natural resources and the department of ~~commerce~~ safety and  
10 professional services shall determine whether natural attenuation will achieve  
11 compliance with par. (c) 3. and with enforcement standards.

12 **SECTION 2362.** 101.143 (3) (cw) 4. of the statutes is amended to read:

13 101.143 (3) (cw) 4. The department of ~~commerce~~ safety and professional  
14 services may review and modify an amount established under subd. 1. if the  
15 department determines that new circumstances, including newly discovered  
16 contamination at a site, warrant those actions. The department of ~~commerce~~ safety  
17 and professional services and the department of natural resources may review and  
18 modify an amount established under subd. 2. if the departments determine that new  
19 circumstances, including newly discovered contamination at a site, warrant those  
20 actions.

21 **SECTION 2363.** 101.143 (3) (d) of the statutes is amended to read:

22 101.143 (3) (d) *Final review of remedial action activities.* The department of  
23 natural resources or, if the discharge is covered under s. 101.144 (2) (b), the  
24 department of ~~commerce~~ safety and professional services shall complete a final

1 review of the remedial action activities within 60 days after the claimant notifies the  
2 appropriate department that the remedial action activities are completed.

3 **SECTION 2364.** 101.143 (3) (f) 5. of the statutes is amended to read:

4 101.143 (3) (f) 5. The written approval of the department of natural resources  
5 or the department of ~~commerce~~ safety and professional services under par. (c) 4.

6 **SECTION 2365.** 101.143 (3) (g) of the statutes is amended to read:

7 101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.  
8 and 2., an owner or operator or the person may submit a claim for an award under  
9 sub. (4) after notifying the department under par. (a) 3., without completing an  
10 investigation under par. (c) 1. and without preparing a remedial action plan under  
11 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and  
12 the remedial action plan under par. (c) 2. inappropriate and, before conducting  
13 remedial action, the owner or operator or person notified the department of  
14 ~~commerce~~ safety and professional services and the department of natural resources  
15 of the emergency and the department of ~~commerce~~ safety and professional services  
16 and the department of natural resources authorized emergency action.

17 **SECTION 2366.** 101.143 (4) (a) 6. of the statutes is amended to read:

18 101.143 (4) (a) 6. In any fiscal year, the department may not award more than  
19 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for  
20 petroleum product storage systems described in par. (ei).

21 **SECTION 2367.** 101.143 (4) (a) 7. of the statutes is amended to read:

22 101.143 (4) (a) 7. In any fiscal year, the department may not award more than  
23 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for  
24 petroleum product storage systems that are owned by school districts and that are  
25 used for storing heating oil for consumptive use on the premises where stored.

1           **SECTION 2368.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

2           101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or  
3 redevelopment of brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a), if federal or state  
4 financial assistance other than under this section, has been provided for that  
5 expansion or redevelopment.

6           **SECTION 2369.** 101.143 (4) (ei) 2m. of the statutes is amended to read:

7           101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter  
8 or notice from the department of ~~commerce~~ safety and professional services or  
9 department of natural resources indicating that the owner or operator must conduct  
10 a site investigation or remedial action because of a discharge from the farm tank or  
11 an order to conduct such an investigation or remedial action.

12           **SECTION 2370.** 101.143 (4) (es) 1. of the statutes is amended to read:

13           101.143 (4) (es) 1. The department shall issue an award for a claim filed after  
14 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
15 by an owner or operator or a person owning a home oil tank system in investigating  
16 the existence of a discharge or investigating the presence of petroleum products in  
17 soil or groundwater if the investigation is undertaken at the written direction of the  
18 department of ~~commerce~~ safety and professional services or the department of  
19 natural resources and no discharge or contamination is found.

20           **SECTION 2371.** 101.144 (3) (b) of the statutes is amended to read:

21           101.144 (3) (b) The department of ~~commerce~~ safety and professional services  
22 requests the department of natural resources to take the action or issue the order.

23           **SECTION 2372.** 101.144 (3) (c) of the statutes is amended to read:

24           101.144 (3) (c) The secretary of natural resources approves the action or order  
25 in advance after notice to the secretary of ~~commerce~~ safety and professional services.

1           **SECTION 2373.** 101.144 (3g) (a) of the statutes is amended to read:

2           101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified  
3 under this section, excluding sites that are contaminated by a hazardous substance  
4 other than a petroleum product or an additive to a petroleum product, are classified  
5 as high-risk sites, the department of ~~commerce~~ safety and professional services and  
6 the department of natural resources shall attempt to reach an agreement that  
7 specifies standards for determining whether the site of a discharge of a petroleum  
8 product from a petroleum storage tank is classified as high risk. The standards shall  
9 be designed to classify no more than 35% of those sites as high-risk sites and may  
10 not classify all sites at which an enforcement standard is exceeded as high-risk sites.  
11 If the department of ~~commerce~~ safety and professional services and the department  
12 of natural resources are unable to reach an agreement, they shall refer the matters  
13 on which they are unable to agree to the secretary of administration for resolution.  
14 The secretary of administration shall resolve any matters on which the departments  
15 disagree in a manner that is consistent with this paragraph. The department of  
16 ~~commerce~~ safety and professional services shall promulgate rules incorporating any  
17 agreement between the department of ~~commerce~~ safety and professional services  
18 and the department of natural resources under this paragraph and any resolution  
19 of disagreements between the departments by the secretary of administration under  
20 this paragraph.

21           **SECTION 2374.** 101.144 (3g) (b) of the statutes is amended to read:

22           101.144 (3g) (b) If, 6 months after rules under par. (a) are in effect, more than  
23 35% of the sites classified under this section, excluding sites that are contaminated  
24 by a hazardous substance other than a petroleum product or an additive to a  
25 petroleum product, are classified as high-risk sites, the department of ~~commerce~~

1 safety and professional services shall revise the rules using the procedure for  
2 promulgating the rules in par. (a).

3 **SECTION 2375.** 101.144 (3m) (a) (intro.) of the statutes is amended to read:

4 101.144 (3m) (a) (intro.) The department of ~~commerce~~ safety and professional  
5 services and the department of natural resources shall enter into a memorandum of  
6 understanding that does all of the following:

7 **SECTION 2376.** 101.144 (3m) (b) of the statutes is amended to read:

8 101.144 (3m) (b) The department of ~~commerce~~ safety and professional services  
9 and the department of natural resources shall submit a memorandum of  
10 understanding under this subsection to the secretary of administration for review.  
11 A memorandum of understanding under this subsection does not take effect until it  
12 is approved by the secretary of administration.

13 **SECTION 2377.** 101.149 (6) (b) of the statutes is amended to read:

14 101.149 (6) (b) The department shall promulgate rules, in consultation with  
15 the department of health services, under which the department of ~~commerce~~ safety  
16 and professional services shall authorize certified heating, ventilating, and air  
17 conditioning inspectors to conduct regular inspections of sealed combustion units, as  
18 required under <sup>✓</sup> sub. (5) (c), for carbon monoxide emissions in residential buildings  
19 other than hotels, tourist rooming houses, and bed and breakfast establishments.  
20 The rules shall specify conditions under which it may issue orders as specified under  
21 sub. (8) (a). The rules may not require the department of ~~commerce~~ safety and  
22 professional services to authorize inspection of sealed combustion units during the  
23 period in which the sealed combustion units are covered by a manufacturer's  
24 warranty against defects.

25 **SECTION 2378.** 101.149 (8) (a) of the statutes is amended to read:

1           101.149 (8) (a) If the department of ~~commerce~~ safety and professional services  
2 or the department of health services determines after an inspection of a building  
3 under this section or s. 254.74 (1g) that the owner of the building has violated sub.  
4 (2) or (3), the respective department shall issue an order requiring the person to  
5 correct the violation within 5 days or within such shorter period as the respective  
6 department determines is necessary to protect public health and safety. If the person  
7 does not correct the violation within the time required, he or she shall forfeit \$50 for  
8 each day of violation occurring after the date on which the respective department  
9 finds that the violation was not corrected.

10           **SECTION 2378m.** 101.19 (1) (k) of the statutes is amended to read:

11           101.19 (1) (k) Administering subch. VII, except that the department may not  
12 charge a fee for an emergency elevator mechanic's license under s. 101.985 (2) (c) ~~or~~  
13 ~~a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway chair~~  
14 ~~lift, or any other lift in a private residence.~~

15           **SECTION 2379.** 101.563 (2) (b) 1. of the statutes is amended to read:

16           101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding  
17 s. 101.573 (3) (a), by the 30th day following July 30, 2002, the department shall  
18 compile the fire department dues paid by all insurers under s. 601.93 and the dues  
19 paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573  
20 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and  
21 certify to the secretary of administration the proper amount to be paid from the  
22 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled  
23 to a proportionate share of fire department dues as provided under sub. (1) (b) and  
24 s. 101.575. If the department has previously certified an amount to the secretary of  
25 administration under s. 101.573 (3) (a) during calendar year 2002, the department

1 shall recertify the amount in the manner provided under this subdivision. On or  
2 before August 1, 2002, the secretary of administration shall pay the amounts  
3 certified or recertified by the department under this subdivision to each city, village,  
4 and town entitled to a proportionate share of fire department dues as provided under  
5 sub. (1) and s. 101.575. The secretary of administration may combine any payment  
6 due under this subdivision with any amount due to be paid on or before August 1,  
7 2002, to the same city, village, or town under par. (a).

8 **SECTION 2380.** 101.563 (2) (b) 2. of the statutes is amended to read:

9 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'  
10 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this  
11 subdivision, on or before May 1 in each year, the department shall compile the fire  
12 department dues paid by all insurers under s. 601.93 and the dues paid by the state  
13 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold  
14 0.5% and certify to the secretary of administration the proper amount to be paid from  
15 the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town  
16 entitled to a proportionate share of fire department dues as provided under sub. (1)  
17 (b) and s. 101.575. Annually, on or before August 1, the secretary of administration  
18 shall pay the amounts certified by the department to each such city, village, and  
19 town. This paragraph applies only to payment of a proportionate share of fire  
20 department dues collected for calendar years 2002 to 2004.

21 **SECTION 2381.** 101.573 (3) (a) of the statutes is amended to read:

22 101.573 (3) (a) On or before May 1 in each year, the department shall compile  
23 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
24 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
25 and certify to the secretary of administration the proper amount to be paid from the

1 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, or town entitled  
2 to fire department dues under s. 101.575. Annually, on or before August 1, the  
3 secretary of administration shall pay the amounts certified by the department to the  
4 cities, villages and towns eligible under s. 101.575.

5 **SECTION 2382.** 101.573 (5) of the statutes is amended to read:

6 101.573 (5) The department shall promulgate a rule defining “administrative  
7 expenses” for purposes of s. ~~20.143 (3)~~ 20.165 (2) (La).

8 **SECTION 2383.** 101.657 (5) of the statutes is amended to read:

9 101.657 (5) From the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j), beginning  
10 with fiscal year 2005-06, the department shall allocate \$100,000 annually for the  
11 contract required under sub. (2) and at least \$600,000 annually for the contract  
12 required under sub. (3).

13 **SECTION 2384.** 101.935 (2) (e) of the statutes is amended to read:

14 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department  
15 of health services in the administration of s. 254.47, applies to an agent for the  
16 department of ~~commerce~~ safety and professional services in the administration of  
17 this section.

18 **SECTION 2385.** 101.951 (7) (a) of the statutes is amended to read:

19 101.951 (7) (a) The department of ~~commerce~~ safety and professional services  
20 may, without notice, deny the application for a license within 60 days after receipt  
21 thereof by written notice to the applicant, stating the grounds for the denial. Within  
22 30 days after such notice, the applicant may petition the department of  
23 administration to conduct a hearing to review the denial, and a hearing shall be  
24 scheduled with reasonable promptness. The division of hearings and appeals shall

1 conduct the hearing. This paragraph does not apply to denials of applications for  
2 licenses under s. 101.02 (21).

3 **SECTION 2386.** 101.951 (7) (b) of the statutes is amended to read:

4 101.951 (7) (b) No license may be suspended or revoked except after a hearing  
5 thereon. The department of ~~commerce~~ safety and professional services shall give the  
6 licensee at least 5 days' notice of the time and place of the hearing. The order  
7 suspending or revoking such license shall not be effective until after 10 days' written  
8 notice thereof to the licensee, after such hearing has been had; except that the  
9 department of ~~commerce~~ safety and professional services, when in its opinion the  
10 best interest of the public or the trade demands it, may suspend a license upon not  
11 less than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
12 suspension of the license. Matters involving suspensions and revocations brought  
13 before the department of ~~commerce~~ safety and professional services shall be heard  
14 and decided upon by the department of administration. The division of hearings and  
15 appeals shall conduct the hearing. This paragraph does not apply to licenses that  
16 are suspended or revoked under s. 101.02 (21).

17 **SECTION 2387.** 101.951 (7) (c) of the statutes is amended to read:

18 101.951 (7) (c) The department of ~~commerce~~ safety and professional services  
19 may inspect the pertinent books, records, letters and contracts of a licensee. The  
20 actual cost of each such examination shall be paid by such licensee so examined  
21 within 30 days after demand therefor by the department, and the department may  
22 maintain an action for the recovery of such costs in any court of competent  
23 jurisdiction.

24 **SECTION 2388.** 101.953 (1) (a) of the statutes is amended to read:

1           101.953 (1) (a) A statement that the manufactured home meets those  
2 standards prescribed by law or administrative rule of the department of  
3 administration or of the department of ~~commerce~~ safety and professional services  
4 that are in effect at the time of the manufacture of the manufactured home.

5           **SECTION 2389.** 101.973 (8) of the statutes is amended to read:

6           101.973 (8) Deposit the moneys received from the fees under sub. (7) in the  
7 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j).

8           **SECTION 2389g.** 101.981 (1) (c) of the statutes is amended to read:

9           101.981 (1) (c) “Conveyance” means an elevator, an escalator, a dumbwaiter,  
10 a belt manlift, a moving walkway, a platform lift, ~~a personnel hoist, a material hoist~~  
11 and a stairway chair lift, and any other similar device, such as an automated people  
12 mover, used to elevate or move people or things, as provided in the rules of the  
13 department. “Conveyance” does not include a personnel hoist; a material hoist; a  
14 grain elevator; a ski lift or towing device, or; an amusement or thrill ride; or a vertical  
15 platform lift, inclined platform lift, or a stairway chair lift that serves an individual  
16 residential dwelling unit.

17           **SECTION 2389m.** 101.983 (2) (c) of the statutes is amended to read:

18           101.983 (2) (c) *Inspections.* The department may not issue or renew a permit  
19 under this subsection unless the department has received an inspection report for  
20 the conveyance issued by an elevator inspector licensed under s. 101.985 (3)  
21 indicating that the conveyance complies with this subchapter and any applicable  
22 rules promulgated under this subchapter. ~~Upon request of the owner of a private~~  
23 ~~residence containing a newly installed platform lift, stairway chair lift, or residential~~  
24 ~~lift or of the new owner of a private residence containing a previously installed~~  
25 ~~platform lift, stairway chair lift, or residential lift, the department shall inspect the~~

1 ~~lift or equipment for compliance with this subchapter and any applicable rules~~  
2 ~~promulgated under this subchapter.~~ This inspection by the department does not  
3 exempt the owner from the requirement to ensure that the department receives an  
4 inspection report from a licensed elevator inspector. Upon performing this  
5 inspection, the department shall give the owner notice of relevant conveyance safety  
6 requirements and shall instruct the owner as to the procedure for obtaining periodic  
7 inspections and renewing the permit under which the lift or equipment is operated.

8 **SECTION 2389r.** 101.983 (2) (d) of the statutes is amended to read:

9 101.983 (2) (d) *Term and posting requirements.* A permit issued under this  
10 subsection has a term of one year, ~~except that a permit applicable to a platform lift,~~  
11 ~~stairway chair lift, or residential lift in a private residence is valid until ownership~~  
12 ~~of the private residence is transferred, at which time the new owner shall apply for~~  
13 ~~renewal of the permit under par. (b).~~ The owner of the building or residence in which  
14 a conveyance is located shall display the permit under par. (a) applicable to the  
15 conveyance on or in the conveyance or, if applicable, in the machinery room.

16 **SECTION 2390b.** 103.24 of the statutes is amended to read:

17 **103.24 Hours of work.** The department shall determine and fix reasonable  
18 hours of employment for minors under 16 years of age in street trades. Except as  
19 provided in this section, the department may not fix hours of employment for minors  
20 under 16 years of age in street trades that exceed the maximum hours per day and  
21 per week specified in s. 103.68 (2) (a) and (b), that exceed the maximum days per  
22 week specified in s. 103.68 (2) (c), or that begin earlier or end later than the hours  
23 specified in s. 103.68 (2) (d) and (e). The department may not limit the hours of  
24 employment for minors 16 years of age or over in street trades or the hours of

1 employment for minors of any age who are engaged in the delivery of newspapers to  
2 the consumer.

3 **SECTION 2390c.** 103.49 (1) (br) of the statutes is created to read:

4 103.49 (1) (br) "Multiple-trade project of public works" means a project of  
5 public works in which no single trade accounts for 85 percent or more of the total  
6 labor cost of the project.

7 **SECTION 2390d.** 103.49 (1) (em) of the statutes is created to read:

8 103.49 (1) (em) "Single-trade project of public works" means a project of public  
9 works in which a single trade accounts for 85 percent or more of the total labor cost  
10 of the project.

11 **SECTION 2390e.** 103.49 (1m) (intro.) of the statutes is amended to read:

12 103.49 (1m) APPLICABILITY. (intro.) Subject to sub. (3g), this section applies to  
13 any project of public works erected, constructed, repaired, remodeled, or demolished  
14 for the state or a state agency, ~~other than a highway, street, or bridge construction~~  
15 ~~or maintenance project~~, including all of the following:

16 **SECTION 2390ed.** 103.49 (1m) (a) of the statutes is amended to read:

17 103.49 (1m) (a) A project erected, constructed, repaired, remodeled, or  
18 demolished by one state agency for another state agency under any contract or under  
19 any statute specifically authorizing cooperation between state agencies.

20 **SECTION 2390f.** 103.49 (1m) (b) of the statutes is amended to read:

21 103.49 (1m) (b) A project in which the completed facility is leased, purchased,  
22 lease purchased, or otherwise acquired by, or dedicated to, the state in lieu of the  
23 state or a state agency contracting for the erection, construction, repair, remodeling,  
24 or demolition of the facility.

25 **SECTION 2390h.** 103.49 (2m) (b) (intro.) of the statutes is amended to read:

1           103.49 (2m) (b) (intro.) ~~Notwithstanding par. (a) 1., a~~ A laborer, worker,  
2 mechanic, or truck driver who is regularly employed to process, manufacture, pick  
3 up, or deliver materials or products from a commercial establishment that has a fixed  
4 place of business from which the establishment ~~regularly~~ <sup>✓</sup>regularly supplies processed or  
5 manufactured materials or products or from a facility that is not dedicated  
6 exclusively, or nearly so, to a project of public works that is subject to this section is  
7 not entitled to receive the prevailing wage rate determined under sub. (3) or to  
8 receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in  
9 excess of the prevailing hours of labor unless any of the following applies:

10           **SECTION 2390i.** 103.49 (2m) (b) 1. of the statutes is amended to read:

11           103.49 (2m) (b) 1. The laborer, worker, mechanic, or truck driver is employed  
12 to go to the source of mineral aggregate such as sand, gravel, or stone ~~that is to be~~  
13 ~~immediately incorporated into the work, and not stockpiled or further transported~~  
14 ~~by truck, pick up that mineral aggregate,~~ and deliver that mineral aggregate to the  
15 site of a project of public works that is subject to this section by depositing the  
16 material ~~substantially in place, directly~~ in final place, from the transporting vehicle  
17 or through spreaders from the transporting vehicle.

18           **SECTION 2390L.** 103.49 (3) (ar) of the statutes is amended to read:

19           103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the  
20 department may not use data from projects that are subject to this section, s. 66.0903,  
21 ~~66.0904~~, 103.50, or 229.8275, or 40 USC 3142 unless the department determines that  
22 there is insufficient wage data in the area to determine those prevailing wage rates,  
23 in which case the department may use data from projects that are subject to this  
24 section, s. 66.0903, ~~66.0904~~, 103.50, or 229.8275, or 40 USC 3142. In determining  
25 prevailing wage rates under par. (a) or (am), the department may not use data from

1 any construction work performed by a state agency or a local governmental unit, as  
2 defined in s. 66.0903 (1) (d).

3 **SECTION 2390m.** 103.49 (3g) (a) of the statutes is amended to read:

4 103.49 (3g) (a) A single-trade project of public works for which the estimated  
5 project cost of completion is less than ~~\$25,000~~ \$48,000 or a multiple-trade project of  
6 public works for which the estimated project cost of completion is less than \$100,000.

7 **SECTION 2390n.** 103.49 (3g) (b) of the statutes is amended to read:

8 103.49 (3g) (b) ~~A~~ Work performed on a project of public works in which the  
9 labor for the project is provided by unpaid volunteers for which the state or the state  
10 agency contracting for the project is not required to compensate any contractor,  
11 subcontractor, contractor's or subcontractor's agent, or individual for performing the  
12 work.

13 **SECTION 2390p.** 103.49 (3g) (f) of the statutes is created to read:

14 103.49 (3g) (f) A public highway, street, or bridge project.

15 **SECTION 2390q.** 103.49 (3g) (g) of the statutes is created to read:

16 103.49 (3g) (g) A project of public works involving the erection, construction,  
17 repair, remodeling, or demolition of a residential property containing 2 dwelling  
18 units or less.

19 **SECTION 2390r.** 103.49 (3g) (h) of the statutes is created to read:

20 103.49 (3g) (h) A road, street, bridge, sanitary sewer, or water main project that  
21 is a part of a development in which not less than 90 percent of the lots contain or will  
22 contain 2 dwelling units or less, as determined by the local governmental unit at the  
23 time of approval of the development, and that, on completion, is acquired by, or  
24 dedicated to, the state for ownership or maintenance by the state.

25 **SECTION 2390s.** 103.49 (5) (am) of the statutes is repealed.

1           **SECTION 2390t.** 103.49 (5) (c) of the statutes is amended to read:

2           103.49 (5) (c) If requested by any person, the department shall inspect the  
3 payroll records of any contractor, subcontractor, or agent performing work on a  
4 project of public works that is subject to this section as provided in this paragraph  
5 to ensure compliance with this section. ~~In the case of a request made by a person~~  
6 ~~performing the work specified in sub. (2m), if the department finds that the~~  
7 ~~contractor, subcontractor, or agent subject to the inspection is in compliance and that~~  
8 ~~the request is frivolous, the department shall charge the person making the request~~  
9 ~~the actual cost of the inspection. In the case of a request made by a person not~~  
10 ~~performing the work specified in sub. (2m), if the department finds that the~~  
11 ~~contractor, subcontractor, or agent subject to the inspection is in compliance and that~~  
12 ~~the request is frivolous, the department shall charge the person making the request~~  
13 ~~\$250 or the actual cost of the inspection, whichever is greater. In order to find that~~  
14 ~~a request is frivolous, the department must find that the person making the request~~  
15 ~~made the request in bad faith, solely for the purpose of harassing or maliciously~~  
16 ~~injuring the contractor, subcontractor, or agent subject to the inspection, or that the~~  
17 ~~person making the request knew, or should have known, that there was no~~  
18 ~~reasonable basis for believing that a violation of this section had been committed.~~  
19 On receipt of such a request, the department shall request the contractor,  
20 subcontractor, or agent to submit to the department a certified record of the  
21 information specified in par. (a), other than personally identifiable information  
22 relating to an employee of the contractor, subcontractor, or agent, for no longer than  
23 a 4-week period. The department may request a contractor, subcontractor, or agent  
24 to submit those records no more than once per calendar quarter for each project of  
25 public works on which the contractor, subcontractor, or agent is performing work.