



**ASSEMBLY AMENDMENT 4,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 150**

June 19, 1995 - Offered by Representatives HUBLER, CARPENTER, KRUG, ROBSON, RILEY, PLOMBON, DUEHOLM, WILDER, R. YOUNG, PLACHE, MURAT, HANSON and R. POTTER.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 10, line 1: delete lines 1 to 16.
- 3 **2.** Page 16, line 3: delete that line.
- 4 **3.** Page 16, line 9: delete lines 9 to 13.
- 5 **4.** Page 17, line 4: delete lines 4 to 8.
- 6 **5.** Page 20, line 8: delete lines 8 to 22.
- 7 **6.** Page 21, line 15: delete lines 15 to 22.
- 8 **7.** Page 32, line 4: delete lines 4 to 24.
- 9 **8.** Page 33, line 1: delete "the secretary of tourism,".
- 10 **9.** Page 33, line 5: delete lines 5 to 17.
- 11 **10.** Page 33, line 21: on lines 21 and 23, delete ", the department of tourism".
- 12 **11.** Page 35, line 9: delete the stricken material and substitute "sentencing
commission which shall consist of 17 members, the".

1 **12.** Page 35, line 18: delete lines 18 to 24.

2 **13.** Page 36, line 1: delete lines 1 and 2.

3 **14.** Page 37, line 1: delete lines 1 to 3.

4 **15.** Page 37, line 3: after that line insert:

5 “**SECTION 76g.** 15.03 of the statutes is amended to read:

6 **15.03 Attachment for limited purposes.** Any division, office, commission,
7 council or board attached under this section to a department or independent agency
8 or a specified division thereof shall be a distinct unit of that department, independent
9 agency or specified division. Any division, office, commission, council or board so
10 attached shall exercise its powers, duties and functions prescribed by law, including
11 rule making, licensing and regulation, and operational planning within the area of
12 program responsibility of the division, office, commission, council or board,
13 independently of the head of the department or independent agency, but budgeting,
14 program coordination and related management functions shall be performed under
15 the direction and supervision of the head of the department or independent agency,
16 except that with respect to the office of the commissioner of railroads, all personnel
17 and biennial budget requests by the office of the commissioner of railroads shall be
18 processed and properly forwarded by the public service commission without change
19 except as requested and concurred in by the office of the commissioner of railroads.”.

20 **16.** Page 39, line 15: on lines 15 and 16, delete “15.105 (17) ss.” and substitute
21 “ss. 15.105 (17)”.
22

21 **17.** Page 39, line 18: after that line insert:

22 “**SECTION 82g.** 15.06 (1) (ar) of the statutes is repealed.”.

23 **18.** Page 40, line 1: delete that line.

- 1 **19.** Page 40, line 18: delete that line.
- 2 **20.** Page 41, line 18: delete lines 18 to 25.
- 3 **21.** Page 42, line 21: delete the material beginning with that line and ending
with page 43, line 14.
- 4 **22.** Page 45, line 10: delete lines 10 to 21.
- 5 **23.** Page 46, line 3: delete that line.
- 6 **24.** Page 47, line 23: delete the material beginning with that line and ending
with page 48, line 12.
- 7 **25.** Page 50, line 4: delete that line.
- 8 **26.** Page 50, line 22: delete that line.
- 9 **27.** Page 52, line 10: delete the material beginning with that line and ending
with page 53, line 5.
- 10 **28.** Page 56, line 3: delete that line.
- 11 **29.** Page 62, line 6: delete that line.
- 12 **30.** Page 62, line 10: delete lines 10 to 12.
- 13 **31.** Page 62, line 16: delete lines 16 and 17.
- 14 **32.** Page 67, line 21: delete lines 21 to 23.
- 15 **33.** Page 68, line 5: delete “sec-”.
- 16 **34.** Page 68, line 6: delete “retary of tourism, the”.
- 17 **35.** Page 68, line 10: delete lines 10 to 16.
- 18 **36.** Page 70, line 12: delete the material beginning with that line and ending
with page 71, line 10.

- 1 **37.** Page 71, line 20: delete “development tourism” and substitute
“development”.
- 2 **38.** Page 71, line 25: delete that line.
- 3 **39.** Page 72, line 1: delete lines 1 to 5.
- 4 **40.** Page 72, line 5: after that line insert:
5 “SECTION 213g. 15.795 of the statutes is repealed.”.
- 6 **41.** Page 72, line 23: delete the material beginning with that line and ending
with page 73, line 6.
- 7 **42.** Page 77, line 12: delete lines 12 to 16.
- 8 **43.** Page 89, line 4: delete the material beginning with that line and ending
with page 90, line 3.
- 9 **44.** Page 105, line 1: delete that line.
- 10 **45.** Page 107, line 12: delete that line.
- 11 **46.** Page 115, line 3: delete lines 3 to 9.
- 12 **47.** Page 116, line 5: delete lines 5 to 8.
- 13 **48.** Page 123, line 16: delete lines 16 to 24.
- 14 **49.** Page 157, line 19: delete the material beginning with that line and ending
with page 158, line 2.
- 15 **50.** Page 158, line 22: delete the material beginning with that line and ending
with page 159, line 16.
- 16 **51.** Page 159, line 17: delete lines 17 to 19.
- 17 **52.** Page 160, line 1: delete that line.

- 1 **53.** Page 184, line 2: increase the dollar amount for fiscal year 1996-97 by
\$2,886,900 for the purposes for which the appropriation is made.
- 2 **54.** Page 184, line 3: increase the dollar amount for fiscal year 1996-97 by
\$7,741,000 for the purposes for which the appropriation is made.
- 3 **55.** Page 184, line 4: increase the dollar amount for fiscal year 1996-97 by
\$131,700 for the purposes for which the appropriation is made.
- 4 **56.** Page 184, line 5: increase the dollar amount for fiscal year 1996-97 by
\$4,200 for the purposes for which the appropriation is made.
- 5 **57.** Page 191, line 11: delete lines 11 to 15.
- 6 **58.** Page 194, line 5: increase the dollar amount for fiscal year 1996-97 by
\$24,527,400 to increase the authorized FTE positions for the gaming commission by
300.0 SEG positions on July 1, 1996, for the performance of general program
operations related to the state lottery.
- 7 **59.** Page 194, line 7: increase the dollar amount for fiscal year 1996-97 by
\$29,106,100 for the purpose for which the appropriation is made.
- 8 **60.** Page 194, line 9: increase the dollar amount for fiscal year 1996-97 by
\$11,328,000 for the purpose for which the appropriation is made.
- 9 **61.** Page 243, line 7: delete the material beginning with that line and ending
with page 246, line 2.
- 10 **62.** Page 296, line 1: before that line insert:
- 11 **“20.488 Cost containment commission**
- 12 (1) CAPITAL EXPENDITURE REVIEW

1	(h)	Review and approval activities;				
2		general program operations	PR	A	584,100	584,100
3	(ka)	Information technology develop-				
4		ment projects	PR-S	A	-0-	-0-
5	(m)	Federal funds	PR-F	C	-0-	-0-”.

6 **63.** Page 302, line 3: after that line insert:

7	“(dm)	Sentencing commission; general				
8		program operations	GPR	A	302,000	305,300”.

9 **64.** Page 302, line 10: after that line insert:

10	“(fz)	Privacy council and privacy ad-				
11		vocate	GPR	A	93,400	93,400”.

12 **65.** Page 303, line 7: after that line insert:

13	“(mm)	Sentencing commission; federal				
14		aid	PR-F	C	-0-	-0-”.

15 **66.** Page 303, line 11: increase the dollar amount for fiscal year 1996–97 by
\$96,800 to increase funding for hearings and appeals operations transferred from
the office of the commissioner of railroads to the division of hearings and appeals.

16 **67.** Page 303, line 13: increase the dollar amount for fiscal year 1995–96 by
\$189,100 for the purpose for which the appropriation is made.

17 **68.** Page 350, line 3: delete lines 3 to 8.

18 **69.** Page 350, line 18: delete the material beginning with that line and ending
with page 351, line 14, and substitute:

19 **“SECTION 515fm.** 20.143 (2) (bm) of the statutes is amended to read:

1 20.143 (2) (bm) *Heritage tourism pilot program*. Biennially, the amounts in the
2 schedule to establish and operate the heritage tourism pilot program under s. 560.31
3 and to make the grants under 1993 Wisconsin Act 16, section 9115 (1j).”.

4 **70.** Page 355, line 9: after that line insert:

5 “SECTION 527g. 20.155 (intro.) of the statutes is amended to read:

6 **20.155 Public service commission.** (intro.) There is appropriated to the
7 public service commission for the following programs program.”.

8 **71.** Page 355, line 19: after that line insert:

9 “SECTION 530c. 20.155 (2) of the statutes is repealed.”.

10 **72.** Page 357, line 23: delete the material beginning with that line and ending
with page 358, line 9.

11 **73.** Page 358, line 15: delete lines 15 to 20.

12 **74.** Page 359, line 1: delete lines 1 to 14.

13 **75.** Page 383, line 14: delete lines 14 to 18.

14 **76.** Page 397, line 21: delete the material beginning with that line and ending
with page 399, line 17.

15 **77.** Page 400, line 4: after that line insert:

16 “SECTION 773e. 20.395 (3) (iq) of the statutes is amended to read:

17 20.395 (3) (iq) *Administration and planning, state funds*. The amounts in the
18 schedule for the administration and planning of departmental programs by the
19 division of highways and transportation services under subs. (1) to (3) and for
20 activities related to railroad regulation under chs. 190 to 195.

21 SECTION 773g. 20.395 (3) (iv) of the statutes is amended to read:

1 20.395 (3) (iv) *Administration and planning, local funds.* All moneys received
2 from any local unit of government or other source for the administration and
3 planning of departmental programs by the division of highways and transportation
4 services under subs. (1) to (3), for such purposes.

5 **SECTION 773j.** 20.395 (3) (ix) of the statutes is amended to read:

6 20.395 (3) (ix) *Administration and planning, federal funds.* All moneys
7 received from the federal government for the administration and planning of
8 departmental programs by the division of highways and transportation services
9 under subs. (1) to (3) and for activities related to railroad regulation under chs. 190
10 to 195, for such purposes.”.

11 **78.** Page 466, line 20: delete that line.

12 **79.** Page 467, line 1: delete “and of the cost containment council”.

13 **80.** Page 467, line 4: delete lines 4 and 5.

14 **81.** Page 467, lines 11: delete lines 11 to 13 and substitute:

15 “**SECTION 1050b.** 20.488 (1) (m) of the statutes is amended to read:

16 20.488 (1) (m) *Federal funds.* All moneys received from the federal government
17 as authorized by the governor under s. 16.54 for the purposes of the cost containment
18 commission ~~and the cost containment council~~ under ch. 150.”.

19 **82.** Page 468, line 25: delete “subs. (2) (k) and (5) (ka)” and substitute “sub.
20 (2) (k)”.

20 **83.** Page 471, line 21: delete that line.

21 **84.** Page 471, line 22: delete the material beginning with that line and ending
with page 472, line 8.

- 1 **85.** Page 472, line 17: delete that line.
- 2 **86.** Page 473, line 8: on lines 8 and 12, restore the stricken material.
- 3 **87.** Page 473, line 9: delete “and”; after the stricken comma insert “and”; and
restore the stricken “the Kickapoo valley governing board”.
- 4 **88.** Page 474, line 5: delete lines 5 to 11.
- 5 **89.** Page 475, line 18: delete that line.
- 6 **90.** Page 475, line 24: delete lines 24 and 25.
- 7 **91.** Page 476, line 15: delete lines 15 to 19.
- 8 **92.** Page 476, line 23: on lines 23 and 24, delete “and protection”.
- 9 **93.** Page 477, line 6: delete “and protection”; and delete “and (3)”.
- 10 **94.** Page 477, line 9: delete the material beginning with “all” and ending with
“(3),” on line 10.
- 11 **95.** Page 484, line 24: delete the material beginning with that line and ending
with page 485, line 3.
- 12 **96.** Page 488, line 5: delete lines 5 to 12.
- 13 **97.** Page 491, line 7: delete the underscored material.
- 14 **98.** Page 511, line 19: delete that line.
- 15 **99.** Page 512, line 1: delete lines 1 and 7.
- 16 **100.** Page 512, line 9: delete lines 9 and 10.
- 17 **101.** Page 512, line 11: delete lines 11 to 13.
- 18 **102.** Page 512, line 13: after that line insert:
- 19 “SECTION 1206m. 20.923 (4) (e) 11. of the statutes is repealed.”.

1 **103.** Page 512, line 18: delete lines 18 and 19.

2 **104.** Page 512, line 22: delete lines 22 to 25.

3 **105.** Page 532, line 20: delete the material beginning with that line and
ending with page 535, line 9.

4 **106.** Page 551, line 10: after that line insert:

5 “**SECTION 1409m.** 25.40 (1) (a) 12. of the statutes is created to read:

6 25.40 (1) (a) 12. Ten percent of the moneys collected under s. 195.60 that are
7 deposited in the general fund for costs of state government operations.

8 **SECTION 1410g.** 25.40 (2) (b) 2e. of the statutes is repealed.”.

9 **107.** Page 553, line 20: delete the material beginning with that line and
ending with page 554, line 4.

10 **108.** Page 555, line 7: after that line insert:

11 “**SECTION 1429g.** 26.20 (3) of the statutes is amended to read:

12 26.20 (3) LOCOMOTIVE INSPECTOR; POWERS. Any locomotive inspector designated
13 by the department shall have the power to reject from service immediately any
14 locomotive, donkey, traction, or portable engine which, in the opinion of the inspector,
15 is deficient in adequate design, construction, or maintenance of the fire protective
16 devices designated in sub. (2), and any such locomotive, donkey, traction, or portable
17 engine so rejected from service shall not be returned to service until such defects have
18 been remedied to the satisfaction of the locomotive inspector. In case of disagreement
19 between the inspector and the owner of the locomotive, donkey, traction, or portable
20 engine so rejected from service as to the efficiency or proper maintenance of said
21 protective devices, then the owner of the locomotive, donkey, traction, or portable
22 engine may appeal to the office of the commissioner of railroads division of hearings

1 and appeals in the department of administration for a decision of said matter, but
2 pending such decision the locomotive, donkey, traction, or portable engine shall not
3 be returned to service.

4 **SECTION 1429m.** 26.20 (10) of the statutes is amended to read:

5 26.20 (10) (title) ~~APPEAL TO OFFICE OF THE COMMISSIONER OF RAILROADS~~ DIVISION
6 OF HEARINGS AND APPEALS. In case the department and any person operating any
7 locomotive, donkey, or threshing engine, or any engine, boiler, or locomotive cannot
8 agree as to the most practicable device or devices for preventing the escape of sparks,
9 cinders, or fire from smokestacks, ash pans or fire boxes, then the same shall be
10 determined by the ~~office of the commissioner of railroads~~ division of hearings and
11 appeals in the department of administration.”.

12 **109.** Page 558, line 24: delete the material beginning with that line and
ending with page 559, line 8.

13 **110.** Page 565, line 12: delete the material beginning with that line and
ending with page 566, line 7.

14 **111.** Page 575, line 18: delete lines 18 to 21.

15 **112.** Page 587, line 12: after that line insert:

16 “**SECTION 1671g.** 30.33 (1) of the statutes is amended to read:

17 30.33 (1) BOARD TO HAVE POWERS OF RAILROAD CORPORATION. Any municipality
18 operating a public harbor through a board of harbor commissioners may, through
19 such board, construct, maintain or operate railway facilities or a harbor belt line
20 connecting various harbor facilities with one another or with other railroads within
21 the municipality or its vicinity. The board of harbor commissioners is granted all the
22 rights, powers and privileges conferred upon railroad corporations by s. 190.02,

1 except such rights, powers and privileges as are conferred upon railroad corporations
2 by s. 190.02 (9). Such facilities or belt line may be constructed, maintained or
3 operated partly outside the corporate limits of the municipality. In constructing,
4 maintaining or operating such facilities or belt line, the board of harbor
5 commissioners has the powers and privileges of railroad corporations and shall be
6 subject to the same restrictions as railroad corporations and to the supervision of the
7 ~~office of the commissioner of railroads~~ department of transportation, except as to the
8 system of accounting and the payment of wages to employes.

9 **SECTION 1671m.** 30.33 (2) of the statutes is amended to read:

10 30.33 (2) MUNICIPALITY MAY ORGANIZE HARBOR RAILWAY CORPORATION. Any
11 municipality mentioned in sub. (1) may, with the consent of its board of harbor
12 commissioners, organize a railroad corporation for the purpose of constructing,
13 maintaining or operating a harbor belt line or may subscribe for stock in an existing
14 railroad corporation organized for such purpose. If the municipality decides to
15 organize a railroad corporation for such purpose, the governing body thereof may, by
16 resolution, authorize the chief executive officer or presiding officer of such
17 municipality to act, together with 4 citizens to be designated by the officer, as
18 incorporators of such company. Such incorporators shall proceed to incorporate the
19 railroad corporation in accordance with chs. 190 to 192, so far as applicable. Such
20 harbor railroad corporation is subject to the supervisory and regulatory powers of the
21 ~~office of the commissioner of railroads~~ department of transportation to the same
22 extent as other railroad corporations. The municipality may subscribe to the stock
23 of such harbor railroad corporation and may pay for such stock out of any funds it
24 may lawfully have available for that purpose, including the proceeds of harbor
25 improvement bonds.”.

1 **113.** Page 587, line 13: delete lines 13 to 16.

2 **114.** Page 677, line 24: delete the material beginning with that line and
ending with page 679, line 10.

3 **115.** Page 679, line 25: delete the material beginning with that line and
ending with page 680, line 3.

4 **116.** Page 680, line 16: delete the material beginning with that line and
ending with page 681, line 9.

5 **117.** Page 689, line 4: delete lines 4 to 6.

6 **118.** Page 1065, line 17: after that line insert:

7 “**SECTION 3315r.** 66.06 (2) of the statutes is amended to read:

8 66.06 (2) LIMITATION. Nothing in ss. 66.06 to 66.078 shall be construed as
9 depriving the office of the commissioner of railroads, department of transportation
10 or public service commission of any power conferred by ss. 195.05 and 197.01 to
11 197.10 and ch. 196.”

12 **119.** Page 1085, line 2: after that line insert:

13 “**SECTION 3338c.** 66.94 (30) (a) of the statutes is amended to read:

14 66.94 (30) (a) *Powers of board.* The board shall, notwithstanding any law to
15 the contrary, have exclusive authority and it shall be its duty to establish rates, fares
16 and other charges, and to make all rules and regulations for the operation of the
17 transportation system. The board shall also have the authority, subject to the
18 jurisdiction of the department of transportation or office of the commissioner of
19 railroads as to the reasonableness and adequacy thereof, to determine and make
20 effective standards of service, and to establish, change, extend, shorten or abandon
21 routings all in accordance with the statutes in such cases made and provided subject

1 to the provisions of any ordinance of any municipality granting rights to the
2 authority.”.

3 **120.** Page 1106, line 16: delete the material beginning with that line and
ending with page 1108, line 13.

4 **121.** Page 1151, line 1: delete lines 1 to 6.

5 **122.** Page 1154, line 1: delete lines 1 to 3.

6 **123.** Page 1191, line 5: delete lines 5 to 8.

7 **124.** Page 1204, line 24: after that line insert:

8 “**SECTION 3518m.** 84.05 of the statutes is amended to read:

9 **84.05 Railroad crossing improvements.** On a highway which the
10 department has authority to construct and which crosses a railroad, if the
11 department determines that the construction or reconstruction of a grade separation
12 or the rearrangement or elimination of a grade crossing or other rearrangement of
13 the highway or tracks is necessary in the interest of public safety or for convenience
14 of public travel, the department shall make a plan of the construction proposed and
15 an estimate of the cost thereof, including the cost of needed right-of-way; and shall
16 endeavor to make an arrangement with all persons concerned as to all matters
17 involved in the plan, including the portion of the cost of the contemplated work which
18 the persons shall defray. If the department is unable to contract with the persons
19 concerned as to the distribution and payment of the cost of the work or the
20 maintenance thereof, the department shall ~~lay the matter before the office of the~~
21 ~~commissioner of railroads, and the office of the commissioner of railroads shall~~
22 ~~review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and~~
23 ~~195.29, and shall~~ fix the portion of the cost of the construction and of the maintenance

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

12 **125.** Page 1208, line 10: after that line insert:

13 “SECTION 3523r. 85.013 (3) of the statutes is created to read:

14 85.013 (3) The division of hearings and appeals shall, in conducting any
15 hearing or review for the department under s. 227.43 (1) (bk), give due weight to the
16 experience, technical competence and specialized knowledge of the department as
17 well as discretionary authority conferred upon the department, and great weight to
18 the department’s interpretation of the statutes that it administers and rules
19 promulgated under those statutes. If there is a conflict between this subsection and
20 any other statute relating to any hearing or review conducted by the division of
21 hearings and appeals for the department under s. 227.43 (1) (bk), the provisions of
22 this subsection control.”.

23 **126.** Page 1209, line 10: after that line insert:

24 “SECTION 3527g. 86.12 (2) of the statutes is amended to read:

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

7 **SECTION 3527m.** 86.13 (3) of the statutes is amended to read:

8 86.13 (3) If any railroad company fails to grade, construct, pave, surface or
9 otherwise improve or maintain in good and safe condition for public travel as
10 required by this section any street or highway crossing after having been notified so
11 to do by the officer in charge thereof or of the highway improvement for 30 days after
12 such notification, the highway authorities may file a complaint with the ~~office~~
13 department. The ~~office~~ department shall investigate and determine the matter in
14 controversy as ~~provided in ch. 195.~~ ~~An order issued by the office under this~~
15 ~~subsection has the same effect as an order in a proceeding brought under ch. 195.”.~~

16 **127.** [Page 1212, line 3](#): after that line insert:

17 “**SECTION 3529t.** 88.66 (2) of the statutes is amended to read:

18 88.66 (2) Every district whose drains cross the right-of-way of a railway
19 company is liable to such company for the reasonable cost of opening its right-of-way
20 and also for the cost of the culverts and bridges made necessary by such drain. The
21 drainage board shall include such costs in its cost of construction, as set forth in its
22 report of benefits and damages, and shall award them as damages to the railway
23 company. The bridge or culvert shall be designed by the district’s engineer and the
24 design submitted to the railway company for approval. If a dispute arises as to the

1 adequacy of the design, either party may submit the dispute to the office of the
2 commissioner of railroads division of hearing and appeals in the department of
3 administration by filing with the office division of hearings and appeals a statement
4 as to the facts involved and the nature of the dispute. The office division of hearings
5 and appeals shall investigate and determine the matter in controversy in accordance
6 with ch. 195, and any order it makes in such proceeding has the same effect as an
7 order in any other proceeding properly brought under ch. 195.”.

8 **128.** Page 1212, line 20: after that line insert:

9 “SECTION 3533g. 88.87 (4) of the statutes is amended to read:

10 88.87 (4) If a railway company fails to comply with sub. (2), any person
11 aggrieved thereby may file a complaint with the office of the commissioner of
12 railroads division of hearing and appeals in the department of administration
13 setting forth the facts. The office division of hearings and appeals shall investigate
14 and determine the matter in controversy in accordance with ch. 195, and any order
15 it makes in such proceeding has the same effect as an order in any other proceeding
16 properly brought under ch. 195.

17 SECTION 3533m. 88.88 (2) of the statutes is amended to read:

18 88.88 (2) If the railway company fails to comply with sub. (1), the person
19 aggrieved thereby may file a complaint with the office of the commissioner of
20 railroads division of hearings and appeals in the department of administration
21 setting forth the facts. The office division of hearings and appeals shall investigate
22 and determine the matter in controversy in accordance with ch. 195, and any order
23 it makes in such proceeding has the same effect as an order in any other proceeding
24 properly brought under ch. 195.”.

1 **129.** Page 1215, line 3: delete lines 3 to 7.

2 **130.** Page 1471, line 21: delete lines 21 to 24.

3 **131.** Page 1481, line 3: delete lines 3 to 5.

4 **132.** Page 1481, line 7: delete lines 7 to 12 and substitute:

5 “**SECTION 4386b.** 150.10 of the statutes is amended to read:

6 **150.10 Commission staff.** The commission may employ staff. The staff shall
7 include a staff director who shall be in the unclassified service. ~~The commission staff~~
8 ~~shall offer its services to the cost containment council.”.~~

9 **133.** Page 1481, line 17: delete lines 17 and 18.

10 **134.** Page 1482, line 7: delete lines 7 to 12.

11 **135.** Page 1484, line 3: delete that line.

12 **136.** Page 1495, line 5: on lines 5 and 6, restore the stricken material and
delete the underscored material.

13 **137.** Page 1495, line 7: delete the underscored material.

14 **138.** Page 1517, line 19: after that line insert:

15 “**SECTION 4835g.** 184.01 (1) of the statutes is amended to read:

16 184.01 (1) “Commission” means the ~~office of the commissioner of railroads in~~
17 ~~the case of railroads and the public service commission in the case of other public~~
18 ~~service corporations.~~

19 **SECTION 4835r.** 184.10 (3) of the statutes is amended to read:

20 184.10 (3) Whenever the commission deems it necessary to make an
21 investigation of the books, accounts and practices or to make an appraisal of the
22 property of any public service corporation which has filed an application for

1 authority to issue any securities to which this chapter is applicable, such public
2 service corporation shall pay all expenses reasonably attributable to such special
3 investigation, or to such an appraisal of the property. For the purpose of calculating
4 investigative and appraisal expenses of the commission, 90% of the costs determined
5 shall be costs of the commission and 10% of the costs determined shall be costs of
6 state government operations. The procedure set up by s. 195.60 or 196.85, whichever
7 is appropriate, for the rendering and collection of bills shall be in all ways applicable
8 to the rendering and collection of bills under this section. Ninety percent of the
9 amounts paid to the public-service commission under authority of this subsection
10 shall be credited to the appropriation account under s. 20.155 (1) (g).”

11 **139.** Page 1568, line 5: after that line insert:

12 “SECTION 5064g. Chapter 189 of the statutes is repealed.

13 SECTION 5064m. 190.001 (1) of the statutes is repealed.

14 SECTION 5064r. 190.001 (2) of the statutes is created to read:

15 190.001 (2) “Division of hearings and appeals” means the division of hearings
16 and appeals in the department of administration.”

17 **140.** Page 1568, line 18: after that line insert:

18 “SECTION 5067g. 190.02 (6) of the statutes is amended to read:

19 190.02 (6) RAILROAD INTERSECTIONS. To cross, intersect, join or unite its railroad
20 with any other railroad, at any point, with the necessary turnouts, sidings and
21 switches and other conveniences in furtherance of the objects of its connections. And
22 if the 2 corporations cannot agree upon the amount of compensation to be made
23 therefor or the points and manner of such crossings and connections the same shall

1 be ascertained by the ~~office~~ division of hearings and appeals on application of either
2 corporation.

3 **SECTION 5068g.** 190.02 (9) (c) of the statutes is amended to read:

4 190.02 (9) (c) Any railroad corporation organized to and which shall acquire,
5 directly or by mesne conveyances, the property of another railroad corporation sold
6 in judicial proceedings, or any railroad corporation reorganized under the federal
7 bankruptcy act which corporation under a plan of reorganization as confirmed by the
8 act, shall have been authorized to put into effect and carry out said plan, or any new
9 railroad corporation which shall be organized for the like purpose, shall have all
10 powers by law conferred upon railroad corporations, and may, at such times, in such
11 amounts, for such considerations and upon such terms and conditions as the board
12 of directors of said corporation shall determine, and as shall be authorized by the
13 ~~office~~ secretary of state, or in the case of a railroad corporation organized for the
14 purpose of acquiring a railroad engaged in interstate commerce, or any existing
15 railroad corporation reorganized under the act and acquiring railroad property used
16 in interstate commerce, by the interstate commerce commission, as the case may be,
17 issue, sell, pledge or otherwise dispose of its evidences of debt, which may be
18 convertible, at the option of the holder, into stock, and shares of stock, which shares
19 may have such nominal or par value or if the same be common stock, be without
20 nominal or par value, and may be of such classes, with such rights and voting powers
21 as may be expressed in its articles or any amendment thereto. In the case of a
22 railroad corporation reorganized as aforesaid, the filing with the secretary of state
23 of a certified copy of the plan of reorganization as confirmed by the federal
24 bankruptcy act, if it shall so elect, shall accomplish and evidence the amendment of
25 its charter or articles of incorporation without the necessity for any other or further

1 action, corporate or otherwise, with respect thereto. Such reorganized railroad
2 corporation shall thereupon have all powers necessary to put into effect and carry out
3 such plan of reorganization in all respects but such filing of the plan of reorganization
4 shall not preclude such existing corporation from amending its charter or articles in
5 the manner now provided by law. The fees for filing such copy of plan of
6 reorganization shall be the same as prescribed in s. 190.01 (3).

7 **SECTION 5069g.** 190.03 of the statutes is amended to read:

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

23 **SECTION 5070g.** 190.13 of the statutes is amended to read:

24 **190.13 Report to stockholders.** Every railroad corporation shall make an
25 annual report to its stockholders of its operations for the preceding calendar year, or

1 for its fiscal year, as the case may be, which report shall contain a balance sheet
2 showing its assets and liabilities, its capital stock, and funded debt, and an income
3 account showing its operating revenues, operating expenses, gross and net income,
4 as the result of its traffic or business operations, and such other information in
5 respect of its affairs as the board of directors shall deem advisable. A copy of each
6 such report shall be kept on file in its principal office in this state, shall be mailed
7 to each stockholder whose post-office address is known and shall be filed with the
8 office of the commissioner of railroads secretary of state.

9 **SECTION 5071g.** 190.16 (4) (a) of the statutes is amended to read:

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

18 **SECTION 5072g.** 190.16 (4) (b) of the statutes is amended to read:

19 190.16 (4) (b) Such railroad may require the person primarily to be served
20 thereby to pay the legitimate cost and expense of acquiring the necessary
21 right-of-way for such spur track, and of constructing the same, the cost to be
22 estimated in separate items by the office division of hearings and appeals, and
23 deposited with the railroad, before it shall be required to incur any expense whatever
24 therefor; but such person, in lieu of depositing the total estimated cost may offer in
25 writing to construct such spur track, the offer to be accompanied by a surety company

1 bond, running to such railroad, and conditioned upon the construction of such spur
2 track in a good and workmanlike manner, according to the plans and specifications
3 of such railroad, approved by the office division of hearings and appeals, and deposit
4 with such railroad the estimated cost of the necessary right-of-way. Provided that
5 before the railroad shall be required to incur any expense whatever in the
6 construction of such spur track, the person primarily to be served thereby shall give
7 the railroad a bond to be approved by the office division of hearings and appeals as
8 to form, amount and surety, securing the railroad against loss on account of any
9 expense incurred beyond the estimated cost.

10 **SECTION 5073g.** 190.16 (4) (c) of the statutes is amended to read:

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

17 **SECTION 5074g.** 190.16 (5) of the statutes is amended to read:

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

1 hearing authorize such spur track removed, dismantled or otherwise rendered unfit
2 for service.

3 **SECTION 5075g.** 191.001 (1) of the statutes is repealed and recreated to read:

4 191.001 (1) "Department" means the department of transportation.

5 **SECTION 5076g.** 191.01 (2) of the statutes is amended to read:

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

12 **SECTION 5077g.** 191.03 of the statutes is amended to read:

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

19 **SECTION 5078g.** 191.05 of the statutes is amended to read:

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

25 **SECTION 5079g.** 191.07 of the statutes is amended to read:

1 **191.07 Hearing of applicants; notice.** Upon receiving such application the
2 office shall ~~department may~~ set a time and place for a hearing, which time shall not
3 be less than 3 weeks nor more than 8 weeks from the date of filing the application,
4 and the place shall be at the city of Madison, or at some place along the line of the
5 proposed railroad, if the office ~~department~~ deems the latter more convenient, ~~and,~~
6 If the department sets a hearing, the department shall give to the applicant notice
7 thereof, which notice shall be published by the applicant, as a class 2 notice, under
8 ch. 985, in each county in which the railroad, extension or branch is proposed to be
9 located, and proof of such publication shall be filed with the office ~~department~~.

10 **SECTION 5080g.** 191.09 of the statutes is repealed and recreated to read:

11 **191.09 Procedures before the department.** Chapter 227 applies to all
12 proceedings under this chapter.

13 **SECTION 5081g.** 191.10 (title) of the statutes is amended to read:

14 **191.10 (title) Certificate of necessity.**

15 **SECTION 5082g.** 191.10 (1) of the statutes is amended to read:

16 191.10 **(1) ISSUANCE, FILING, RECORDING, CONDEMNATION.** ~~If the office of the~~
17 ~~commissioner of railroads finds that the proposed railroad would be a public~~
18 ~~convenience and that a necessity requires its construction, the office of the~~
19 ~~commissioner of railroads shall enter an order to that effect and issue~~ department
20 issues to the applicant a certificate that public convenience and a necessity require
21 the construction of the railroad as proposed. ~~The certificate shall be filed~~ under this
22 chapter, the applicant shall file the certificate in the office of the secretary of state
23 and the office of the secretary of state. The department shall approve the map
24 showing the route of the railroad. The applicant shall record the map certified by the
25 ~~office of the commissioner of railroads~~ department in the office of the register of deeds

1 in each county in which the railroad shall be located. The filing of the certificate with
2 the secretary of state and the recording of the map, as above provided, are conditions
3 precedent to the right of the applicant to institute condemnation proceedings.

4 **SECTION 5083g.** 191.10 (2) of the statutes is amended to read:

5 191.10 (2) CERTIFICATE FOR PART OF LINE. ~~Whenever it shall appear to the office~~
6 ~~that public convenience and a necessity do not require the construction of the~~
7 ~~railroad as proposed in the application, but do require the construction of a part~~
8 ~~thereof, the office~~ The department may issue a certificate for the construction of such
9 part of the railroad as ~~public convenience and necessity require.~~

10 **SECTION 5084g.** 191.10 (3) of the statutes is amended to read:

11 191.10 (3) REFUSAL OF CERTIFICATE; RENEWAL OF APPLICATION. ~~If the office shall~~
12 ~~determine that the proposed railroad is not a necessity or is not required by public~~
13 ~~convenience, the office shall by order refuse to grant a certificate, department denies~~
14 ~~the application for a certificate, the department shall issue an order refusing the~~
15 ~~certificate and~~ stating the reasons for the refusal. The application may be renewed
16 after 2 years from the date of the refusal, but not sooner.

17 **SECTION 5085g.** 191.11 of the statutes is amended to read:

18 **191.11 Revocation of certificate.** If any railroad company after obtaining
19 a certificate ~~that public convenience and a necessity require~~ authorizing the
20 construction of the whole or part of its railroad fails to begin construction within one
21 year from the date of the certificate, or having begun such construction, fails to
22 prosecute the same, the ~~office~~ department may inquire into the reasons for such
23 failure and may revoke the certificate, if the ~~office~~ department finds, after notice and
24 hearing, that such failure is unreasonable.

25 **SECTION 5086g.** 191.13 (2) of the statutes is amended to read:

1 191.13 (2) No railroad corporation shall exercise such power until it has
2 obtained from the office department a certificate that ~~public convenience and~~
3 ~~necessity require~~ authorizing the construction of the temporary railroad, ~~and the~~
4 ~~certificate shall constitute the license to the company to build its proposed temporary~~
5 ~~railroad.~~ The certificate shall specify the length of time the railroad may be
6 maintained and operated, and may be renewed from time to time upon application
7 by the railroad company. At the expiration of the time specified in the certificate, or
8 any renewal thereof, the railroad company shall discontinue, dismantle and remove
9 the temporary railroad; and may prior to the expiration of such time, upon order of
10 the office department, and after a hearing, upon notice to all parties interested and
11 good cause shown, discontinue, dismantle and remove the railroad.

12 **SECTION 5087g.** 191.16 of the statutes is amended to read:

13 **191.16 (title) Construction items submitted to office department.** Upon
14 receiving the certificate of ~~public convenience and necessity~~ authorizing
15 construction, the applicant shall before commencing construction submit to the office
16 department a condensed specification of the character of construction that the
17 applicant proposes to install, showing the kind, quality and weight of the rail
18 proposed to be used, the mode of construction, character, quality, and strength of all
19 bridges, culverts and viaducts, the abutments and approaches proposed to be built,
20 the grade of and proposed method of draining the roadbed, and the kind of power to
21 be used and the plant and appliances to be employed in power production, and such
22 other facts relating to the construction of the proposed railroad as the office
23 department requires.

24 **SECTION 5088g.** 191.17 of the statutes is amended to read:

1 **191.17 Public safety; investigation; approval of plans.** Upon receiving
2 the specification required by s. 191.16, the office department shall examine the same
3 and shall hear the applicant in support thereof, shall suggest and require
4 modifications of the specification if the public safety so demands, eliminating so far
5 as may be practicable, consistent with reasonable cost, all grade crossings of public
6 highways, shall inspect the route of the proposed railroad if deemed desirable, and
7 shall otherwise investigate and determine that the proposed construction will be
8 adequate for securing public safety in the operation of the railroad, and thereupon
9 the office department shall enter an order approving the specification and
10 authorizing the construction of the railroad in accordance therewith.

11 **SECTION 5089g.** 191.19 (1) of the statutes is amended to read:

12 191.19 (1) Upon the completion of the construction of any railroad under the
13 approved specification, the company shall, before operating the same for public
14 service, report to the office department; and the office department shall inspect the
15 work. If the office department finds that the railroad has been constructed in
16 accordance with the approved specification and is otherwise suitable and properly
17 constructed so as to secure public safety in the operation thereof, the office
18 department shall enter an order authorizing its operation, which order shall be
19 presumptive evidence of the sufficiency of such construction.

20 **SECTION 5090g.** 191.19 (3) of the statutes is amended to read:

21 191.19 (3) If upon inspection the office department shall deem that public
22 safety requires the installation, operation and maintenance of some protective
23 appliance at any grade crossing of railroad tracks the office department may, before
24 granting the order, after notice and hearing, require the installation, operation and
25 maintenance of suitable protective appliances, and shall apportion the expense of

1 constructing, maintaining and operating such protective appliances among the
2 owners of the tracks.

3 **SECTION 5091g.** 191.20 of the statutes is amended to read:

4 **191.20 Railroad routes; right to alter.** Every railroad company may, by the
5 vote of two-thirds of its directors, alter or change the route of its railroad, by making
6 and filing with the ~~office of the commissioner of railroads~~ department and also by
7 recording in the office of the register of deeds of the county or counties where the
8 alteration or change is to be made, a surveyed map and certificate of the alteration
9 or change. The alteration or change may not deviate from the original route for a
10 greater distance than one mile at any point. No city or village may be left off the
11 railroad by the change of route. The original end points of the railroad, or the route
12 in any city or village, shall not be changed without the approval of the ~~office of the~~
13 ~~commissioner of railroads~~ department after notice to the municipality.

14 **SECTION 5092g.** 191.21 of the statutes is amended to read:

15 **191.21 Notices in counties without newspapers.** If no newspaper is
16 published in any county in which a railroad is proposed to be located, the publications
17 required by this chapter may be made in such manner and at such places as the ~~office~~
18 department shall designate.

19 **SECTION 5093g.** 192.001 (1r) of the statutes is created to read:

20 192.001 (1r) "Division of hearings and appeals" means the division of hearings
21 and appeals in the department of administration.

22 **SECTION 5094g.** 192.001 (2) of the statutes is repealed.

23 **SECTION 5095g.** 192.14 (10) of the statutes is amended to read:

24 192.14 (10) If in any particular case any temporary exemption from any
25 requirement of this section is deemed necessary by a carrier, the ~~office~~ department

1 shall consider the application of the carrier for temporary exemption and may grant
2 the exemption when accompanied by a full statement of the conditions existing and
3 the reasons for the exemption. Any exemption so granted will be limited to the
4 particular case specified and shall be limited to a stated period of time.

5 **SECTION 5096g.** 192.14 (12) of the statutes is amended to read:

6 192.14 (12) The office department may after public hearing make rules and
7 establish the standards deemed necessary to carry out the purposes of this section.

8 **SECTION 5097g.** 192.15 (14) of the statutes is amended to read:

9 192.15 (14) If in any particular case any exemption from any requirement of
10 this section is deemed necessary by a carrier, the office department shall consider the
11 application of the carrier for exemption and may grant the exemption when
12 accompanied by a full statement of the conditions existing and the reasons for the
13 exemption. Any exemption so granted shall be limited to the particular case specified
14 and shall be limited to a stated period of time.

15 **SECTION 5098g.** 192.27 (1) of the statutes is amended to read:

16 192.27 (1) When the track of a railway corporation crosses the track of any
17 other railway corporation at grade, or when their tracks and right-of-way are
18 adjacent, except in counties having a population of at least 150,000, the corporations
19 shall, within 60 days after a written request of the office department or the council
20 or board of the city, town or village within which the tracks so cross or are adjacent,
21 make a track connection within such town, city or village to afford reasonable and
22 proper facilities for the interchange of traffic between their respective lines for
23 forwarding and delivering freight, and the expense thereof shall be borne equally by
24 those corporations, unless otherwise ordered by the office department.

25 **SECTION 5099g.** 192.29 (1) of the statutes is amended to read:

1 192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the office department by
2 the governing body of any city or village or by any railroad corporation alleging that
3 any railroad crossing of one or more public highways or streets in the city or village
4 is dangerous to human life and that public safety requires a designation of the
5 maximum speed of a train over such crossing or crossings, or that an order previously
6 made by the office department should be modified, the office department shall give
7 notice to the parties in interest and order a hearing thereon in the manner provided
8 by ~~s. 195.04~~ ch. 227. If after the hearing the office department shall determine that
9 the crossing or crossings described in the petition are dangerous to human life, it may
10 by order determine what maximum speed of a train over the crossing is reasonably
11 required by public safety and is consistent with the public need for adequate and
12 expeditious passenger and freight service by railroad, having due regard for other
13 orders entered by the office department and to practical railroad operating
14 conditions. Where the office department has designated the maximum speed of any
15 train or trains over such crossing or crossings, the rate of speed shall be the lawful
16 maximum speed at which any train affected by the order can be operated over the
17 public highway or street crossing, until changed by subsequent order of the office
18 department. Every railroad corporation violating any order entered under this
19 subsection shall for every violation forfeit not less than \$10 nor more than \$100. The
20 jurisdiction over train speeds hereby vested in the office department shall be
21 exclusive, but any order entered by the office department hereunder shall be subject
22 to judicial review in the manner provided by ch. 227.

23 **SECTION 5100g.** 192.29 (2) of the statutes is amended to read:

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

4 **SECTION 5101g.** 192.29 (4) of the statutes is amended to read:

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

12 **SECTION 5102g.** 192.29 (5) of the statutes is amended to read:

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

20 **SECTION 5103g.** 192.31 (1) of the statutes is amended to read:

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

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

5 **SECTION 5104g.** 192.31 (2) of the statutes is amended to read:

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

8 **SECTION 5105g.** 192.31 (4) of the statutes is amended to read:

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

18 **SECTION 5106g.** 192.31 (5) of the statutes is amended to read:

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

24 **SECTION 5107g.** 192.324 of the statutes is amended to read:

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

15 **SECTION 5108g.** 192.327 (3) of the statutes is amended to read:

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

19 **SECTION 5109g.** 192.327 (4) of the statutes is repealed.

20 **SECTION 5110g.** 192.327 (5) of the statutes is repealed.

21 **SECTION 5111g.** 192.327 (6) of the statutes is amended to read:

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

1 **SECTION 5112g.** 192.327 (7) of the statutes is amended to read:

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

7 **SECTION 5113g.** 192.33 (5) of the statutes is amended to read:

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

11 **SECTION 5114g.** 192.34 of the statutes is amended to read:

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

20 **SECTION 5115g.** 192.47 of the statutes is amended to read:

21 **192.47 Railroad police; oath; powers.** Any railway company may, at its own
22 expense, appoint and employ railroad police officers at the stations or other places
23 on the line of its road within this state as it deems necessary for the protection of its
24 property and the preservation of order on its premises and in and about its cars,
25 depots, depot grounds, yards, buildings or other structures. Each police officer shall

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

14 **SECTION 5116g.** 192.52 (3) of the statutes is amended to read:

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

22 **SECTION 5117g.** 192.52 (4) of the statutes is amended to read:

23 192.52 (4) No railroad company operating in this state shall remove or transfer
24 its terminals or permanently close any terminals in this state without ~~the permission~~
25 ~~or consent of the office~~ an order for such removal, transfer or closing from the division

1 of hearings and appeals after due hearing had on the matter, in compliance with ch.
2 195 227.

3 **SECTION 5118g.** 192.52 (5) of the statutes is amended to read:

4 192.52 (5) Before any railroad company operating in this state shall make any
5 removal or transfer of shops or terminals or abandons the same, it shall file notice
6 of intention so to do with the ~~office~~ division of hearings and appeals, and the ~~office~~
7 division of hearings and appeals shall have the power to investigate whether such
8 proposed removal, transfer or abandonment, as the case may be, is in the public
9 interest and is not unreasonable or unfair as to the employes of such railroad
10 company. No such removal or transfer shall be made during such investigation, or
11 thereafter, if the ~~office~~ division of hearings and appeals finds such removal, transfer
12 or abandonment is not in the public interest or is unreasonable or unfair as to the
13 employes of such railroad.

14 **SECTION 5119g.** 192.53 (4) of the statutes is amended to read:

15 192.53 (4) Upon finding that any such structure will not imperil life or limb,
16 and that the public interest requires or permits such structure to be constructed or
17 reconstructed otherwise than as permitted by the foregoing provisions of this section,
18 the ~~office~~ department may exempt such structure from such provision. Such findings
19 shall be made only upon written application, setting forth fully the grounds therefor
20 and shall be made only after public hearing, and the findings and order granting
21 exemption shall be in writing and shall contain complete provisions and
22 requirements as to the horizontal clearance to be maintained in such construction
23 or reconstruction. Such structure shall be constructed or reconstructed only in
24 compliance with such order.

25 **SECTION 5120g.** 192.53 (5) of the statutes is amended to read:

1 192.53 (5) Except as hereinbefore provided in this section and subject to the
2 power of the ~~office~~ department to make exceptions hereto in a manner similar to the
3 power given it in sub. (4), no railroad or shipper shall after May 28, 1943, place or
4 construct, within 8 feet 6 inches of the center line of any railroad track, any retaining
5 walls, fences, signs, stand pipes, conveyors, or any other like obstruction, except
6 railroad bridges, switch stands, mail cranes, coal, ice and water stations, intertrack
7 fences and signals and other necessary interlocking mechanisms, or permit, within
8 8 feet 6 inches of the center line of any railroad track, the accumulation of any
9 rubbish, waste or material of any sort, except material used for repair or construction
10 work by such railroad company. The intent of this subsection is to afford proper
11 clearance between railroad cars and obstructions and to promote the safety of
12 railroad employes in switching cars.

13 **SECTION 5121g.** 192.53 (6) of the statutes is amended to read:

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

18 **SECTION 5122g.** 192.55 (5) of the statutes is repealed.

19 **SECTION 5123g.** 192.56 (1) of the statutes is amended to read:

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

25 **SECTION 5124g.** 192.56 (2) of the statutes is amended to read:

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

8 **SECTION 5125g.** 192.56 (3) of the statutes is amended to read:

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

12 **SECTION 5126g.** 192.56 (5) of the statutes is amended to read:

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

17 **SECTION 5127g.** 192.56 (6) of the statutes is amended to read:

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

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

5 **141.** Page 1569, line 7: delete the material beginning with that line and
ending with page 1570, line 20, and substitute:

6 “**SECTION 5136g.** 195.001 (1r) of the statutes is created to read:

7 195.001 (1r) “Division of hearings and appeals” means the division of hearings
8 and appeals in the department of administration.

9 **SECTION 5137g.** 195.001 (2) of the statutes is repealed.

10 **SECTION 5138g.** 195.001 (3) of the statutes is created to read:

11 195.001 (3) “Secretary” means the secretary of transportation.

12 **SECTION 5139g.** 195.03 (title) of the statutes is amended to read:

13 **195.03** (title) **Office Department; powers and duties, general**
14 **enumeration.**

15 **SECTION 5140g.** 195.03 (1) of the statutes is amended to read:

16 195.03 (1) PRACTICE RULES. The office department may take testimony and
17 administer oaths and may promulgate rules to govern its proceedings and to regulate
18 the mode and manner of all hearings. All hearings shall be open to the public.

19 **SECTION 5141g.** 195.03 (2) of the statutes is amended to read:

20 195.03 (2) (title) **OFFICE DEPARTMENT INITIATIVE.** In any matter within its
21 jurisdiction under ch. 192 or this chapter, the office department may initiate,
22 investigate and order a hearing at its discretion upon such notice as it considers
23 proper.

1 **SECTION 5142g.** 195.03 (7) of the statutes is amended to read:

2 195.03 (7) STUDY CARRIER BUSINESS, DEMAND INFORMATION. The office
3 department may inquire into the management of the business of all railroads, and
4 shall keep itself informed as to the manner in which the same is conducted, and may
5 obtain from any railroad all necessary information to enable the office department
6 to perform the duties and carry out the objects for which it is responsible.

7 **SECTION 5143g.** 195.03 (8) of the statutes is amended to read:

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

16 **SECTION 5144g.** 195.03 (9) of the statutes is amended to read:

17 195.03 (9) EXAMINE BOOKS AND FILES OF CARRIERS. The ~~commissioner of railroads~~
18 secretary or any person employed by the office department for that purpose shall,
19 upon demand, have the right to inspect the books and papers of any railroad and to
20 examine under oath any officer, agent or employe of such railroad in relation to its
21 business and affairs; provided that any person other ~~that~~ than the ~~commissioner of~~
22 railroads secretary who makes such demand shall produce his or her authority under
23 the hand and seal of the office secretary.

24 **SECTION 5145g.** 195.03 (10) of the statutes is amended to read:

1 195.03 (10) PRODUCTION OF RECORDS AND FILES KEPT OUT OF STATE. The office
2 department may, by an order or subpoena to be served in the manner that a circuit
3 court summons is served, require the production within this state, at such time and
4 place as it may designate, of any books, papers or accounts kept by any railroad
5 without the state, or verified copies in lieu thereof, if the office department shall so
6 order.

7 **SECTION 5146g.** 195.03 (11) of the statutes is amended to read:

8 195.03 (11) UNIFORM SYSTEM OF ACCOUNTING. The office department may
9 prescribe a uniform system of keeping and rendering accounts of all railroad
10 business transacted in this state, and the time within which railroads shall adopt
11 such system; provided that all forms of accounts which may be prescribed by the
12 office department shall conform as nearly as practicable to similar forms prescribed
13 by federal authority.

14 **SECTION 5147g.** 195.03 (12) of the statutes is repealed.

15 **SECTION 5148g.** 195.03 (13) of the statutes is repealed.

16 **SECTION 5149g.** 195.03 (14) of the statutes is repealed.

17 **SECTION 5150g.** 195.03 (15) of the statutes is repealed.

18 **SECTION 5151g.** 195.03 (16) of the statutes is repealed.

19 **SECTION 5152g.** 195.03 (17) of the statutes is amended to read:

20 195.03 (17) PRIVATE TRACKS. The office department shall have control of private
21 railroad tracks insofar as the same are used by common carriers for the
22 transportation of freight, in all respects the same as though such tracks were part
23 of a public railroad.

24 **SECTION 5153g.** 195.03 (18) of the statutes is amended to read:

1 195.03 (18) SAFETY DEVICES. The ~~office~~ department may make reasonable rules,
2 regulations, specifications and standards for the installation, operation and
3 maintenance of all safety devices and measures.

4 **SECTION 5154g.** 195.03 (19) of the statutes is amended to read:

5 195.03 (19) RAILROAD STRUCTURES. The ~~office~~ department may order the repair
6 or reconstruction of any inadequate or unsafe railroad track or structure.

7 **SECTION 5155g.** 195.03 (25) of the statutes is amended to read:

8 195.03 (25) DISTRIBUTION OF ORDERS. The ~~office~~ department shall upon
9 application furnish certified copies, under its seal, of any order made by it, which
10 shall be prima facie evidence of the facts stated therein.

11 **SECTION 5156g.** 195.03 (28) of the statutes is amended to read:

12 195.03 (28) TITLE. The ~~office~~ department may sue and be sued in that name,
13 and may confer with or participate in any proceedings before any regulatory agency
14 of any other state or of the federal government.

15 **SECTION 5157g.** 195.03 (29) of the statutes is amended to read:

16 195.03 (29) TRAIN PRIVILEGES. The employes authorized by the ~~office~~
17 department to perform railroad inspection duties may, in the performance of such
18 duties, ride in and upon any engine, car or train of any class, of any railroad, upon
19 payment of the lawful passenger fare, but such railroad shall not thereby be deemed
20 to become a common carrier of passengers other than on passenger cars.

21 **SECTION 5158g.** 195.04 of the statutes is repealed.

22 **SECTION 5159g.** 195.041 of the statutes is repealed.

23 **SECTION 5160g.** 195.042 of the statutes is repealed.

24 **SECTION 5161g.** 195.043 of the statutes is repealed.

25 **SECTION 5162g.** 195.044 of the statutes is repealed.

1 **SECTION 5163g.** 195.045 of the statutes is repealed.

2 **SECTION 5164g.** 195.046 of the statutes is repealed.

3 **SECTION 5165g.** 195.047 of the statutes is repealed.

4 **SECTION 5166g.** 195.05 of the statutes is repealed.

5 **SECTION 5167g.** 195.055 of the statutes is repealed.

6 **SECTION 5168g.** 195.06 of the statutes is repealed.

7 **SECTION 5169g.** 195.07 (1) of the statutes is repealed.

8 **SECTION 5170g.** 195.07 (2) of the statutes is amended to read:

9 195.07 (2) ATTORNEY GENERAL AND DISTRICT ATTORNEY TO PROSECUTE. Upon
10 request of the office department, the attorney general or the district attorney of the
11 proper county shall aid in any investigation, hearing or trial had under, and shall
12 institute and prosecute all necessary actions or proceedings for the enforcement of,
13 laws relating to railroads.

14 **SECTION 5171g.** 195.08 of the statutes is repealed.

15 **SECTION 5172g.** 195.09 of the statutes is repealed.

16 **SECTION 5173g.** 195.10 of the statutes is repealed.

17 **SECTION 5174g.** 195.11 of the statutes is repealed.

18 **SECTION 5175g.** 195.12 of the statutes is repealed.

19 **SECTION 5176g.** 195.13 of the statutes is repealed.

20 **SECTION 5177g.** 195.14 of the statutes is repealed.

21 **SECTION 5178g.** 195.15 of the statutes is repealed.

22 **SECTION 5179g.** 195.16 of the statutes is repealed.

23 **SECTION 5180g.** 195.17 of the statutes is repealed.

24 **SECTION 1581g.** 195.19 (1) of the statutes is amended to read:

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

12 **SECTION 5182g.** 195.19 (3) of the statutes is amended to read:

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

1 **SECTION 5183g.** 195.20 of the statutes is amended to read:

2 **195.20 Joint use of railroad property.** Whenever, upon complaint and after
3 hearing had, the office department finds that ~~public convenience and necessity~~
4 ~~require~~ the use by one or more railroads of the tracks, wires, poles, rights-of-way,
5 switches, bridges or other property belonging to another railroad over or on any
6 street, railroad, railway, right-of-way, bridge or viaduct, upon or over which said
7 railroads have a right to operate, ~~and that such use~~ will not prevent the owners or
8 other users thereof from performing their public duties, nor result in irreparable
9 injury to such owners or other users thereof, the office department may, by order,
10 direct that such use be permitted, and prescribe a reasonable compensation and
11 reasonable terms and conditions for such joint use.

12 **SECTION 5184g.** 195.21 of the statutes is amended to read:

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

1 or maintained under the foregoing provisions of this section shall be subject to such
2 rules and regulations as to charges and the manner of conducting business as the
3 office department shall prescribe.

4 **SECTION 5185g.** 195.26 of the statutes is amended to read:

5 **195.26 Safety devices; block system.** Every railroad shall adopt reasonably
6 adequate safety measures and install, operate and maintain reasonably adequate
7 safety devices for the protection of life and property. If after investigation the office
8 department shall determine that public safety requires it, the office department may
9 order the railroad to install, operate and maintain a block system or other safety
10 device or measure as may be necessary to render the operation of such railroad
11 reasonably safe.

12 **SECTION 5186g.** 195.27 of the statutes is amended to read:

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

21 **SECTION 5187g.** 195.28 (1) of the statutes is amended to read:

22 195.28 (1) (title) PETITION; ~~HEARING;~~ ORDER. Upon petition of ~~the department,~~
23 ~~city~~ a city council, village board, town board, superintendent of highways or by 5 or
24 more electors in any town, village or city, or of any railroad corporation or railroad
25 historical society, to determine whether a public highway and railroad grade crossing

1 protects and promotes public safety, or upon its own motion, the office department
2 may investigate and issue an appropriate order without a public hearing. The
3 department shall issue its order on the basis of investigation and criteria
4 promulgated by rule with respect to the adequacy of grade crossing protection. The
5 rule may include programming criteria relating to the priority of grade crossings in
6 need of protection. If the petitioner, railroad, railroad historical society or any
7 interested party objects to the order and requests a hearing within 20 days after the
8 date that the order is issued, the office department shall proceed under s. 195.04 refer
9 the order to the division of hearings and appeals for review as provided in s. 195.325.
10 Notice of ~~an investigation or hearing~~ the review shall be served upon the department,
11 ~~which shall be an interested party, and any recommendation it may file with the~~
12 ~~office at or prior to a hearing, if there is one, regarding crossing protection shall be~~
13 ~~considered as evidence in the proceeding.~~ The office department or division of
14 hearings and appeals shall determine whether the existing warning devices at such
15 crossing are adequate to protect and promote public safety. If the office department
16 or division of hearings and appeals determines, ~~either without or after a hearing,~~
17 that protection is not adequate, it may order the railroad company or railroad
18 historical society to keep a flagman at the crossing or to install automatic signals or
19 other suitable safety device at specific locations at such crossing. The office
20 department or division of hearings and appeals may order the relocation of existing
21 signals and devices to improve protection at a crossing. Any crossing protection
22 installed or maintained as approved by the office department or division of hearings
23 and appeals, whether by order or otherwise, shall be deemed adequate and
24 appropriate protection for the crossing.

25 **SECTION 5188g.** 195.28 (3) of the statutes is amended to read:

1 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this
2 subsection, the cost of maintaining crossing protection devices ordered under sub. (1)
3 shall be the responsibility of the railroad or railroad historical society. Any railroad
4 company or railroad historical society that incurs expenses for maintenance of
5 signals or other safety devices may file a claim for reimbursement with the
6 department regardless of the date of installation of the signals or devices. At the
7 close of each fiscal year the department shall reimburse claimants under this
8 subsection for 50% of the costs, as determined by the ~~office~~ department, incurred for
9 maintenance of railroad crossing protection devices from the appropriation under s.
10 20.395 (2) (gq). If the amount in the appropriation under s. 20.395 (2) (gq) is not
11 adequate to fund maintenance reimbursement under this subsection, the amount
12 shall be prorated in the manner determined by the ~~office~~ department.

13 **SECTION 5189g.** 195.28 (4) of the statutes is amended to read:

14 195.28 (4) (title) PREVIOUS ~~OFFICE~~ ORDERS. Subsection (3) applies to
15 maintenance costs for all crossing protection devices regardless of any prior order of
16 ~~the office~~ apportioning maintenance costs.

17 **SECTION 5190g.** 195.285 (1) of the statutes is amended to read:

18 195.285 (1) ~~Upon~~ If, upon its own motion or upon the petition of a railroad
19 corporation, ~~the department~~, or the governing body of any city, village, town or
20 county asserting that the stopping of vehicles under s. 346.45 at a railroad crossing
21 is hazardous to human life, ~~the office shall hold a hearing on the matter as provided~~
22 ~~under s. 195.04. Notice of petition shall be served upon the department, which shall~~
23 ~~be an interested party, and any recommendations it may file with the office regarding~~
24 ~~the hazardous effect of vehicles stopping at such crossings shall be considered as~~
25 ~~evidence in the proceedings. Upon the recommendation of the department and~~

1 ~~concurrence by the office, the petition may be dismissed without holding a hearing.~~
2 ~~If, upon the public hearing, the office~~ department determines that it would be in the
3 public interest to exempt vehicles specified in s. 346.45 from stopping at such grade
4 crossing, it may order the public body having jurisdiction over the highway to erect
5 signs, signals, markings or other devices exempting such vehicles from stopping at
6 the crossing, without a hearing. If a petitioner or interested party objects to an order
7 under this subsection within 20 days after the date that the order is issued, the
8 department shall refer the order to the division of hearings and appeals for review
9 as provided in s. 195.325.

10 **SECTION 5191g.** 195.285 (2) of the statutes is amended to read:

11 195.285 (2) Signs placed upon the order of the ~~office~~ department or the division
12 of hearings and appeals under this section shall exempt vehicles from stopping as
13 required under s. 346.45, unless a train or engine is occupying or approaching the
14 crossing.

15 **SECTION 5192g.** 195.285 (3) of the statutes is amended to read:

16 195.285 (3) The department shall establish standards for the type of signs,
17 signals, markings or other devices for exempting vehicles from stopping as required
18 under s. 346.45 and their location in relation to the highway and railroad track. The
19 ~~office~~ department may upon petition or its own motion, with or without a hearing,
20 order the removal of a sign exempting vehicles from stopping at a crossing.

21 **SECTION 5193g.** 195.286 (2) of the statutes is repealed and recreated to read:

22 195.286 (2) DESCRIPTION AND LOCATION. The signs shall be constructed, erected
23 and located as specified by the manual adopted by the department under s. 84.02 (4)
24 (e). This subsection does not apply to any sign complying with s. 195.286 (2) and (3),

1 1993 stats., on the effective date of this subsection ... [revisor inserts date], until such
2 time as the sign is replaced or relocated.

3 **SECTION 5194g.** 195.286 (3) of the statutes is repealed.

4 **SECTION 5195g.** 195.286 (5) of the statutes is amended to read:

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

9 **SECTION 5196g.** 195.286 (8) of the statutes is amended to read:

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

14 **SECTION 5197g.** 195.29 (1) of the statutes is amended to read:

15 195.29 (1) (title) ~~PETITION, HEARING, PUBLIC SAFETY, ORDER.~~ Upon If, upon its own
16 initiative or upon petition by the common council or board of any city, village, town
17 or county within or bordering upon which a highway or street crosses a railroad, or
18 a highway or street is proposed to be laid out across a railroad, or a public highway
19 bridge across a railroad is required to connect existing streets or highways, or upon
20 petition by any railroad whose track crosses or is about to cross, or is crossed or about
21 to be crossed by a street or highway, or ~~upon petition by the department,~~ in cases
22 where provision has been made for the improvement of the highway adjacent to such
23 crossing under any state aid or federal aid law, the department determines that
24 public safety requires an alteration in such crossing, its approaches, the method of
25 crossing, the location of the highway or crossing, or the closing of the crossing, and

1 the substitution of another therefor at grade or not at grade, or the removal of
2 obstructions to the view at such crossing, the relocation of the highway, or requires
3 the determination of the manner of making such new crossing, or of making the
4 proposed improvement or promoting the public safety or public convenience through
5 any other reasonable method, and ~~praying that the same may be ordered, the office~~
6 ~~shall give notice to the parties in interest and proceed to investigate the same and~~
7 ~~to order a hearing thereon in the manner provided by s. 195.04. The office shall~~
8 ~~determine~~ the department may issue an appropriate order without a public hearing.
9 The department shall make its determination on the basis of investigation and the
10 criteria relating to the requirements of public safety promulgated under sub. (9). The
11 order shall state what, if anything, shall be done to promote the public safety and the
12 means by which it shall be accomplished, whether by the relocation of the highway,
13 the alteration in such crossing, approaches, mode of crossing, location of highway
14 crossing, closing of highway crossing, with or without the substitution of another
15 therefor, the construction of a public highway bridge, the removal of obstructions to
16 sight at crossing, or by the use of other reasonable methods, and by whom the same
17 shall be made, and in case of new crossings the advisability of allowing such crossings
18 to be established and manner of making them.

19 **SECTION 5198g.** 195.29 (2) of the statutes is amended to read:

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

1 borne by the railroad companies and the municipalities in interest. In fixing such
2 proportion, the office department may order such cost and expense so apportioned
3 to be paid by the parties against which the apportionment shall be made.

4 **SECTION 5199g.** 195.29 (3) of the statutes is amended to read:

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

17 **SECTION 5200g.** 195.29 (4) of the statutes is amended to read:

18 195.29 (4) GRADE SEPARATION IN MILWAUKEE COUNTY. The office department may
19 upon petition of any town, city or village, or upon its own motion, when the interests
20 of the public demand it and it is found practicable so to do, establish the grade of the
21 tracks of any railroad, or of all the railroads throughout any county having a
22 population of 500,000 or more, or any part thereof, and the grades of the streets or
23 highways, or any of them, where they cross such railroad track or tracks, in
24 anticipation of the future separation of grades of the railroad tracks from the grades
25 of such streets or highways. The office department, before making any such order,

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

19 **SECTION 5201g.** 195.29 (5) of the statutes is amended to read:

20 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. ~~Upon~~ If, upon its own
21 initiative or upon petition of the department, ~~or of the common council or board of~~
22 any city, village, town or county, alleging that one or more of them have undertaken
23 or propose to undertake to relocate or improve an existing highway or to construct
24 a new highway in such manner as to eliminate a highway grade crossing with any
25 railroad or so as to permanently divert a material portion of the highway traffic from

1 a highway grade crossing with any railroad, the ~~office shall issue notice of~~
2 ~~investigation and hearing, as provided in s. 195.04. If upon such hearing the office~~
3 department finds that the public safety will be promoted by the highway relocation,
4 improvement or new construction, the ~~office~~ department shall order the old crossings
5 closed and new crossings opened as are deemed necessary for public safety. The
6 department may issue an appropriate order without a public hearing. The order
7 shall require the railroad company or companies to pay to the interested
8 municipality or municipalities such sum as the ~~office~~ department finds to be an
9 equitable portion of the cost of the highway relocation, improvement or new
10 construction, if the work is performed by the municipalities; or to the ~~state treasurer~~
11 secretary of administration if the work is performed by the state; or to the proper
12 county treasurer if the work is performed by the county. The sum shall be added to
13 the joint fund available for the improvement and may be expended in like manner
14 as the other portions of the fund.

15 **SECTION 5202g.** 195.29 (6) of the statutes is amended to read:

16 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.
17 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not
18 less than 330 feet in each direction from the center of its intersection at grade with
19 any public highway, and for such further distance as is necessary to provide an
20 adequate view of approaching trains, from the highway. Every municipality shall
21 keep the public highways within its jurisdiction clear of brush and shall adequately
22 trim all trees within 330 feet of the center of any railroad highway grade crossing.
23 Every person or corporation owning or occupying any land adjacent to any railroad
24 highway grade crossing shall keep all brush cut and adequately trim all trees on the
25 land within the triangles bounded on 2 sides by the railway and the highway, and on

1 the 3rd side by a line connecting points on the center lines of the railway and the
2 highway, 330 feet from the intersection of the center lines. The office department,
3 upon its own motion, or upon any complaint to the effect that any work required by
4 this subsection has not been performed, after due notice and hearing, may order the
5 corporation, municipality or person at fault to perform the work; provided, however,
6 that if the physical conditions at any crossing are such that the performance of the
7 required work will not materially improve the view for highway traffic, or, if
8 unreasonable loss would be caused thereby, the office department may excuse the
9 party in interest from performing the same. The office department may also order
10 the cutting of brush and the trimming of trees at private farm crossings as may be
11 necessary and reasonable. If any person shall violate any provision of this section,
12 or shall fail, neglect or refuse to obey any order made by the office department or the
13 division of hearings and appeals under this section, or any judgment or decree made
14 by any court upon such an order, for every such violation, failure or refusal such
15 person shall forfeit not less than \$25 nor more than \$150.

16 **SECTION 5203g.** 195.29 (7) of the statutes is amended to read:

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

21 **SECTION 5204g.** 195.29 (9) of the statutes is created to read:

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

1 **SECTION 5205g.** 195.29 (10) of the statutes is created to read:

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

6 **SECTION 5206g.** 195.295 of the statutes is created to read:

7 **195.295 Highway crossings; public warning.** Notwithstanding s. 195.28,
8 195.285, 195.286, 195.29 or 195.30, the department shall monitor and investigate all
9 railroad highway grade crossings in this state, and determine, by order, rule or
10 otherwise, for each crossing whether any warning devices, advance warning signs
11 or other warning measures shall be required to protect and promote public safety.
12 The department may make a determination under this section without a hearing.
13 Any device, sign or other measure, installed or maintained at a crossing, that
14 conforms to a determination of the department under this section or, if no such
15 determination has been made, that was approved by the office of the commissioner
16 of transportation under ch. 195, 1991 stats., or the office of the commissioner of
17 railroads under ch. 195, 1993 stats., before the effective date of this section
18 [revisor inserts date], whether by order or otherwise, shall be considered adequate
19 and appropriate warning for the crossing. If a railroad or interested party objects
20 to an order under this section within 20 days after the date that the order is issued,
21 the department shall refer the order to the division of hearings and appeals for
22 review as provided in s. 195.325.

23 **SECTION 5207g.** 195.30 (1) of the statutes is amended to read:

24 195.30 (1) Upon a petition by the common council of any city, or the board of
25 any village, town or county within which a railroad crosses another railroad at grade,

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

18 **SECTION 5208g.** 195.305 of the statutes is amended to read:

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

1 constructing, operating, and maintaining such crossing, intersecting, joining or
2 uniting which shall be paid by the owners of the tracks respectively.

3 **SECTION 5209g.** 195.31 of the statutes is amended to read:

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

1 and expense of such alteration, repair, reconstruction or substitution of a new bridge,
2 including the damage to any person whose land is taken, and the special damage
3 which the owner of any land adjoining the approaches to said bridge shall sustain
4 by reason of the alteration, repair, reconstruction or substitution of a new bridge, to
5 be paid by the railroad company and the city, village or town in interest. The
6 department may issue appropriate orders incorporating its determinations and may
7 proceed without a hearing on the matter. The department shall make its
8 determinations on the basis of investigation and criteria for bridge safety
9 promulgated by rule. If a petitioner or interested party objects to an order under this
10 section within 20 days after the date that the order is issued, the department shall
11 refer the order to the division of hearings and appeals for review as provided in s.
12 195.325.

13 **SECTION 5210g.** 195.32 of the statutes is amended to read:

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

1 the same effect as though a complaint were filed. The department shall make its
2 determination on the basis of the investigation and criteria for drawbridge safety
3 promulgated by rule. If an interested party objects to an order under this section
4 within 20 days after the date that the order is issued, the department shall refer the
5 order to the division of hearings and appeals for review.

6 **SECTION 5211g.** 195.325 of the statutes is created to read:

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

13 **SECTION 5212g.** 195.33 of the statutes is repealed.

14 **SECTION 5213g.** 195.34 of the statutes is amended to read:

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

20 **SECTION 5214g.** 195.36 of the statutes is amended to read:

21 **195.36 General penalty upon railroads.** If any railroad shall violate any
22 provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse
23 to perform any duty enjoined upon it, for which a penalty has not been provided, or
24 shall fail, neglect or refuse to obey any lawful requirement or order made by the ~~office~~
25 department or division of hearings and appeals, or any judgment or decree made by

1 any court upon its application, for every such violation, failure or refusal in respect
2 to any matter prescribed by this chapter such railroad shall forfeit not less than \$100
3 nor more than \$10,000. The act, omission or failure of any officer, agent or other
4 person employed by any railroad, acting within the scope of his or her employment,
5 shall be deemed to be the act, omission or failure of such railroad.

6 **SECTION 5215g.** 195.37 of the statutes is repealed.

7 **SECTION 5216g.** 195.38 of the statutes is repealed.

8 **SECTION 5217g.** 195.45 (1) of the statutes is amended to read:

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

14 **SECTION 5218g.** 195.45 (2) of the statutes is amended to read:

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

18 **SECTION 5219g.** 195.45 (4) of the statutes is amended to read:

19 195.45 (4) The office department may promulgate rules for the operation of this
20 section.

21 **SECTION 5220g.** 195.50 (1) of the statutes is amended to read:

22 195.50 (1) Any officer, agent or employe of any railroad who fails to fill out and
23 return any forms required by this chapter, or fails to answer any question therein,
24 or knowingly gives a false answer to any such question, or evades the answer to any
25 such question where the fact inquired of is within his or her knowledge, or who, upon

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

10 **SECTION 5221g.** 195.60 (title) of the statutes is amended to read:

11 **195.60 (title) Payment of office department expenses by railroads.**

12 **SECTION 5222g.** 195.60 (1) of the statutes is amended to read:

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

1 ~~account under s. 20.155 (2) (g).~~ The total amount, in any one calendar year, for which
2 any railroad becomes liable, by reason of costs incurred by the office department
3 within such calendar year, shall not exceed four-fifths of one percent of its gross
4 operating revenues derived from intrastate operations in the last preceding calendar
5 year. Where, under this subsection, costs are incurred within any calendar year,
6 which are in excess of four-fifths of one percent of such gross operating revenues, the
7 excess costs shall not be chargeable as part of the remainder under sub. (2) but shall
8 be paid out of the general appropriation to the office department. Nothing in this
9 subsection shall prevent the office department from rendering bills in one calendar
10 year for costs incurred within a previous year. For the purpose of calculating the
11 costs of investigations, appraisals and other services under this subsection, 90% of
12 the costs determined shall be costs of the office department and 10% of the costs
13 determined shall be costs of state government operations.

14 **SECTION 5223g.** 195.60 (2) of the statutes is amended to read:

15 195.60 (2) The office department shall annually, within 90 days after the close
16 of each fiscal year, ascertain the total of its expenditures during such year which are
17 reasonably attributable to the performance of its duties relating to railroads. For
18 purposes of such calculation, 90% of the expenditures so determined shall be
19 expenditures of the office department and 10% of the expenditures so determined
20 shall be expenditures for state government operations. The office department shall
21 deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 184.10 (3).
22 A sum equal to the remainder plus 10% of the remainder shall be assessed by the
23 office department to the several railroads in proportion to their respective gross
24 operating revenues during the last calendar year, derived from intrastate
25 operations. Such assessment shall be paid within 30 days after the bill has been

1 mailed to the several railroads, which bill shall constitute notice of assessment and
2 demand of payment thereof. The total amount which may be assessed to the
3 railroads under authority of this subsection shall not exceed one percent of the total
4 gross operating revenues of such railroads, during such calendar year, derived from
5 intrastate operations. ~~Ninety percent of the payment shall be credited to the~~
6 ~~appropriation account under s. 20.155 (2) (g).~~ The railroads shall furnish such
7 financial information as the office department requires.”.

8 **142.** Page 1570, line 24: delete “office, the office” and substitute: “office
division of hearings and appeals, the office department”.

9 **143.** Page 1571, line 1: delete “office” and substitute: “office department”.

10 **144.** Page 1571, line 11: after that line insert:

11 “SECTION 5226g. 195.60 (4) (a) of the statutes is amended to read:

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

1 **SECTION 5227g.** 195.60 (4) (b) of the statutes is amended to read:

2 195.60 (4) (b) If after the hearing the office division of hearings and appeals
3 finds the entire bill unlawful or invalid, it shall notify the objector of such
4 determination, in which case the original bill shall be deemed void.

5 **SECTION 5228g.** 195.60 (4) (c) of the statutes is amended to read:

6 195.60 (4) (c) If after the hearing the office division of hearings and appeals
7 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,
8 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect
9 to the objections, and transmit to the objector notice of such finding.”.

10 **145.** Page 1571, line 15: delete “office has been mailed to the objector, the
office” and substitute: “office division of hearings and appeals has been mailed to the
objector, the office department”.

11 **146.** Page 1571, line 20: delete “office” and substitute: “office department”.

12 **147.** Page 1572, line 12: after that line insert:

13 “**SECTION 5230g.** 195.60 (6) of the statutes is amended to read:

14 195.60 (6) No action for recovery of any amount paid under this section shall
15 be maintained in any court unless objections have been filed with the office division
16 of hearings and appeals as provided in this section. In any action for recovery of any
17 payments made under this section the claimant shall be entitled to raise every
18 relevant issue of law, but the office’s findings of fact of the division of hearings and
19 appeals made pursuant to this section shall be prima facie evidence of the facts
20 therein stated.

21 **SECTION 5231g.** 195.60 (7) (intro.) of the statutes is repealed.

1 **SECTION 5232g.** 195.60 (7) (a) of the statutes is renumbered 195.60 (7) and
2 amended to read:

3 195.60 (7) Determinations of fact expressed in bills rendered under this
4 section; and shall be considered to be findings of fact of the division of hearings and
5 appeals, within the meaning of this section.

6 **SECTION 5233g.** 195.60 (7) (b) of the statutes is repealed.”.

7 **148.** Page 1572, line 12: delete that line and substitute: “office department.”.

8 **149.** Page 1574, line 25: restore the stricken material.

9 **150.** Page 1575, line 1: on lines 1 and 2, restore the stricken material.

10 **151.** Page 1582, line 11: after that line insert:

11 “**SECTION 5255g.** 197.10 (4) of the statutes is amended to read:

12 197.10 (4) Insofar as the use, operation, service, management, control, sale,
13 lease, purchase, extension, improvement, rates, value or earnings of the properties
14 of the public utility or provisions looking toward the ultimate acquisition of the same
15 are made subject to the terms of any contract provided for in sub. (1), and so long as
16 said contract remains in force, the following sections of the statutes shall be
17 inapplicable to the same: ss. ~~195.05, 195.10,~~ 196.02 (1) and (2), 196.05, 196.09,
18 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,
19 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,
20 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract
21 made hereunder shall operate to prevent an appeal to the public service commission
22 by any person, other than a party to said contract, upon any complaint alleging that
23 any rate, fare, charge or classification, or any joint rate, or any regulation, act or
24 practice relating to the production, transmission, delivery or furnishing of gas, heat,

1 light or power, or any service in connection therewith, is unjustly discriminatory, or
2 that any such service is inadequate or cannot be obtained. Upon said appeal the
3 commission shall, as provided by law, determine and by order fix a rate, fare, charge,
4 classification, joint rate or regulation, act or practice or service to be imposed,
5 observed or followed in the future in lieu of that found to be unjustly discriminatory
6 or inadequate.”.

7 **152.** Page 1856, line 19: after that line insert:

8 “**SECTION 6213g.** 226.025 (3) of the statutes is amended to read:

9 226.025 (3) The appointment of the secretary of state or the designation of a
10 resident agent as attorney for the service of summons, notice, pleadings or process
11 under s. 180.1507 shall be applicable only to actions or proceedings against the
12 foreign corporations described in this section (unless such corporations have been
13 admitted to this state for purposes other than those mentioned in this section) where
14 the cause of action or proceeding arises out of transactions between such foreign
15 corporations and public utilities operating in this state with which such foreign
16 corporations are affiliated; and to actions or proceedings by or before the public
17 service commission ~~or office of the commissioner of railroads~~ involving the
18 transactions described in sub. (1), or involving the relation between such foreign
19 corporations and public utilities operating in this state with which they are
20 affiliated.

21 **SECTION 6217g.** 227.01 (13) (s) of the statutes is amended to read:

22 227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any
23 person, including a municipality, that is regulated by the ~~office of the commissioner~~
24 ~~of railroads or the public service commission.~~”.

1 **153.** Page 1857, line 1: delete lines 1 to 3.

2 **154.** Page 1858, line 24: after that line insert:

3 “**SECTION 6228g.** 227.43 (1) (bk) of the statutes is created to read:

4 227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review
5 under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16
6 (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),
7 195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325 and 195.60.

8 **SECTION 6229g.** 227.43 (5) of the statutes is amended to read:

9 227.43 (5) The department of transportation shall pay all costs of the services
10 of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the
11 department under sub. (1) (br), according to the fee schedule under sub. (3) (b).

12 **SECTION 6230g.** 227.46 (2m) of the statutes is amended to read:

13 227.46 (2m) In any hearing or review assigned to a hearing examiner under
14 s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare
15 a proposed decision, including findings of fact, conclusions of law, order and opinion,
16 in a form that may be adopted as the final decision in the case. The proposed decision
17 shall be a part of the record and shall be served by the division of hearings and
18 appeals in the department of administration on all parties. Each party adversely
19 affected by the proposed decision shall be given an opportunity to file objections to
20 the proposed decision within 15 days, briefly stating the reasons and authorities for
21 each objection, and to argue with respect to them before the administrator of the
22 division of hearings and appeals. The administrator of the division of hearings and
23 appeals may direct whether such argument shall be written or oral. If the decision
24 of the administrator of the division of hearings and appeals varies in any respect from

1 the decision of the hearing examiner, the decision of the administrator of the division
2 of hearings and appeals shall include an explanation of the basis for each variance.
3 The decision of the administrator of the division of hearings and appeals is a final
4 decision of the agency subject to judicial review under s. 227.52. The department of
5 transportation may petition for judicial review.

6 **SECTION 6231g.** 227.46 (3) (intro.) of the statutes is amended to read:

7 227.46 (3) (intro.) With respect to contested cases except a hearing or review
8 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule
9 or in a particular case may by order:”.

10 **155.** Page 1864, line 2: delete “7” and substitute “8”.

11 **156.** Page 1864, line 7: delete lines 7 and 8.

12 **157.** Page 1864, line 16: delete lines 16 and 17.

13 **158.** Page 1865, line 3: delete lines 3 to 5.

14 **159.** Page 1865, line 17: delete that line.

15 **160.** Page 1865, line 18: delete lines 18 and 19.

16 **161.** Page 1865, line 20: delete the material beginning with that line and
ending with page 1866, line 4.

17 **162.** Page 1922, line 12: delete that line.

18 **163.** Page 1957, line 25: after that line insert:

19 “**SECTION 6414g.** 346.45 (3) (d) of the statutes is amended to read:

20 346.45 (3) (d) A railroad grade crossing which is marked with a sign in
21 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining

1 authority only upon order of the ~~office of the commissioner of railroads~~ department
2 or the division of hearings and appeals as set forth in s. 195.285.”.

3 **164.** Page 2080, line 4: delete the material beginning with that line and
ending with page 2081, line 20, and substitute:

4 “**SECTION 6923cm.** 560.31 (3) of the statutes is amended to read:

5 560.31 (3) ~~The~~ At the commencement of each gubernatorial term of office, the
6 secretary shall exercise his or her authority under s. 15.04 (1) (c) to create one or more
7 committees to advise the department on issues related to the operation of the
8 heritage tourism pilot program. The secretary shall create a sufficient number of
9 committees, as determined by the secretary, to address each major type of heritage
10 tourism that is the focus of the heritage tourism pilot program. The secretary shall
11 appoint at least 2 members of each committee created under this subsection from a
12 list of names submitted by the director of the historical society.”.

13 **165.** Page 2100, line 23: delete the material beginning with that line and
ending with page 2101, line 21.

14 **166.** Page 2107, line 3: delete the material beginning with that line and
ending with page 2109, line 5.

15 **167.** Page 2109, line 11: delete the material beginning with that line and
ending with page 2114, line 4.

16 **168.** Page 2114, line 12: delete lines 12 to 19.

17 **169.** Page 2114, line 21: delete the material beginning with that line and
ending with page 2120, line 4.

1 **170.** Page 2120, line 12: delete the material beginning with that line and
ending with page 2121, line 15.

2 **171.** Page 2123, line 4: delete the material beginning with that line and
ending with page 2124, line 2.

3 **172.** Page 2124, line 4: delete “(title)”.

4 **173.** Page 2124, line 4: restore the stricken material and delete the
underscored material.

5 **174.** Page 2124, line 8: delete “, board”.

6 **175.** Page 2124, line 9: delete the material beginning with that line and
ending with page 2125, line 15.

7 **176.** Page 2218, line 9: after that line insert:

8 “**SECTION 7231g.** 945.06 of the statutes is amended to read:

9 **945.06 Public utilities to cease service.** When any public utility, common
10 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service
11 commission, ~~office of the commissioner of railroads~~ or department of transportation
12 of this state, is notified in writing by a federal, state or local law enforcement agency,
13 acting within its jurisdiction, that any facility furnished by it is being used or will be
14 used for the purpose of transmitting or receiving gambling information in violation
15 of the laws of this state it shall discontinue or refuse the leasing, furnishing or
16 maintaining of such facility, after reasonable notice to the subscriber, but no
17 damages, penalty or forfeiture, civil or criminal, shall be found against any such
18 public utility, common carrier, contract carrier or railroad, for any act done in
19 compliance with any notice received from a law enforcement agency under this
20 section. Nothing in this section shall be deemed to prejudice the right of any person

1 affected thereby to secure an appropriate determination as otherwise provided by
2 law in any court or tribunal or agency, that such facility should not be discontinued
3 or removed, or should be restored.”.

4 **177.** Page 2218, line 10: delete the material beginning with that line and
ending with page 2219, line 6.

5 **178.** Page 2230, line 7: delete lines 7 to 9.

6 **179.** Page 2231, line 3: delete lines 3 to 11.

7 **180.** Page 2253, line 16: delete the material beginning with that line and
ending with page 2254, line 20, and substitute:

8 “(9at) POSITION AUTHORIZATIONS. The authorized FTE positions for the
9 department of administration are increased by 2.0 SEG positions, to be funded from
10 the appropriation under section 20.505 (4) (qm) of the statutes, as affected by this act,
11 for the purpose of administration of the Kickapoo valley reserve.”.

12 **181.** Page 2254, line 21: delete the material beginning with that line and
ending with page 2255, line 14, and substitute:

13 “(14g) SENTENCING COMMISSION. The authorized FTE positions for the
14 department of administration, funded from the appropriation under section 20.505
15 (4) (dm) of the statutes, are increased by 5.0 GPR positions for services for the
16 sentencing commission.

17 (14h) PRIVACY COUNCIL AND PRIVACY ADVOCATE. The authorized FTE positions for
18 the department of administration, funded from the appropriation under section
19 20.505 (4) (fz) of the statutes, are increased by 2.0 GPR positions for the functions
20 of the privacy advocate and the privacy council.”.

1 **182.** Page 2266, line 15: delete the material beginning with that line and
ending with page 2267, line 14.

2 **183.** Page 2302, line 24: delete the material beginning with that line and
ending with page 2304, line 21, and substitute:

3 “(4ct) POSITION AUTHORIZATIONS. To reverse the action of the joint committee on
4 finance, the authorized FTE positions for the department of development are
5 increased by 36.5 GPR positions, 35.5 GPR positions to be funded from the
6 appropriation under section 20.143 (2) (a) of the statutes for the purpose of
7 performing the functions related to tourism promotion, and 1.0 GPR position to be
8 funded from the appropriation under section 20.143 (2) (bm) of the statutes, as
9 affected by this act, for the purpose of performing the functions related to the
10 heritage tourism pilot program.”.

11 **184.** Page 2312, line 17: delete the material beginning with that line and
ending with page 2317, line 19.

12 **185.** Page 2377, line 3: delete the material beginning with that line and
ending with page 2378, line 9.

13 **186.** Page 2392, line 5: after that line insert:

14 “**SECTION 9146. Nonstatutory provisions; public service commission.**

15 (1m) ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS; TRANSITIONAL
16 PROVISIONS.

17 (a) *Definitions.* In this subsection:

18 1. “Department” means the department of transportation.

19 2. “Division” means the division of hearings and appeals in the department of
20 administration.

1 3. "Office" means the office of the commissioner of railroads.

2 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets
3 and liabilities of the office shall become the assets and liabilities of the department.

4 (c) *Staff.*

5 1. On the effective date of this subdivision, the position of the commissioner of
6 railroads is abolished.

7 2. On the effective date of this subdivision, 1.0 FTE SEG hearing examiner
8 position and the incumbent employe holding that position in the office are
9 transferred to the division.

10 3. On the effective date of this subdivision, the following 4.0 FTE SEG positions
11 and the incumbent employes, identified by the secretary of transportation, holding
12 those positions in the office are transferred to the department:

13 a. One program assistant position.

14 b. Three regulation compliance investigator positions.

15 4. a. The employe transferred under subdivision 2. to the division has all of
16 the rights and the same status under subchapter V of chapter 111 of the statutes and
17 under chapter 230 of the statutes, as affected by this act, in the division that he or
18 she enjoyed in the office immediately before the transfer. Notwithstanding section
19 230.28 (4) of the statutes, the employe so transferred who has attained permanent
20 status in class is not required to serve a probationary period.

21 b. Employes transferred under subdivision 3. to the department have all of
22 the rights and the same status under subchapter V of chapter 111 of the statutes and
23 under chapter 230 of the statutes, as affected by this act, in the department that they
24 enjoyed in the office immediately before the transfer. Notwithstanding section

1 230.28 (4) of the statutes, no employe so transferred who has attained permanent
2 status in class is required to serve a probationary period.

3 c. On the effective date of this subdivision, the remaining FTE SEG positions
4 of the office not transferred under subdivisions 2. and 3. or abolished under
5 subdivision 1. are deauthorized.

6 6. The commissioner of railroads shall, in addition to his or her other duties,
7 assist the department in the orderly transfer of the functions of the office to the
8 department and perform the duties specified in paragraphs (d), (e), (f) and (g).

9 (d) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the office is transferred to the
11 department.

12 (e) *Contracts.* All contracts entered into by the office in effect on the effective
13 date of this paragraph remain in effect and are transferred to the department. The
14 department shall carry out any such contractual obligations until modified or
15 rescinded by the department to the extent allowed under the contract.

16 (f) *Rules and orders.*

17 1. All rules promulgated by the office that are in effect on the effective date of
18 this subdivision remain in effect until their specified expiration date or until
19 amended or repealed by the department.

20 2. All orders issued by the office that are in effect on the effective date of this
21 subdivision remain in effect until their specified expiration date or until modified or
22 rescinded by the department.

23 (g) *Pending matters.* Any matter pending with the office on the effective date
24 of this paragraph is transferred to the department and all materials submitted to or

1 actions taken by the office with respect to the pending matter are considered as
2 having been submitted to or taken by the department.

3 (h) *Department of administration to arbitrate disputes.* In the case of
4 disagreement between the secretary of transportation and the commissioner of
5 railroads with respect to any matter specified in paragraph (d), (e), (f) or (g), the
6 department of administration shall determine the matter and shall develop a plan
7 for an orderly transfer.”.

8 **187.** Page 2436, line 5: after that line insert:

9 “(1g) RAILROAD REGULATION. In the schedule under section 20.005 (3) of the
10 statutes for the appropriation to the department of transportation under section
11 20.395 (3) (iq) of the statutes, as affected by the acts of 1995, the dollar amount is
12 increased by \$170,700 for fiscal year 1996–97 to reflect the transfer of the regulation
13 of railroads from the office of the commissioner of railroads to the department of
14 transportation.”.

15 **188.** Page 2439, line 12: delete “amendment” and substitute “treatment”.

16 **189.** Page 2439, line 13: delete “, as affected by this act,”.

17 **190.** Page 2450, line 1: delete lines 1 to 3.

18 **191.** Page 2454, line 14: delete lines 14 to 21.

19 **192.** Page 2455, line 18: delete lines 18 to 20.

20 **193.** Page 2458, line 7: after the 2nd comma insert “20.505 (4) (h) (by SECTION
1074)”.

21 **194.** Page 2458, line 24: delete “(m)” and substitute “(h)”.

1 **195.** Page 2459, line 1: delete the material beginning with “and” and ending
with “take” and substitute “takes”.

2 **196.** Page 2459, line 6: delete lines 6 to 17.

3 **197.** Page 2460, line 20: delete the material beginning with that line and
ending with page 2461, line 13.

4 **198.** Page 2476, line 18: delete lines 18 to 21.

5 **199.** Page 2482, line 17: delete lines 17 to 20.

6 **200.** Page 2483, line 8: after that line insert:

7 “(1g) ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS. The treatment of
8 sections 15.03, 15.06 (1) (ar), 15.795, 20.155 (intro.) and (2), 20.395 (3), (iq), (iv) and
9 (ix), 20.923 (4) (e) 11., 25.40 (1) (a) 12. and (2) (b) 2e., 26.20 (3) and (10), 30.33 (1) and
10 (2), 66.06 (2), 66.94 (30) (a), 84.05, 85.013 (3), 86.12 (2), 86.13 (3), 88.66 (2), 88.87 (4),
11 88.88 (2), 184.01 (1), 184.10 (3), 190.001 (1) and (2), 190.02 (6) and (9) (c), 190.03,
12 190.13, 190.16 (4) (a), (b) and (c) and (5), 191.001 (1), 191.01 (2), 191.03, 191.05,
13 191.07, 191.09, 191.10 (title), (1), (2) and (3), 191.11, 191.13 (2), 191.16, 191.17,
14 191.19 (1) and (3), 191.20, 191.21, 192.001 (1r) and (2), 192.14 (10) and (12), 192.15
15 (14), 192.27 (1), 192.29 (1), (2), (4) and (5), 192.31 (1), (2), (4) and (5), 192.324, 192.327
16 (3), (4), (5), (6) and (7), 192.33 (5), 192.34, 192.47, 192.52 (3), (4) and (5), 192.53 (4),
17 (5) and (6), 192.55 (5), 192.56 (1), (2), (3), (5) and (6), 195.001 (1r), (2) and (3), 195.03
18 (title), (1), (2), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (25), (28)
19 and (29), 195.04, 195.041, 195.042, 195.043, 195.044, 195.045, 195.046, 195.047,
20 195.05, 195.055, 195.06, 195.07 (1) and (2), 195.08, 195.09, 195.10, 195.11, 195.12,
21 195.13, 195.14, 195.15, 195.16, 195.17, 195.19 (1) and (3), 195.20, 195.21, 195.26,
22 195.27, 195.28 (1), (3) and (4), 195.285 (1), (2) and (3), 195.286 (2), (3), (5) and (8),

1 195.29 (1), (2), (3), (4), (5), (6), (7), (9) and (10), 195.295, 195.30 (1), 195.305, 195.31,
2 195.32, 195.325, 195.33, 195.34, 195.36, 195.37, 195.38, 195.45 (1), (2) and (4), 195.50
3 (1), 195.60 (title), (1), (2), (3), (4) (a), (b), (c) and (d), (5), (6) and (7) (intro.), (a) and (b),
4 197.10 (4), 226.025 (3), 227.01 (13) (s), 227.43 (1) (bk) and (5), 227.46 (2m) and (3)
5 (intro.), 346.45 (3) (d), and 945.06 and chapter 189 of the statutes and SECTION 9146
6 (1m) (b), (c) 1., 2., 3., 4. and 5., (d), (e), (f) and (g) of this act take effect on July 1, 1996.”.

7 **201.** Page 2485, line 21: delete “tions 20.425 (1) (ka) and 20.488 (1) (ka)” and
substitute “tion 20.425 (1) (ka)”.

8 **202.** Page 2485, line 21: substitute “and” for the comma.

9 **203.** Page 2485, line 22: delete that line and substitute: “section 20.505 (4)
(kb) of the”.

10

(END)