

1 quarry is located, and is shown to have been intended for quarry operations prior to  
2 the effective date of the ordinance that rendered the use nonconforming. For  
3 purposes of this subdivision, if the contiguous parcel of land was commonly owned,  
4 leased, or controlled on January 1, 2001, there is a presumption that the contiguous  
5 parcel of land was intended for quarry operations prior to the effective date of the  
6 ordinance that rendered the use nonconforming.

7 **SECTION 760p.** 59.69 (10) (ab) 2. of the statutes is created to read:

8 59.69 (10) (ab) 2. "Nonconforming quarry site" means land on which a quarry  
9 existed lawfully before the quarry became a nonconforming use, including any  
10 contiguous parcel. The nonconforming status of any contiguous parcel shall be  
11 subject to the requirement that, on a 5 year rolling average, 75 percent of the quarry  
12 materials extracted from the contiguous parcel shall be used for  
13 infrastructure-related projects, as determined by the quarry operator. If this 75  
14 percent requirement is not met as to any contiguous parcel, the nonconforming  
15 status of the contiguous parcel may be suspended. This definition does not preclude  
16 a determination that a particular parcel of land is nonconforming under subd. 3. or  
17 common law.

18 **SECTION 760t.** 59.69 (10) (ab) 4. of the statutes is created to read:

19 59.69 (10) (ab) 4. "Quarry" has the meaning given in s. 66.04135 (2) (c).

20 **SECTION 760w.** 59.69 (10) (ab) 5. of the statutes is created to read:

21 59.69 (10) (ab) 5. "Quarry operations" has the meaning given in s. 66.04135 (2)

22 (d).

23 **SECTION 760y.** 59.69 (10) (ap) of the statutes is created to read:

24 59.69 (10) (ap) Notwithstanding par. (am), an ordinance enacted under this  
25 section may not prohibit the continued operation of a quarry at a nonconforming

1 quarry site. For purposes of this paragraph, the continued operation of a quarry  
2 includes conducting quarry operations in an area of a nonconforming quarry site in  
3 which quarry operations have not previously been conducted. Nothing in this section  
4 shall be construed as modifying or limiting an operator's reclamation obligations  
5 under a reclamation permit.

6 **SECTION 761c.** 60.61 (5) (ab) of the statutes is renumbered 60.61 (5) (ab) (intro.)  
7 and amended to read:

8 60.61 (5) (ab) (intro.) In this subsection "~~nonconforming use~~";

9 2. "Nonconforming use" means a use of land, a dwelling, or a building that  
10 existed lawfully before the current zoning ordinance was enacted or amended, but  
11 that does not conform with the use restrictions in the current ordinance.

12 **SECTION 761e.** 60.61 (5) (ab) 1. of the statutes is created to read:

13 60.61 (5) (ab) 1. "Nonconforming quarry site" has the meaning given in s. 59.69  
14 (10) (ab) 2.

15 **SECTION 761g.** 60.61 (5) (ab) 3. of the statutes is created to read:

16 60.61 (5) (ab) 3. "Quarry" has the meaning given in s. 66.04135 (2) (c).

17 **SECTION 761k.** 60.61 (5) (ab) 4. of the statutes is created to read:

18 60.61 (5) (ab) 4. "Quarry operations" has the meaning given in s. 66.04135 (2)  
19 (d).

20 **SECTION 761p.** 60.61 (5) (as) of the statutes is created to read:

21 60.61 (5) (as) Notwithstanding par. (am), an ordinance enacted under this  
22 section may not prohibit the continued operation of a quarry at a nonconforming  
23 quarry site. For purposes of this paragraph, the continued operation of a quarry  
24 includes conducting quarry operations in an area of a nonconforming quarry site in  
25 which quarry operations have not previously been conducted. Nothing in this section

1 shall be construed as modifying or limiting an operator's reclamation obligations  
2 under a reclamation permit.”.

3 **299.** Page 563, line 6: delete the material beginning with that line and ending  
4 with page 564, line 21, and substitute:

5 “**SECTION 766c.** 62.23 (7) (ab) of the statutes is renumbered 62.23 (7) (ab)  
6 (intro.) and amended to read:

7 62.23 (7) (ab) *Definition Definitions.* (intro.) In this subsection  
8 “~~noneconforming use~~”;

9 2. “Nonconforming use” means a use of land, a dwelling, or a building that  
10 existed lawfully before the current zoning ordinance was enacted or amended, but  
11 that does not conform with the use restrictions in the current ordinance.

12 **SECTION 766g.** 62.23 (7) (ab) 1. of the statutes is created to read:

13 62.23 (7) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69  
14 (10) (ab) 2.

15 **SECTION 766n.** 62.23 (7) (ab) 3. of the statutes is created to read:

16 62.23 (7) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

17 **SECTION 766r.** 62.23 (7) (ab) 4. of the statutes is created to read:

18 62.23 (7) (ab) 4. “Quarry operations” has the meaning given in s. 66.04135 (2)  
19 (d).

20 **SECTION 766w.** 62.23 (7) (hd) of the statutes is created to read:

21 62.23 (7) (hd) *Nonconforming quarry sites.* Notwithstanding par. (h), an  
22 ordinance enacted under this section may not prohibit the continued operation of a  
23 quarry at a nonconforming quarry site. For purposes of this paragraph, the  
24 continued operation of a quarry includes conducting quarry operations in an area of

1 a nonconforming quarry site in which quarry operations have not previously been  
2 conducted. Nothing in this section shall be construed as modifying or limiting an  
3 operator's reclamation obligations under a reclamation permit."

4 **300.** Page 564, line 22: delete the material beginning with that line and  
5 ending with page 565, line 6.

6 **301.** Page 565, line 7: delete the material beginning with that line and ending  
7 with page 566, line 3.

\*\*\*\*NOTE: This item yanks the treatment of s. 66.0107 (1) (bm), which includes a  
reconciled treatment from LRB-1996, which is being yanked in LRBb0009. If LRBb0009  
is not included, then the treatment of s. 66.0107 (1) (bm) will need to be included in part.

8 **302.** Page 566, line 4: delete lines 4 to 9.

9 **303.** Page 566, line 10: delete that line.

10 **304.** Page 566, line 11: delete the material beginning with that line and  
11 ending with page 567, line 12, and substitute:

12 "SECTION 777m. 66.04135 of the statutes is created to read:

13 **66.04135 Quarries extracting certain nonmetallic minerals. (1)**

14 CONSTRUCTION. (a) Nothing in this section may be construed to affect the authority  
15 of a political subdivision to regulate land use for a purpose other than quarry  
16 operations.

17 (b) Nothing in this section may be construed to exempt a quarry from a  
18 regulation of general applicability placed by a political subdivision that applies to  
19 other property in the political subdivision that is not a quarry unless the regulation  
20 is inconsistent with this section.

21 **(2) DEFINITIONS.** In this section:

1 (a) "Permit" means a form of approval granted by a political subdivision for the  
2 operation of a quarry.

3 (b) "Political subdivision" means a city, village, town, or county.

4 (c) "Quarry" means the surface area from which nonmetallic minerals,  
5 including soil, clay, sand, gravel, and construction aggregate, that are used primarily  
6 for a public works project or a private construction or transportation project are  
7 extracted and processed.

8 (d) "Quarry operations" means the extraction and processing of minerals at a  
9 quarry and all related activities, including blasting, vehicle and equipment access  
10 to the quarry, and loading and hauling of material to and from the quarry.

11 **(3) LIMITATIONS ON LOCAL REGULATION.** (a) *Permits.* 1. Consistent with the  
12 requirements and limitations in this subsection, except as provided in subd. 2., a  
13 political subdivision may require a quarry operator to obtain a zoning or nonzoning  
14 permit to conduct quarry operations.

15 2. A political subdivision may not require a quarry operator to obtain a zoning  
16 or nonzoning permit to conduct quarry operations unless prior to the establishment  
17 of quarry operations the political subdivision enacts an ordinance that requires the  
18 permit. A political subdivision may not require a quarry operator to obtain a  
19 nonzoning permit to conduct quarry operations if the quarry operation operates  
20 under a previously issued zoning permit.

21 (b) *Applicability of local limit.* If a political subdivision enacts a nonzoning  
22 ordinance regulating the operation of a quarry that was not in effect when quarry  
23 operations began at a quarry, the limit does not apply to that quarry or to land that  
24 is contiguous, as defined in s. 59.69 (10) (ab) 1., to the land on which the quarry is  
25 located, is under the common ownership, leasehold, or control of the person who

1 owns, leases, or controls the land on which the quarry is located, and is located in the  
2 same political subdivision.

3 (c) *Blasting*. 1. In this paragraph, “affected area” means an area within a  
4 certain radius of a blasting site that may be affected by a blasting operation, as  
5 determined using a formula established by the department of safety and professional  
6 services by rule that takes into account a scaled-distance factor and the weight of  
7 explosives to be used.

8 2. Except as provided under subds. 3. and 4., a political subdivision may not  
9 limit blasting at a quarry.

10 3. A political subdivision may require the operator of a quarry to do any of the  
11 following:

12 a. Before beginning a blasting operation at the quarry, provide notice of the  
13 blasting operation to each political subdivision in which any part of the quarry is  
14 located and to owners of dwellings or other structures within the affected area.

15 b. Before beginning a blasting operation at the quarry, cause a 3rd party to  
16 conduct a building survey of any dwellings or other structures within the affected  
17 area.

18 c. Before beginning a blasting operation at the quarry, cause a 3rd party to  
19 conduct a survey of and test any wells within the affected area.

20 d. Provide evidence of insurance to each political subdivision in which any part  
21 of the quarry is located.

22 e. Provide copies of blasting logs to each political subdivision in which any part  
23 of the quarry is located.

24 f. Provide maps of the affected area to each political subdivision in which any  
25 part of the quarry is located.

1 g. Provide copies of any reports submitted to the department of safety and  
2 professional services relating to blasting at the quarry.

3 4. A political subdivision may suspend a permit for a violation of the  
4 requirements under s. 101.15 relating to blasting and rules promulgated by the  
5 department of safety and professional services under s. 101.15 (2) (e) relating to  
6 blasting only if the department of safety and professional services determines that  
7 a violation of the requirements or rules has occurred and only for the duration of the  
8 violation as determined by the department of safety and professional services.

9 (d) *Water quality or quantity.* 1. Except as provided under subds. 2. to 5., a  
10 political subdivision may not do any of the following with respect to the operation of  
11 a quarry:

12 a. Establish or enforce a water quality standard.

13 b. Issue permits, including permits for discharges to the waters of the state, or  
14 any other form of approval related to water quality or quantity.

15 c. Impose any restriction related to water quality or quantity.

16 d. Impose any requirements related to monitoring of water quality or quantity.

17 2. A political subdivision may take actions related to water quality that are  
18 specifically required or authorized by state law.

19 3. A political subdivision may require the operator of a quarry to conduct and  
20 provide water quality and quantity baseline testing and ongoing quality testing, to  
21 occur not more frequently than annually, of all wells within 1,000 feet of the  
22 perimeter of a quarry site when a new high capacity well is added to an existing  
23 quarry site or a new quarry site is established. A testing requirement under this  
24 subdivision may not impose any standard that is more stringent than the standards  
25 for groundwater quality required by rules promulgated by the department of natural

1 resources. The political subdivision may request a report of well testing results  
2 within 30 days of the completion of testing, and the quarry operator shall provide the  
3 results within that time. Any person offered the opportunity to have a well tested  
4 under this subdivision but who knowingly refuses testing waives any claim against  
5 a quarry operator related to the condition of the well if, within 90 days of the offer,  
6 the quarry operator records with the register of deeds for the county in which the well  
7 is located a written and sworn certification that the person refused the offer.

8 4. A political subdivision that imposes a requirement to conduct any ongoing  
9 water quality or quantity testing of wells adjacent to an existing quarry prior to the  
10 effective date of this subdivision .... [LRB inserts date], may continue to do so.

11 5. In addition to the ability to enforce properly adopted local regulations as  
12 allowed by this section, a political subdivision may suspend a permit authorizing the  
13 operation of a quarry for a violation of state law or rules promulgated by the  
14 department of natural resources relating to water quality or quantity only if the  
15 department of natural resources determines that a violation of state law or rules has  
16 occurred and only for the duration of the violation, as determined by the department  
17 of natural resources.

18 (e) *Air quality.* 1. Notwithstanding s. 285.73, and except as provided under  
19 subds. 2. to 4., a political subdivision may not do any of the following with respect to  
20 the operation of a quarry:

21 a. Establish or enforce an ambient air quality standard, standard of  
22 performance for new stationary sources, or other emission limitation related to air  
23 quality.

24 b. Issue permits or any other form of approval related to air quality.

25 c. Impose any restriction related to air quality.



1 d. Impose any requirement related to monitoring air quality.

2 2. A political subdivision may require the operator of a quarry to use best  
3 management practices to limit off-site fugitive dust and may enforce properly  
4 adopted fugitive dust regulations.

5 3. A political subdivision may take actions related to air quality that are  
6 specifically required or authorized by state law.

7 4. In addition to the ability to enforce properly adopted local regulations as  
8 allowed by this section, a political subdivision may suspend a permit authorizing the  
9 operation of a quarry for a violation of state law or rules promulgated by the  
10 department of natural resources relating to air quality only if the department of  
11 natural resources determines that a violation of state law or rules has occurred and  
12 only for the duration of the violation, as determined by the department of natural  
13 resources.

14 (f) *Quarry permit requirements.* 1. A political subdivision may not add a  
15 condition to a permit during the duration of the permit unless the permit holder  
16 consents.

17 2. If a political subdivision requires a quarry to comply with another political  
18 subdivision's ordinance as a condition for obtaining a permit, the political  
19 subdivision that grants the permit may not require the quarry operator to comply  
20 with a provision of the other political subdivision's ordinance that is enacted after the  
21 permit is granted and while the permit is in effect.

22 3. a. A town may not require, as a condition for granting a permit to a quarry  
23 operator, that the quarry operator satisfy a condition that a county requires in order  
24 to grant a permit that is imposed by a county ordinance enacted after the county  
25 grants a permit to the quarry operator.

1           b. A county may not require, as a condition for granting a permit to a quarry  
2 operator, that the quarry operator satisfy a condition that a town requires in order  
3 to grant a permit that is imposed by a town ordinance enacted after the town grants  
4 a permit to the quarry operator.”.

5           **305.** Page 567, line 13: delete lines 13 to 22.

6           **306.** Page 567, line 22: after that line insert:

7           “**SECTION 778g.** 66.0420 (7) (b) of the statutes is renumbered 66.0420 (7) (b) 1.,  
8 and 66.0420 (7) (b) 1. (intro.), as renumbered, is amended to read:

9           66.0420 (7) (b) 1. (intro.) The Except as provided in subd. 2m., the percentage  
10 applied to a video service provider’s gross receipts under par. (a) 1. for each  
11 municipality shall be 5 percent or one of the following percentages, whichever is less:

12           **SECTION 778r.** 66.0420 (7) (b) 2m. of the statutes is created to read:

13           66.0420 (7) (b) 2m. The percentage applied to a video service provider’s gross  
14 receipts under par. (a) 1. for a municipality shall be the percentage that applied  
15 under subd. 1. on December 31, 2018, less one of the following:

16           a. Beginning on January 1, 2020, 0.5 percent.

17           b. Beginning on January 1, 2021, 1.0 percent.”.

18           **307.** Page 567, line 23: delete the material beginning with that line and  
19 ending with page 570, line 9.

20           **308.** Page 570, line 10: delete lines 10 to 13.

21           **309.** Page 570, line 14: delete lines 14 to 18.

22           **310.** Page 570, line 19: delete lines 19 and 20 and substitute:

23           “**SECTION 790m.** 66.0602 (2m) (b) 1. of the statutes is amended to read:

1           66.0602 (2m) (b) 1. In this paragraph, “covered service” means garbage  
2 collection, fire protection, snow plowing, or street sweeping, ~~or storm water~~  
3 ~~management~~, except that garbage collection may not be a covered service for any  
4 political subdivision that owned and operated a landfill on January 1, 2013. With  
5 regard to fire protection, “covered service” does not include the production, storage,  
6 transmission, sale and delivery, or furnishing of water for public fire protection  
7 purposes.”.

8           **311.** Page 570, line 21: delete the material beginning with that line and  
9 ending with page 571, line 16.

10          **312.** Page 571, line 17: delete the material beginning with that line and  
11 ending with page 572, line 12.

12          **313.** Page 572, line 13: delete lines 13 to 22.

13          **314.** Page 572, line 23: delete the material beginning with that line and  
14 ending with page 573, line 13.

15          **315.** Page 573, line 14: delete the material beginning with that line and  
16 ending with page 588, line 21.

17          **316.** Page 588, line 22: delete the material beginning with that line and  
18 ending with page 589, line 10.

19          **317.** Page 589, line 11: delete lines 11 to 19.

20          **318.** Page 589, line 20: delete the material beginning with that line and  
21 ending with page 590, line 14.

22          **319.** Page 590, line 15: delete the material beginning with that line and  
23 ending with page 595, line 17.

- 1           **320.** Page 595, line 18: delete the material beginning with that line and  
2 ending with page 596, line 22.
- 3           **321.** Page 596, line 23: delete the material beginning with that line and  
4 ending with page 597, line 4.
- 5           **322.** Page 597, line 5: delete lines 5 to 18.
- 6           **323.** Page 598, line 7: delete the material beginning with that line and ending  
7 with page 600, line 19.
- 8           **324.** Page 600, line 20: delete that line.
- 9           **325.** Page 600, line 21: delete the material beginning with that line and  
10 ending with page 603, line 7.
- 11           **326.** Page 603, line 8: delete the material beginning with that line and ending  
12 with page 604, line 1.
- 13           **327.** Page 604, line 2: delete the material beginning with that line and ending  
14 with page 605, line 3.
- 15           **328.** Page 605, line 9: delete lines 9 to 16.
- 16           **329.** Page 605, line 17: delete the material beginning with that line and  
17 ending with page 606, line 2.
- 18           **330.** Page 606, line 3: delete lines 3 to 8.
- 19           **331.** Page 606, line 9: delete the material beginning with that line and ending  
20 with page 607, line 9.
- 21           **332.** Page 608, line 23: delete the material beginning with that line and  
22 ending with page 609, line 3.

1           **333.** Page 609, line 4: delete lines 4 to 19.

2           **334.** Page 609, line 20: delete the material beginning with that line and  
3 ending with page 610, line 2.

4           **335.** Page 610, line 3: delete the material beginning with that line and ending  
5 with page 611, line 4.

6           **336.** Page 611, line 4: after that line insert:

7           “SECTION 877q. 71.06 (1q) (b) of the statutes is amended to read:

8           71.06 (1q) (b) On all taxable income exceeding \$7,500 but not exceeding  
9 \$15,000, 5.84 percent, except that for taxable years beginning after December 31,  
10 2018, 5.21 percent.

11           SECTION 877r. 71.06 (2) (i) 2. of the statutes is amended to read:

12           71.06 (2) (i) 2. On all taxable income exceeding \$10,000 but not exceeding  
13 \$20,000, 5.84 percent, except that for taxable years beginning after December 31,  
14 2018, 5.21 percent.

15           SECTION 877s. 71.06 (2) (j) 2. of the statutes is amended to read:

16           71.06 (2) (j) 2. On all taxable income exceeding \$5,000 but not exceeding  
17 \$10,000, 5.84 percent, except that for taxable years beginning after December 31,  
18 2018, 5.21 percent.”.

19           **337.** Page 611, line 5: delete lines 5 to 20.

20           **338.** Page 611, line 21: delete the material beginning with that line and  
21 ending with page 612, line 19.

22           **339.** Page 613, line 6: delete the material beginning with that line and ending  
23 with page 616, line 2.

1           **340.** Page 616, line 3: delete lines 3 to 16.

2           **341.** Page 616, line 17: delete the material beginning with that line and  
3 ending with page 617, line 19.

4           **342.** Page 617, line 20: delete the material beginning with that line and  
5 ending with page 618, line 12.

6           **343.** Page 618, line 13: delete the material beginning with that line and  
7 ending with page 619, line 12.

8           **344.** Page 619, line 13: delete lines 13 to 15.

9           **345.** Page 619, line 16: delete lines 16 and 17.

10          **346.** Page 619, line 18: delete the material beginning with that line and  
11 ending with page 620, line 8.

12          **347.** Page 620, line 9: delete the material beginning with that line and ending  
13 with page 623, line 19.

14          **348.** Page 623, line 20: delete lines 20 to 24.

15          **349.** Page 623, line 25: delete the material beginning with that line and  
16 ending with page 624, line 5.

17          **350.** Page 624, line 6: delete that line.

18          **351.** Page 624, line 7: delete the material beginning with that line and ending  
19 with page 629, line 2.

20          **352.** Page 629, line 3: delete the material beginning with that line and ending  
21 with page 630, line 4.

22          **353.** Page 630, line 10: delete lines 10 to 16.

- 1           **354.** Page 630, line 17: delete the material beginning with that line and  
2 ending with page 633, line 20.
- 3           **355.** Page 633, line 21: delete the material beginning with that line and  
4 ending with page 634, line 2.
- 5           **356.** Page 634, line 3: delete lines 3 to 18.
- 6           **357.** Page 634, line 19: delete the material beginning with that line and  
7 ending with page 635, line 17.
- 8           **358.** Page 635, line 18: delete lines 18 to 25.
- 9           **359.** Page 636, line 1: delete lines 1 to 9.
- 10          **360.** Page 636, line 10: delete the material beginning with that line and  
11 ending with page 637, line 9.
- 12          **361.** Page 637, line 10: delete lines 10 to 22.
- 13          **362.** Page 637, line 23: delete the material beginning with that line and  
14 ending with page 640, line 10.
- 15          **363.** Page 640, line 11: delete lines 11 to 15.
- 16          **364.** Page 640, line 16: delete lines 16 to 21.
- 17          **365.** Page 640, line 22: delete the material beginning with that line and  
18 ending with page 643, line 11.
- 19          **366.** Page 643, line 17: delete lines 17 to 24.
- 20          **367.** Page 643, line 25: delete the material beginning with that line and  
21 ending with page 644, line 5.
- 22          **368.** Page 644, line 6: delete lines 6 to 21.

- 1           **369.** Page 644, line 22: delete the material beginning with that line and  
2 ending with page 645, line 19.
- 3           **370.** Page 645, line 20: delete the material beginning with that line and  
4 ending with page 646, line 19.
- 5           **371.** Page 646, line 20: delete the material beginning with that line and  
6 ending with page 647, line 5.
- 7           **372.** Page 648, line 21: delete the material beginning with that line and  
8 ending with page 651, line 4.
- 9           **373.** Page 651, line 11: delete lines 11 to 21.
- 10          **374.** Page 651, line 22: delete the material beginning with that line and  
11 ending with page 652, line 1.
- 12          **375.** Page 652, line 2: delete lines 2 to 9.
- 13          **376.** Page 652, line 10: delete the material beginning with that line and  
14 ending with page 653, line 7.
- 15          **377.** Page 653, line 8: delete lines 8 to 14.
- 16          **378.** Page 653, line 15: delete the material beginning with that line and  
17 ending with page 660, line 8.
- 18          **379.** Page 660, line 9: delete lines 9 to 17.
- 19          **380.** Page 660, line 18: delete lines 18 to 23.
- 20          **381.** Page 660, line 23: after that line insert:  
21          “**SECTION 1034g.** 73.10 (2) (c) of the statutes is created to read:



1           73.10 (2) (c) Beginning in 2021, each municipality that is eligible to receive a  
2 payment under s. 79.097 shall submit with the information required under pars. (a)  
3 and (b) the actual annual revenues received under s. 66.0420 (7).”.

4           **382.** Page 660, line 24: delete the material beginning with that line and  
5 ending with page 661, line 12.

6           **383.** Page 661, line 13: delete lines 13 to 16.

7           **384.** Page 661, line 24: delete the material beginning with that line and  
8 ending with page 666, line 13.

9           **385.** Page 666, line 14: delete lines 14 to 18.

10          **386.** Page 666, line 19: delete that line.

11          **387.** Page 666, line 20: delete that line.

12          **388.** Page 666, line 21: delete the material beginning with that line and  
13 ending with page 667, line 6.

14          **389.** Page 667, line 7: delete lines 7 to 17.

15          **390.** Page 667, line 18: delete the material beginning with that line and  
16 ending with page 668, line 14.

17          **391.** Page 668, line 15: delete lines 15 to 25.

18          **392.** Page 669, line 1: delete lines 1 to 3.

19          **393.** Page 669, line 4: delete lines 4 to 10.

20          **394.** Page 669, line 11: delete lines 11 to 20 and substitute:

21          “SECTION 1066e. 78.12 (4) (a) 2. of the statutes is repealed.

22          SECTION 1066f. 78.12 (4) (a) 3. of the statutes is repealed.

23          SECTION 1066g. 78.12 (4) (a) 4. of the statutes is amended to read:

1           78.12 (4) (a) 4. Multiply the number of gallons under subd. ~~3. 1.~~ by the rate  
2 published under s. 78.015 as increased under s. 78.017.

3           **SECTION 1067h.** 78.12 (5) of the statutes is amended to read:

4           78.12 (5) PAYMENT OF TAX. Licensed suppliers shall pay taxes on motor vehicle  
5 fuel no later than the 15th day of the month for motor vehicle fuel sold during the  
6 previous month. At the option of a wholesaler distributor, a licensed supplier shall  
7 allow the wholesaler distributor to delay paying the tax to the licensed supplier until  
8 the date that the tax is due to this state. A wholesaler distributor who makes delayed  
9 payments shall make the payments by electronic funds transfer. If a wholesaler  
10 distributor fails to make timely payments, the licensed supplier may terminate the  
11 right of the wholesaler distributor to make delayed payments. Each licensed  
12 supplier shall notify the department of each wholesaler distributor who makes  
13 delayed payments of the tax. The department may require any wholesaler  
14 distributor who makes delayed payments of the tax to furnish the department a  
15 surety bond payable to this state in an amount not to exceed 3 times the highest  
16 estimated monthly tax owed by the wholesaler distributor. ~~Whenever the wholesaler~~  
17 ~~distributor pays the licensed supplier, the licensed supplier shall credit the~~  
18 ~~wholesaler distributor's account for the amount of tax reduction that results from the~~  
19 ~~calculation under s. 78.12 (4) (a) 2."~~

20           **395.** Page 669, line 20: after that line insert:

21           **"SECTION 1067j.** 78.20 (6) of the statutes is created to read:

22           78.20 (6) A refund may not be claimed under this section for fuel purchased  
23 after September 30, 2019.

1           **SECTION 1067m.** 78.20 of the statutes, as affected by 2019 Wisconsin Act ....  
2 (this act), is repealed.

3           **SECTION 1067p.** 78.68 (10) of the statutes is amended to read:

4           **78.68 (10)** Except as provided in ss. 78.19, ~~78.20 (2)~~ and 78.75 (1m) (b), s. 71.75  
5 (2) and (4) to (7) as it applies to the taxes under ch. 71 applies to the taxes under this  
6 chapter. Sections 71.74 (13), 71.75 (9) and (10), 71.80 (3), 71.93, 71.935, and 73.03  
7 (52), (52m), and (52n), as they apply to refunds of the taxes under ch. 71 apply to the  
8 refund of the taxes under this chapter.”.

9           **396.** Page 669, line 21: delete the material beginning with that line and  
10 ending with page 670, line 19.

11           **397.** Page 670, line 20: delete lines 20 to 23.

12           **398.** Page 670, line 24: delete the material beginning with that line and  
13 ending with page 671, line 18.

14           **399.** Page 671, line 18: after that line insert:

15           “**SECTION 1073g.** 79.097 of the statutes is created to read:

16           **79.097 State aid; video service provider fee.** (1) (a) In 2020, each  
17 municipality that assesses a fee under s. 66.0420 (7) shall receive a payment equal  
18 to 0.5 percent of the gross receipts, as reported under sub. (2) (a), used as the basis  
19 for the actual fee revenues received by the municipality in 2018.

20           (b) In 2021, each municipality that assesses a fee under s. 66.0420 (7) shall  
21 receive a payment equal to 1 percent of the gross receipts, as reported under sub. (2)  
22 (b), used as the basis for the actual fee revenues received by the municipality in 2019.

1 (c) Beginning in 2022 and ending in 2029, annually, each municipality that  
2 assesses a fee under s. 66.0420 (7) shall receive a payment under this section equal  
3 the amount it received in 2021.

4 (2) Each municipality that is eligible to receive a payment under this section  
5 shall report to the department of revenue the following information:

6 (a) On or before August 15, 2019, the 2018 actual fee revenues from s. 66.0420  
7 (7) and the estimated gross receipts on which the fee revenues are based.

8 (b) On or before August 15, 2020, the 2019 actual fee revenues from s. 66.0420  
9 (7) and the estimated gross receipts on which the fee revenues are based.

10 (c) Any other information, provided in the time and manner determined by the  
11 department, that the department considers necessary for the administration of this  
12 section.

13 (3) (a) Annually, on or before October 1, the department of revenue shall notify  
14 each municipality that is eligible to receive a payment under this section of the  
15 amount of the payment that the municipality shall receive in the following year.

16 (b) The department of revenue shall certify the amount of the payment due to  
17 each taxing jurisdiction under sub. (1) to the department of administration, and the  
18 department of administration shall make the payment on or before the 4th Monday  
19 in July.”

20 **400.** Page 671, line 19: delete the material beginning with that line and  
21 ending with page 672, line 19.

22 **401.** Page 672, line 23: after that line insert:

23 **“SECTION 1078d.** 84.013 (3) (b) of the statutes is created to read:

1           84.013 (3) (b) I 41 extending approximately 23 miles between STH 96 in the  
2 town of Grand Chute and CTH "F" in the town of Lawrence, in Brown and Outagamie  
3 counties, including all interchanges, and including work on local roads as necessary  
4 for the completion of the project. As a component of this project, the department shall  
5 construct an interchange of I 41 and local highways near the intersection of  
6 Southbridge Road/French Road and Creamery Road in Brown County."

7           **402.** Page 673, line 4: after that line insert:

8           "SECTION 1079m. 84.062 of the statutes is created to read:

9           **84.062 Alternative project delivery. (1) DEFINITIONS.** In this section:

10           (a) "Alternative technical concepts" means a proposed alternative to the  
11 technical requirements provided by the office in the request for proposals for a  
12 project.

13           (b) "Best value design-build contract" means a design-build contract award  
14 made following a calculation of value as provided in a request for proposals.

15           (c) "Design-build contract" means a contract for a project under which the  
16 design, engineering, construction, and related services are provided by a single  
17 design-builder.

18           (d) "Design-builder" means a private legal entity, consortium, or joint venture  
19 that proposes to or executes a contract with the office to design, engineer, and  
20 construct a project under this section.

21           (e) "Design-build project" means a project for which design, engineering,  
22 construction, and related services are procured through a single contract with a  
23 single private legal entity, consortium, or joint venture capable of providing the  
24 necessary design, engineering, construction, and related services.

1 (f) "Design professional" means a person registered under s. 443.03 or 443.04  
2 or a firm, partnership, or corporation registered under s. 443.08.

3 (g) "Director" means the director of the office of innovative program delivery  
4 attached to the department under s. 15.463 (1).

5 (h) "Fixed price variable scope design-build contract" means a design-build  
6 contract award made to the lowest qualified responsible bidder able to provide the  
7 best qualitative scope of work at a price not to exceed a fixed price set by the office.

8 (i) "Low bid design-build contract" means a design-build contract award made  
9 to the lowest qualified responsible bidder.

10 (j) "Member" means a private legal entity that is a member of a consortium or  
11 joint venture that is a design-builder.

12 (k) "Office" means the office of innovative program delivery attached to the  
13 department under s. 15.463 (1).

14 (L) "Project" means a project involving a highway improvement, as defined in  
15 s. 84.06 (1) (am).

16 (m) "Qualified responsible bidder" means a design-builder responding to a  
17 request for qualifications and that is certified by the technical review committee.

18 (n) "Responsive cost proposal" means a proposal that clearly identifies the costs  
19 of all services to be performed by the qualified responsible bidder, including all  
20 related fees, wages, and equipment and material costs.

21 (o) "Responsive technical proposal" means a proposal that clearly  
22 demonstrates a qualified responsible bidder's understanding of the design,  
23 engineering, and construction services to be performed and clearly describes the  
24 bidder's approach to the project.

1 (p) "Technical review committee" means the committee appointed under sub.  
2 (3).

3 (q) "Value engineering change" means a proposal that provides for a product  
4 of equal or improved quality to the product required by the department and that will  
5 reduce the project cost, improve safety, or decrease the time to complete the project.

6 (2) DESIGN-BUILD PROJECTS. (a) The department shall administer a pilot  
7 program under which not more than 6 contracts are awarded for design-build  
8 projects to be completed no later than December 31, 2025. The director may not  
9 designate a project as a design-build project unless the department is able to clearly  
10 define the scope of work.

11 (b) The department may not expend more than \$250,000,000 for 6 design-build  
12 contracts designated as follows:

13 1. One low bid design-build contract for a project with an estimated value of  
14 not less than \$5,000,000 and not more than \$25,000,000.

15 2. One best value design-build contract for a project with an estimated value  
16 of not less than \$25,000,000 and not more than \$75,000,000.

17 3. One fixed price variable scope design-build contract with an estimated value  
18 of not less than \$25,000,000 and not more than \$75,000,000.

19 4. Three contracts designated by the director with a total estimated value of not  
20 more than \$125,000,000. The department may enter into a low bid design-build  
21 contract, best value design-build contract or a fixed price variable scope  
22 design-build contract under this subdivision.

23 (c) For each project designated as a design-build project under par. (a), the  
24 office shall prepare a written analysis supporting the office's determination that it  
25 is the best interests of the state to make the designation. The written determination

1 and supporting materials are subject to inspection under s. 19.35. The written  
2 analysis shall include all of the following:

3 1. The extent to which the department can adequately define the project  
4 requirements in a proposed scope of design and construction.

5 2. The impact on the projected project schedule and completion date.

6 3. The impact on the projected cost of the project.

7 4. The impact on the quality factors of the project.

8 5. The availability of contractors with experience with design-build projects or  
9 other innovative project delivery methods.

10 6. The capability of the department to manage a design-build project with  
11 office employees and design consultants.

12 7. The capability of the department to oversee a design-build project with a  
13 contractor with experience with design-build projects or other innovative project  
14 delivery methods.

15 8. The availability of current department employees qualified to perform  
16 design and engineering services required for the design-build project.

17 9. The original character of the product or the services.

18 10. The statutory authority for the designation of the project as a design-build  
19 project and how the project furthers the department's statutory duties.

20 11. Whether the design-build project must comply with any federal rule or  
21 regulation or any U.S. department of transportation requirement and a statement  
22 that the design-build project is in compliance.

23 12. Any other criteria the office determines is necessary.

24 (d) For each project designated under par. (a), the office shall solicit requests  
25 for qualifications, requests for proposals, and cost proposals as provided in this



1 section and, subject to sub. (7) (c) and (d), let each project by contract to a qualified  
2 responsible bidder.

3 (e) No more than 6 months following the completion of a design-build project  
4 designated under this subsection, the office shall prepare a report, with input from  
5 the design-builder and the technical review committee, detailing the project, the  
6 decision to designate the project as a design-build project, the type of design-build  
7 contract let, and recommendations for statutory changes, if any. The office shall  
8 provide this report to the joint committee on finance and the senate and assembly  
9 standing committees having jurisdiction over transportation matters. The senate  
10 and assembly standing committees having jurisdiction over transportation matters  
11 shall schedule a hearing on the report not more than 30 days following distribution  
12 of the report by the chief clerks of the senate and the assembly. This paragraph does  
13 not apply to projects completed after December 31, 2025.

14 **(3) TECHNICAL REVIEW COMMITTEE.** (a) The secretary shall appoint 5 individuals  
15 to a technical review committee to evaluate proposals submitted under this section.  
16 The committee shall consist of the following:

17 1. An employee of the department representing a regional office of the  
18 department who has at least 5 years of experience in the transportation construction  
19 industry.

20 2. Two employees of the department representing the division of the  
21 department responsible for transportation project development, each of whom have  
22 at least 5 years of experience in the transportation construction industry.

23 3. One person representing a state association of architectural, engineering, or  
24 design companies.

1           4. One person representing a state association of transportation construction  
2 companies.

3           (b) The secretary may not appoint to the technical review committee any person  
4 associated, as defined in s. 19.42 (2), with a design-builder. No person appointed to  
5 the technical review committee may review proposals under this section when the  
6 proposed project could benefit the appointee or the appointee's immediate family, as  
7 defined in s. 19.42 (7).

8           (c) A person appointed to the technical review committee is an agent of the  
9 department under s. 895.46.

10          (d) Except as otherwise provided in this section, all records of the technical  
11 review committee are open to public inspection and copying under s. 19.35 (1).

12          (4) BIDS. The office shall solicit design-build proposals in 2 phases. In the first  
13 phase, the office shall solicit requests for qualifications under sub. (5) and requests  
14 for proposals under sub. (6). The technical review committee shall certify responsible  
15 bidders as provided in sub. (5) (c) and shall score technical proposals as provided in  
16 sub. (6) (b). In the 2nd phase, the office shall solicit cost proposals and the technical  
17 review committee shall evaluate cost proposals as provided in sub. (7).

18          (5) REQUEST FOR QUALIFICATIONS. (a) The office shall prepare a request for  
19 qualifications that includes all of the following:

20           1. Minimum required qualifications for certification as a qualified bidder,  
21 which shall include all of the following:

22           a. The design and construction experience of the design-builder or member,  
23 personnel, and contractors who will manage the design, engineering, and  
24 construction aspects of the project. The office may not require a level of experience  
25 that will unreasonably restrict competition.

1           b. A requirement that the design-builder or member employ an individual who  
2 has no fewer than 5 years of experience in highway construction specific to highway  
3 improvement projects in this state.

4           c. A requirement that the design-builder or member be a design professional  
5 or will employ or contract with a design professional.

6           d. A sworn statement of the design-builder's financial ability, equipment, and  
7 experience in design-build project delivery and any other information the office  
8 determines is necessary to determine a bidder's competency.

9           2. Minimum required qualifications for certification as a responsible bidder,  
10 which shall include all of the following:

11           a. The design-builder is registered or authorized to do business in this state.

12           b. The design-builder submits a sworn statement that indicates that it has  
13 adequate financial resources to complete the work described in the request for  
14 qualifications, taking into account any other work the design-builder is currently  
15 under contract to complete.

16           c. The design-builder is bondable for the term of the proposed contract and is  
17 able to obtain a 100 percent performance bond and a separate 100 percent payment  
18 bond.

19           d. If the department has previously contracted with the design-builder or a  
20 member, the design-builder or member has a record of satisfactorily completing  
21 projects. In making this determination, the technical review committee shall  
22 consider if the design-builder or the member has completed all contracts in  
23 accordance with drawings and specifications, diligently pursued execution of the  
24 work and completed contracts according to the time schedule, fulfilled guarantee  
25 requirements of contracts, and complied with applicable safety program

1 requirements. The technical review committee may not consider whether a  
2 design-builder or member exercised legal rights specified in statute or rule or under  
3 a contract with the department.

4 e. The design-builder or a member is not on a list maintained by the  
5 department identifying persons ineligible to bid due to suspension or debarment or  
6 on a list that the department of administration maintains for persons who violated  
7 statutory provisions or administrative rules relating to construction.

8 f. The design-builder or a member has been in business for at least 12 months.

9 g. The design-builder or a member has served as a prime contractor on no fewer  
10 than 5 projects administered by the department during the previous 5 calendar  
11 years.

12 h. The design-builder can provide information to the technical review  
13 committee upon request about ownership, management, and control of the  
14 design-builder.

15 i. The design-builder or a member has not been debarred from any government  
16 contracts and has not been found to have committed tax avoidance or evasion in any  
17 jurisdiction in the previous 10 years.

18 j. The design-builder has not been disciplined under a professional license in  
19 any jurisdiction in the previous 10 years.

20 k. No design professional employed by the design-builder or a member or that  
21 the design-builder will contract with has been disciplined in any jurisdiction under  
22 a license that is currently in use.

23 3. Information about bid procedures and the proposed project, including all of  
24 the following:

25 a. The type of contract to be awarded.

- 1 b. The selection criteria for recommendation of design-builders for phase 2.
- 2 c. Project requirements, including a scope of work statement and a schedule.
- 3 d. The required completion date of the project.
- 4 e. A description of requirements for the technical proposal for the project.

5 (b) The office shall advertise the request for qualifications by publication of a  
6 class 1 notice, as defined in s. 985.07 (1), in the official state newspaper and on the  
7 department's Internet site. The office may place similar notices in publications likely  
8 to inform potential bidders of the project. The office shall issue a request for  
9 qualifications or provide information as to where the request for qualifications may  
10 be obtained to any person, without regard to the qualifications of the person. The  
11 office shall include in all advertisements under this paragraph the location and scope  
12 of work, the amount of bid guarantee required, the date, time, and place of bid or  
13 proposal opening, and the date when and place where plans will be available.

14 (c) The technical review committee shall certify at least 2 but not more than 4  
15 design-builders as qualified responsible bidders. If the office does not receive at  
16 least 2 responses to the request for qualifications or if the technical review committee  
17 certifies only one design-builder as a qualified responsible bidder, the office may  
18 re-advertise or cancel the project.

19 **(6) REQUEST FOR PROPOSALS.** (a) The office shall prepare a request for proposals  
20 for each design-build contract that includes all the following:

21 1. The name, title, address, and telephone numbers of persons to whom  
22 questions concerning the proposal should be directed.

23 2. The procedures to be followed for submitting proposals, including how  
24 proposals must be delivered, the date and time by which they must be received, and  
25 the name and address of the person who is to receive them.

1           3. The date and time of the pre-proposal conference, if any.

2           4. A requirement that a technical proposal and a cost proposal be submitted in  
3 separate sealed proposals at the same time.

4           5. A clear description of the scope of all design, engineering, and construction  
5 work.

6           6. The criteria for evaluating proposals and their relative weight, if applicable.

7           7. The design criteria package, including a description of drawings,  
8 specifications, or other information to be submitted with the proposals, which shall  
9 allow the design-builder to use innovative projects meeting the criteria.

10          8. The project schedule and budget limits, if any.

11          9. The proposed terms and conditions of the contract.

12          10. Requirements relating to performance bonds, payments bonds, and  
13 insurance.

14          11. Amount of stipend, if any.

15          12. The procedures for awarding a contract.

16          13. A process for the technical review committee to review and accept  
17 alternative technical concepts and value engineering change proposals.

18          14. A requirement that the design-builder perform not less than 30 percent of  
19 the construction services under the contract with labor provided by employees of the  
20 design-builder or member and equipment owned or rented by the design-builder or  
21 member.

22          15. Any other information the office determines is necessary.

23          (b) The technical review committee shall evaluate each technical proposal,  
24 which may include a confidential interview, and shall assign points in accordance  
25 with the request for proposals and subject to all of the following:

1           1. For a project that will be awarded as either a low bid design-build contract  
2 or a fixed price variable scope design-build contract, the technical review committee  
3 shall determine whether technical proposals are responsive to the request for  
4 proposals without ranking or scoring the proposals.

5           2. For a project that will be awarded as a best value design-build contract, the  
6 technical review committee shall determine whether technical proposals are  
7 responsive to the request for proposals and score each responsive technical proposal  
8 as required by the request for proposals. The technical review committee may award  
9 not more than 20 percent of the points awarded to a technical proposal based on the  
10 design-builder's qualifications and ability to design, contract, and deliver the project  
11 in accordance with any deadline established in the request for proposals. The  
12 technical review committee may award a technical proposal not more than 55  
13 percent of the maximum number of combined points that may be awarded to a  
14 technical proposal and cost proposal.

15           (c) The office shall allow design-builders to include alternative technical  
16 concepts and value engineering changes in their proposals by describing the process  
17 for submission and evaluation of alternative technical concepts and value  
18 engineering changes in the request for proposals.

19           (d) The technical review committee may not consider a proposal responsive  
20 unless the proposal includes a conceptual design, critical path method, bar schedule  
21 of the work to be performed or similar schematic, design plans and specifications,  
22 technical reports, and all other information required by the request for proposals.  
23 The technical review committee may not consider any price or fee included in the  
24 technical proposal.

1 (e) The office shall notify the design-builder for each proposal that is  
2 determined to be responsive under par. (b) that the design-builder may submit a cost  
3 proposal under par. (7). The office shall reject all proposals that are determined to  
4 be nonresponsive under par. (b).

5 (7) COST PROPOSALS. (a) Design-builders notified under sub. (6) (e) may submit  
6 a cost proposal and the proposal shall include a fixed cost of design, engineering, and  
7 construction services prepared by a design professional that contains all design,  
8 engineering, construction, and quality assurance and quality control costs of the  
9 project.

10 (b) The technical review committee may open cost proposals only after the  
11 technical proposals have been reviewed as provided in sub. (6). At the time and place  
12 specified in the request for proposals, the technical review committee shall open cost  
13 proposals, read the proposals aloud, and, for a project that will be awarded as a best  
14 value design-build contract, make public the committee's scoring of the technical  
15 proposals.

16 (c) Following a review of cost proposals, the department may issue a notice of  
17 intent to award a contract, subject to all of the following:

18 1. For a low bid design-build contract, the contract shall be awarded to the  
19 qualified responsible bidder that submitted a responsive technical proposal and also  
20 submitted the lowest responsive cost proposal.

21 2. For a fixed price variable scope design-build contract, the contract shall be  
22 awarded to the qualified responsible bidder that submitted a responsive technical  
23 proposal and that submitted a responsive cost proposal that provides the maximum  
24 amount of services for the maximum fixed price set by the office or for an amount that  
25 is less than the maximum fixed price.



1           3. For a best value design-build contract, the contract shall be awarded to the  
2 qualified responsible bidder with the highest adjusted score, which shall be  
3 calculated by adding the bidder's technical proposal score to the bidder's cost  
4 proposal score. The technical review committee shall award the lowest qualified  
5 responsible bidder the maximum number of points that may be awarded to a cost  
6 proposal under the request for proposals, but not less than 45 percent and not more  
7 than 75 percent of the maximum number of combined points that may be awarded  
8 to a technical proposal and cost proposal. For each remaining qualified responsible  
9 bidder, the technical review committee shall calculate the score for the cost proposal  
10 by reducing the maximum number of points that may be awarded to the cost proposal  
11 by at least 1 percent for each percentage point by which the cost proposal exceeds the  
12 lowest cost proposal.

13           (d) Following a review of cost proposals, the office may reject all proposals. If  
14 the office rejects all proposals or does not execute a contract after issuing an intent  
15 to award a contract under par. (c), the office may reissue the request for proposals  
16 and allow only the qualified responsible bidders originally notified under sub. (6) (e)  
17 to submit new proposals. The office may pay a reasonable stipulated fee to each  
18 design-builder that provides a responsive but unsuccessful proposal in response to  
19 the reissued request for proposals. If the reissued request for proposals specifies a  
20 maximum fixed price, the office may not award a stipend to a design-builder whose  
21 proposal exceeds that price.

22           (e) Not less than 5 working days prior to executing a design-build contract, the  
23 department shall provide notice to each unsuccessful qualified responsible bidder  
24 that a notice of intent to award a contract has been issued.

1 (f) The department and the technical review committee shall maintain the  
2 confidentiality of information provided by design-builders as required by s. 84.01  
3 (32).

4 (8) CONTRACT AWARD. (a) In this subsection:

5 1. "Construction services" means work necessary to construct a project,  
6 including trucking services and materials purchased regardless of whether the  
7 materials are installed by the design-builder.

8 2. "Specialty services" means work related to sanitary sewer systems, water  
9 main systems, staking, electrical, landscaping and erosion control, traffic control,  
10 signing, pavement marking, fencing, and other work identified by the office.

11 (b) No later than 10 days following the issuance of a notice of intent to award  
12 a design-build contract, the office shall verify that the design-builder will perform  
13 not less than 30 percent of the construction services under the contract with labor  
14 provided by employees of the design-builder or member and equipment owned or  
15 rented by the design-builder or member.

16 (c) The design-builder shall submit to the office in the form prescribed by the  
17 office documentation of the construction services the design-builder or members will  
18 perform and the dollar value of the services.

19 (d) The office shall calculate the percentage of total construction services  
20 identified in the contract to be performed by the design-builder or members by  
21 subtracting the value of specialty services to be performed from the total contract  
22 amount and dividing the dollar value of construction services to be performed by the  
23 design-builder or members by the difference. If the value of construction services  
24 to be performed by the design-builder or members is less than 30 percent of the value

1 of all construction services required under the contract, the office shall cancel the  
2 contract award.

3 **(9) PROJECT DELIVERY.** An individual identified in a response to a request for  
4 qualifications or in a technical proposal may be replaced by a design-builder if the  
5 office determines that the new individual meets the qualifications described in the  
6 response to the request for qualifications or in the technical proposal and that the  
7 individual's qualifications are at least equal to the qualifications of the individual  
8 being replaced.

9 **(10) LIABILITY.** (a) Nothing in this section shall be construed as relieving a  
10 design-builder of 3rd-party liability or liability for loss or damage to property of the  
11 state or a county or municipality.

12 (b) All design services, including architectural and engineering services,  
13 provided under a design-build contract are services and not products.

14 **(11) STIPULATED FEE.** (a) The department shall award a stipulated fee of not  
15 less than three-tenths of 1 percent of the department's estimated cost of design and  
16 construction as follows:

17 1. To each qualified responsible bidder that provides a responsive but  
18 unsuccessful proposal when the office issues a notice of intent to award a contract.  
19 If the request for proposals specifies a maximum fixed price, the office may not award  
20 a fee to a proposal that exceeds the maximum fixed price.

21 2. To all qualified responsible bidders that provide a responsive proposal, if the  
22 office does not issue a notice of intent to award a contract.

23 3. To all qualified responsible bidders if the office cancels the solicitation before  
24 the technical review committee reviews technical proposals.

1 (b) The department shall pay the fee to each qualified responsible bidder under  
2 par. (a) no later than 90 days after the department issues a notice of intent to award  
3 a contract, determines that it will not issue a notice of intent to award a contract, or  
4 cancels the solicitation.

5 (c) In consideration for paying the fee, the department may use work product  
6 contained in an unsuccessful proposal in connection with any proposed or awarded  
7 design-build project without making any additional compensation to the  
8 design-builder. If an unsuccessful design-builder waives the stipulated fee, the  
9 department may not use work product in the design-builder's unsuccessful proposal.

10 (12) RULES. The department may promulgate rules necessary to implement  
11 this section.

12 (13) APPEALS. (a) Any person aggrieved and directly affected by a decision of  
13 the office to issue a request for qualifications or a request for proposals under this  
14 section shall be entitled to judicial review of the decision as provided in chapter 227,  
15 subject to the procedural requirements of s. 227.53 (1). A person shall be considered  
16 a person aggrieved and directly affected by a decision of the office if any of the  
17 following apply to a request for qualifications or a request for proposals issued by the  
18 office under this section:

19 1. The request does not include qualifications, requirements, or other items  
20 required under this section.

21 2. The request does not comply with procedural requirements under this  
22 section.

23 3. The request contains material errors or omissions.

24 4. The request contains material discrepancies, deficiencies, or ambiguities  
25 that prevent a person from submitting a responsive proposal.

1           5. The request indicates a bias against or preference for a specific  
2 design-builder.

3           6. The request exceeds the department's authority.

4           (b) Any person aggrieved and directly affected by a decision of the office to issue  
5 a notice of intent to award a contract under this section shall be entitled to judicial  
6 review of the decision as provided in chapter 227, subject to the procedural  
7 requirements of s. 227.53 (1). A person shall be considered a person aggrieved and  
8 directly affected by a decision of the office if any of the following apply to a notice of  
9 intent to award a contract under this section:

10           1. The design-builder that received the notice of intent to award a contract was  
11 improperly certified as a qualified responsible bidder.

12           2. A mathematical error was made in scoring any of the proposals that resulted  
13 in an improper intent to award a contract.

14           3. There is evidence of collusion or fraud involving either the design-builder  
15 who received the notice of intent to award a contract or a member of the technical  
16 review committee.

17           4. There is evidence of bias of a member of the technical review committee.

18           5. There is evidence that a member of the technical review committee has a  
19 conflict of interest because the committee member, a member of his or her immediate  
20 family, as defined in s. 19.42 (7), or any organization or business with which the  
21 member is associated, as defined in s. 19.42 (2), may benefit from the intent to award  
22 a contract.

23           6. The technical proposal or cost proposal submitted by the design-builder who  
24 received the notice of intent to award a contract is not responsive to the request for  
25 proposals, contains conditions or qualifications not provided for in the request for

1 proposals, or does not assign costs to all services identified in the technical proposal  
2 or is otherwise materially unbalanced.

3 (c) If the office prevails upon judicial review, following any protest and  
4 appellate court proceedings, the office shall be entitled to recover all costs and  
5 charges included in the final order or judgment, excluding attorney's fees. Upon  
6 payment of costs and charges by the protester, the bond shall be returned. If the  
7 protesting party prevails, the protesting party shall be entitled to recover from the  
8 office all costs and charges included in the final order or judgment, excluding  
9 attorney's fees. The entire amount of the bond shall be forfeited if the hearing officer  
10 determines that a protest was filed for a frivolous or improper purpose, including but  
11 not limited to the purpose of harassing, causing unnecessary delay, or causing  
12 needless cost for the office or parties.

13 (14) DELIVERABLES. (a) No later than 3 months after the effective date of this  
14 section .... [LRB inserts date], the office shall prepare a report that establishes a  
15 program structure for delivering projects as required under this subsection. The  
16 report shall specify the types of highway improvement projects to be considered and  
17 procedures and timelines for the bid process. The office may not designate a highway  
18 improvement project as a design-build project prior to the completion of the report.

19 (b) No later than 6 months after the effective date of this section .... [LRB inserts  
20 date], the office shall prepare a design-build procurement manual that incorporates  
21 the requirements under this subsection and any applicable requirements under  
22 federal law. The manual shall be created by a committee that includes all of the  
23 following members:

- 24 1. The director.

1           2. Two employees of the department who represent the division of the  
2 department responsible for transportation project development and who each have  
3 not less than 5 years of experience in the transportation construction industry.

4           3. One person representing a state association of transportation architectural,  
5 engineering, or design companies to be nominated by the governor and appointed  
6 with the advice and consent of the senate.

7           4. One person representing a state association of transportation construction  
8 companies to be nominated by the governor and appointed with the advice and  
9 consent of the senate.

10          5. One person representing a national trade group with a design-build  
11 certification program and experience in assisting states with the implementation of  
12 a design-build program to be nominated by the governor and appointed with the  
13 advice and consent of the senate.

14          (c) No later than December 31, 2026, the office shall submit a report the joint  
15 committee on finance and the senate and assembly standing committees having  
16 jurisdiction over transportation matters summarizing observations of the process  
17 utilized for alternative project delivery methods and describing the effectiveness of  
18 the alternative project delivery methods contracting procedures. The report shall  
19 include discussion on scope of work, history of projects selected, evaluation criteria,  
20 selection process, contract administration, work progression, time and cost  
21 comparisons between the traditional contracting method and alternative delivery  
22 methods, claims, and changes.

23          (d) No later than 6 months after receipt of the report required under par. (c),  
24 the joint committee on finance shall determine whether the alternative project  
25 delivery pilot program was successful in providing the department with additional

1 tools that allow innovation, reduced project completion time, cost certainty, or  
2 reduced cost or other advantages or benefits and shall make a recommendation to  
3 the legislature as to whether the pilot program should be made permanent.”.

4 **403.** Page 673, line 5: delete lines 5 to 10.

5 **404.** Page 673, line 11: delete lines 11 and 12.

6 **405.** Page 674, line 3: after that line insert:

7 “**SECTION 1082m.** 85.061 (3) (a) (intro.) of the statutes is amended to read:

8 85.061 (3) (a) (intro.) The department shall administer a rail passenger route  
9 development program. From the ~~appropriation~~ appropriations under s. ~~ss. 20.395~~  
10 (2) (br) and 20.866 (2) (up), the department may fund any of the following:

11 **SECTION 1082p.** 85.061 (3) (b) of the statutes is amended to read:

12 85.061 (3) (b) The department may not use any proceeds from the bond issue  
13 authorized under s. 20.866 (2) (up) or the moneys appropriated under s. 20.395 (2)  
14 (br) unless the joint committee on finance approves the use of the proceeds or moneys  
15 and, with respect to a route under par. (a) 1. or 2., the department submits evidence  
16 to the joint committee on finance that Amtrak or the applicable railroad has agreed  
17 to provide rail passenger service on that route. The department may contract with  
18 Amtrak, railroads or other persons to perform the activities under the program.”.

19 **406.** Page 674, line 3: after that line insert:

20 “**SECTION 1082m.** 85.0203 of the statutes is created to read:

21 **85.0203 Mileage-based fees. (1)** The department shall expend not more  
22 than \$2,500,000 to enter into a contract with a firm for the study of, and preparation  
23 of a report regarding, the policies, procedures, and operations needed to implement  
24 mileage-based fees and for the preparation of a traffic and revenue analysis



1 associated with these fees. No later than December 1, 2022, the firm conducting the  
2 study and preparing the analysis under this subsection shall report its findings to  
3 the department and the legislature under s. 13.172 (2).

4 (2) No later than January 1, 2023, the department shall submit a  
5 recommendation on an implementation plan for a mileage-based fee to the joint  
6 committee on finance.

7 (3) The department may implement a mileage-based fee only if the joint  
8 committee on finance approves the plan under sub. (2). If the committee modifies and  
9 approves the proposed plan, the department may implement a mileage-based fee  
10 only as modified by the committee.

11 (4) If the joint committee on finance approves a mileage-based fee plan, the  
12 department shall create a division of innovative transportation finance systems that  
13 shall administer any mileage-based fee plan imposed under this section. The  
14 division shall report directly to the secretary of transportation.”.

15 **407.** Page 674, line 4: delete the material beginning with that line and ending  
16 with page 675, line 9.

17 **408.** Page 675, line 9: after that line insert:

18 “**SECTION 1083d.** 85.093 of the statutes is created to read:

19 **85.093 Intermodal freight assistance.** The department may make grants  
20 to public or private applicants for intermodal freight facilities that the department  
21 determines have a public purpose. In the 2019-21 fiscal biennium, a grant made  
22 under this section shall be paid from the appropriation under s. 20.395 (2) (bu). After  
23 July 1, 2021, a grant made under this section shall be paid from the appropriation

1 under s. 20.866 (2) (uw). For the 2019-21 fiscal biennium, grants under this section  
2 may not exceed \$1,500,000.”.

3 **409.** Page 675, line 14: delete “\$70,613,300” and substitute “\$65,477,800”.

4 **410.** Page 675, line 24: delete “\$18,554,800” and substitute “\$17,205,400”.

5 **411.** Page 676, line 10: delete “\$26,935,400” and substitute “\$24,976,400”.

6 **412.** Page 676, line 17: delete “\$5,707,800” and substitute “\$5,292,700”.

7 **413.** Page 676, line 20: delete the material beginning with that line and  
8 ending with page 677, line 4.

9 **414.** Page 677, line 5: delete lines 5 to 17.

10 **415.** Page 677, line 17: after that line insert:

11 “**SECTION 1089m.** 85.64 of the statutes is created to read:

12 **85.64 Office of innovative program delivery. (1)** In this section:

13 (a) “Director” means the director of the office of innovative program delivery  
14 attached to the department under s. 15.463 (1).

15 (b) “Office” means the office of innovative program delivery attached to the  
16 department under s. 15.463 (1).

17 **(2)** The secretary shall appoint a director who has no fewer than 5 years of  
18 experience in design-build project development and delivery specific to public  
19 transportation or public infrastructure construction.

20 **(3)** The director shall do all of the following:

21 (a) Perform the duties and functions required under s. 84.062.

22 (b) Employ, supervise, and train personnel assigned to the office by the  
23 secretary.

24 (c) Supervise all expenditures of the office.

1 (4) The office shall perform the duties and functions required under s. 84.062.”.

2 **416.** Page 677, line 18: delete lines 18 to 25.

3 **417.** Page 678, line 19: delete the material beginning with that line and  
4 ending with page 679, line 18, and substitute:

5 “**SECTION 1095m.** 86.31 (3s) of the statutes is created to read:

6 86.31 (3s) DISCRETIONARY SUPPLEMENTAL GRANTS. (a) Funds provided under s.  
7 20.395 (2) (fc) shall be distributed under this subsection as discretionary grants to  
8 reimburse political subdivisions for improvements. The department shall solicit and  
9 provide discretionary grants under this subsection until all funds appropriated  
10 under s. 20.395 (2) (fc) have been expended.

11 (b) 1. From the appropriation under s. 20.395 (2) (fc), the department shall  
12 allocate \$32,003,200 in fiscal year 2019-20, to fund county trunk highway  
13 improvements.

14 2. From the appropriation under s. 20.395 (2) (fc), the department shall allocate  
15 \$35,149,400 in fiscal year 2019-20, to fund town road improvements.

16 3. From the appropriation under s. 20.395 (2) (fc), the department shall allocate  
17 \$22,847,400 in fiscal year 2019-20, to fund municipal street improvement projects.

18 (c) Notwithstanding sub. (4), a political subdivision may apply to the  
19 department under this subsection for reimbursement of not more than 90 percent of  
20 eligible costs of an improvement.”.

21 **418.** Page 679, line 18: after that line insert:

22 “**SECTION 1096m.** 86.315 (1) of the statutes is amended to read:

23 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department  
24 shall annually, on March 10, pay to counties having county forests established under

1 ch. 28, for the improvement of public roads within the county forests which are open  
2 and used for travel and which are not state or county trunk highways or town roads  
3 and for which no aids are paid under s. 86.30, the amount of ~~\$336~~ \$351 per mile of  
4 road designated in the comprehensive county forest land use plan as approved by the  
5 county board and the department of natural resources. If the amount appropriated  
6 under s. 20.395 (1) (fu) is insufficient to make the payments required under this  
7 subsection, the department shall prorate the amount appropriated in the manner it  
8 considers desirable.”.

9 **419.** Page 679, line 19: delete lines 19 and 20.

10 **420.** Page 679, line 24: delete the material beginning with that line and  
11 ending with page 680, line 5.

12 **421.** Page 680, line 6: delete lines 6 to 18.

13 **422.** Page 680, line 19: delete the material beginning with that line and  
14 ending with page 685, line 3.

15 **423.** Page 685, line 4: delete the material beginning with that line and ending  
16 with page 688, line 5.

17 **424.** Page 688, line 5: after that line insert:

18 **“SECTION 1103m.** 101.02 (7y) of the statutes is created to read:

19 101.02 (7y) (a) In this subsection, “quarry” has the meaning given in s.  
20 66.04135 (2) (c).

21 (b) Notwithstanding sub. (7) (a), and except as provided in this subsection and  
22 s. 66.04135 (3) (c), no city, village, town, or county may make or enforce a local order  
23 that limits blasting at a quarry.

1 (c) A city, village, town, or county may petition the department for an order  
2 granting the city, village, town, or county the authority to impose additional  
3 restrictions and requirements related to blasting on the operator of a quarry. If a city,  
4 village, town, or county submits a petition under this paragraph because of concerns  
5 regarding the potential impact of blasting on a qualified historic building, as defined  
6 in s. 101.121 (2) (c), the department may require the operator of the quarry to pay  
7 the costs of an impact study related to the qualified historic building.

8 (d) If the department issues an order under this subsection, the order may  
9 grant the city, village, town, or county the authority to impose restrictions and  
10 requirements related to blasting at the quarry that are more restrictive than the  
11 requirements under s. 101.15 related to blasting and rules promulgated by the  
12 department under s. 101.15 (2) (e) related to blasting.

13 (e) The department may not charge a fee to a city, village, town, or county in  
14 connection with a petition submitted under par. (c).”.

15 **425.** Page 688, line 6: delete lines 6 to 21.

16 **426.** Page 688, line 22: delete the material beginning with that line and  
17 ending with page 689, line 2.

18 **427.** Page 689, line 13: delete the material beginning with that line and  
19 ending with page 729, line 7.

20 **428.** Page 729, line 8: delete lines 8 to 14.

21 **429.** Page 729, line 15: delete the material beginning with that line and  
22 ending with page 741, line 2.

23 **430.** Page 741, line 3: delete lines 3 to 14.

24 **431.** Page 741, line 15: delete that line.

- 1           **432.** Page 741, line 16: delete the material beginning with that line and  
2 ending with page 742, line 9.
- 3           **433.** Page 742, line 10: delete lines 10 to 16.
- 4           **434.** Page 742, line 17: delete lines 17 to 23.
- 5           **435.** Page 742, line 24: delete that line.
- 6           **436.** Page 742, line 25: delete the material beginning with that line and  
7 ending with page 745, line 19.
- 8           **437.** Page 745, line 20: delete that line.
- 9           **438.** Page 745, line 21: delete the material beginning with that line and  
10 ending with page 746, line 5.
- 11           **439.** Page 746, line 6: delete that line.
- 12           **440.** Page 746, line 7: delete the material beginning with that line and ending  
13 with page 769, line 11.
- 14           **441.** Page 769, line 12: delete lines 12 to 18.
- 15           **442.** Page 769, line 19: delete lines 19 to 23.
- 16           **443.** Page 769, line 24: delete the material beginning with that line and  
17 ending with page 777, line 5.
- 18           **444.** Page 777, line 6: delete lines 6 to 15.
- 19           **445.** Page 777, line 16: delete that line.
- 20           **446.** Page 777, line 16: after that line insert:  
21 **"SECTION 1325d.** 106.27 (1j) (title) of the statutes is amended to read:

1           106.27 (1j) (title) WORKFORCE TRAINING PROGRAM; GRANTS FOR MOBILE CLASSROOMS  
2           AND INSTITUTIONAL JOB CENTERS.

3           **SECTION 1325h.** 106.27 (1j) (a) of the statutes is amended to read:

4           106.27 (1j) (a) Of the amounts appropriated under s. 20.445 (1) (b), the  
5           department shall allocate up to \$1,000,000 \$200,000 in the 2019-20 fiscal year and  
6           \$320,000 in the 2020-21 fiscal year for grants to the department of corrections to  
7           fund the creation and operation of mobile classrooms.

8           **SECTION 1325p.** 106.27 (1j) (ad) of the statutes is created to read:

9           106.27 (1j) (ad) In this paragraph, “eligible institution” means a minimum  
10          security correctional institution or a medium security prison. Of the amounts  
11          appropriated under s. 20.445 (1) (b), the department shall allocate \$225,000 in the  
12          2019-20 fiscal year for grants to the department of corrections to fund the creation  
13          and operation of institutional job centers at 6 eligible institutions and \$262,500 in  
14          the 2020-21 fiscal year for grants to the department of corrections to fund the  
15          creation and operation of institutional job centers at 7 eligible institutions. The  
16          department of corrections may not use a grant under this paragraph to fund the  
17          creation and operation of more than one institutional job center at any eligible  
18          institution.”.

19          **447.** Page 777, line 16: after that line insert:

20          “**SECTION 1325m.** 106.18 of the statutes is amended to read:

21          **106.18 Youth summer jobs programs in 1st class cities.** From the  
22          appropriation account under s. 20.445 (1) (fm), the department shall implement and  
23          operate youth summer jobs programs in ~~1st class cities~~ this state.”.

24          **448.** Page 777, line 16: after that line insert:

1           **“SECTION 1325r.** 106.27 (1) (g) of the statutes is created to read:

2           106.27 (1) (g) Grants for programs that promote the attraction and retention  
3 of personal care workers.”.

4           **449.** Page 777, line 19: after “in” insert “each year of”.

5           **450.** Page 777, line 24: delete that line.

6           **451.** Page 777, line 25: delete the material beginning with that line and  
7 ending with page 778, line 17.

8           **452.** Page 778, line 18: delete the material beginning with that line and  
9 ending with page 780, line 7.

10          **453.** Page 780, line 8: delete that line.

11          **454.** Page 780, line 9: delete lines 9 to 25.

12          **455.** Page 781, line 1: delete lines 1 to 6.

13          **456.** Page 781, line 7: delete lines 7 to 23.

14          **457.** Page 781, line 24: delete that line.

15          **458.** Page 781, line 25: delete the material beginning with that line and  
16 ending with page 782, line 15.

17          **459.** Page 782, line 16: delete the material beginning with that line and  
18 ending with page 785, line 5.

19          **460.** Page 785, line 14: delete lines 14 to 16.

20          **461.** Page 785, line 17: delete that line.

21          **462.** Page 785, line 18: delete the material beginning with that line and  
22 ending with page 787, line 4.



- 1           **463.** Page 787, line 5: delete that line.
- 2           **464.** Page 787, line 6: delete the material beginning with that line and ending  
3 with page 789, line 25.
- 4           **465.** Page 790, line 1: delete lines 1 to 10.
- 5           **466.** Page 790, line 11: delete lines 11 to 15.
- 6           **467.** Page 790, line 16: delete the material beginning with that line and  
7 ending with page 791, line 8.
- 8           **468.** Page 791, line 9: delete the material beginning with that line and ending  
9 with page 792, line 14.
- 10          **469.** Page 792, line 15: delete lines 15 to 24.
- 11          **470.** Page 792, line 25: delete the material beginning with that line and  
12 ending with page 794, line 3.
- 13          **471.** Page 794, line 4: delete lines 4 to 20.
- 14          **472.** Page 794, line 21: delete the material beginning with that line and  
15 ending with page 795, line 12.
- 16          **473.** Page 795, line 13: delete lines 13 to 20.
- 17          **474.** Page 795, line 21: delete the material beginning with that line and  
18 ending with page 796, line 8.
- 19          **475.** Page 796, line 24: delete the material beginning with that line and  
20 ending with page 797, line 22.
- 21          **476.** Page 797, line 23: delete that line.

- 1           **477.** Page 797, line 24: delete the material beginning with that line and  
2 ending with page 801, line 15.
- 3           **478.** Page 801, line 16: delete the material beginning with that line and  
4 ending with page 803, line 21.
- 5           **479.** Page 803, line 22: delete the material beginning with that line and  
6 ending with page 804, line 11.
- 7           **480.** Page 804, line 12: delete the material beginning with that line and  
8 ending with page 805, line 22.
- 9           **481.** Page 805, line 23: delete the material beginning with that line and  
10 ending with page 806, line 11.
- 11           **482.** Page 806, line 12: delete lines 12 to 23.
- 12           **483.** Page 806, line 24: delete that line.
- 13           **484.** Page 806, line 25: delete that line.
- 14           **485.** Page 807, line 1: delete lines 1 to 9.
- 15           **486.** Page 807, line 10: delete lines 10 to 15.
- 16           **487.** Page 807, line 16: delete lines 16 to 21.
- 17           **488.** Page 807, line 22: delete the material beginning with that line and  
18 ending with page 808, line 5.
- 19           **489.** Page 808, line 6: delete lines 6 to 17.
- 20           **490.** Page 808, line 23: delete the material beginning with that line and  
21 ending with page 809, line 3.
- 22           **491.** Page 809, line 4: delete lines 4 to 9.