

1 shall be collected by the dealer from the special fuel user and shall be paid
2 to the department. The tax, with respect to special fuel acquired by any
3 special fuel user other than by delivery by a special fuel dealer into a fuel
4 supply tank of a motor vehicle, attaches at the time of the use of the fuel
5 and shall be paid to the department by the user. The department may permit
6 any supplier of special fuel to report and pay to the department the tax on
7 special fuel delivered into the storage facility of a special fuel user or
8 retailer which will be consumed for special fuel tax purposes or sold at
9 retail.

10 ••87b1354/1 •• 87b1751/en••SECTION 1606r. 78.405 of the statutes is
11 amended to read:

12 78.405 ANNUAL ADJUSTMENT OF TAX RATE. Beginning in 1985 In 1985 to 1987,
13 on or before April 1, and in 1989 and thereafter on or before July 1, the
14 department shall adjust and publish the rate in s. 78.40 using the calcula-
15 tions under s. 78.015. The adjusted rate is effective in 1985 to 1987 on the
16 April 1, and in 1989 and thereafter on the July 1, after it is calculated.

17 ••87-2428/1••SECTION 1607m. 78.407 of the statutes is created to read:

18 78.407 ADJUSTMENT IN 1987. On August 1, 1987, the rate of the tax
19 imposed under s. 78.40 (1), after the adjustment for that year under s.
20 78.405, shall be increased by 2 cents per gallon.

21 ••87-2246/2••SECTION 1608m. 78.73 (1) (d) of the statutes is amended to
22 read:

23 78.73 (1) (d) Uses a false or fictitious name or gives a false or ficti-
24 tious address in any application or form required by this chapter or s.
25 341.45, or otherwise commits a fraud in any application, record, report or
26 claim for refund;

27 ••87-2246/2••SECTION 1609m. 78.73 (4) of the statutes is amended to read:

1 78.73 (4) FAILURE TO REPORT OR PAY. Any person who fails or refuses to
2 make a report or payment as provided in this chapter or s. 341.45 shall be
3 fined not more than \$5,000 or imprisoned in the county jail for not more than
4 one year or both.

5 ••87b1355/1 •• 87b1751/en•SECTION 1609s. 78.75 (1) (a) 1 of the statutes
6 is amended to read:

7 78.75 (1) (a) 1. Except as provided under subs. 2 and 2m, a person who
8 uses motor fuel or special fuel, upon which has been paid the tax required
9 under this chapter, for the purpose of operating a taxicab for the trans-
10 portation of passengers, for the purpose of transporting elementary or secon-
11 dary school pupils, if the person who has paid the tax is a school bus con-
12 tractor or a public or private school, or for any purpose other than operating
13 a motor vehicle upon the public highways, shall be reimbursed and repaid the
14 amount of the tax paid upon making and filing a claim with the department.

15 ••87b1355/1 •• 87b1751/en•SECTION 1609um. 78.75 (1) (c) of the statutes
16 is amended to read:

17 78.75 (1) (c) The seller, upon request, shall furnish each purchaser with
18 the original invoice prepared at the time of delivery, and the purchaser shall
19 send such original invoice to the department when making claim for refund.
20 The term "original invoice", as used herein, means the top copy and not a
21 duplicate original or carbon copy of the original invoice. The original
22 invoice shall be printed or rubber stamped with the words "Original Invoice"
23 and shall in addition contain the following information: ~~1-~~ date of sale, ~~2-~~
24 name and address of seller, ~~3-~~ name and address of purchaser (which name must
25 be the name of the claimant), ~~4-~~ number of gallons purchased and the price per
26 gallon, ~~5-~~ amount of Wisconsin motor fuel or special fuel tax paid as a sep-
27 arate item, ~~6-~~ and receipt for payment. Double-faced carbon paper shall be
28 used between the original invoice and the first carbon copy unless such

1 invoice is upon a special paper or product approved in advance by the depart-
2 ment as affording protection equivalent to double-faced carbon paper. A sep-
3 arate original invoice must be used for each sale and delivery. The original
4 invoice shall be legibly written and shall comply with the foregoing
5 requirements. The claim shall state whether or not the applicant owns an
6 automobile or truck or any other motor-driven machinery or appliance which
7 consumes motor fuel or special fuel; the total number of gallons of motor fuel
8 or special fuel purchased; the number of gallons of such motor fuel or special
9 fuel purchased on which refund is claimed; a detailed statement of the con-
10 sumption of such motor fuel or special fuel on which refund is claimed,
11 describing the machinery, equipment or appliance in which consumed, giving the
12 serial or manufacturer's number of the motor and the approximate number of
13 gallons consumed in each; or if such fuel were not consumed in any such
14 machinery, equipment or appliance, then a description of the purposes for
15 which the fuel was consumed with the approximate number of gallons consumed
16 for each purpose; a statement whether or not deduction has been made for motor
17 fuel or special fuel consumed in applicant's automobile ~~or~~, truck or other
18 motor-driven machinery or appliance; and such other information as the
19 department deems necessary.

20 ••87-2246/2••SECTION 1610m. 78.76 (title) of the statutes is renumbered
21 341.45 (title).

22 ••87-2246/2••SECTION 1611m. 78.76 (1) of the statutes is renumbered
23 341.45 (1g) and amended to read:

24 341.45 (1g) Every person who purchases or obtains motor fuel or special
25 fuel outside of this state and operates any motor vehicle into this state upon
26 the ~~public~~ highways of this state and transports motor fuel or special fuel in
27 the fuel supply tank or tanks attached or unattached to ~~said~~ the motor vehicle
28 for the sole purpose of operating ~~said~~ the vehicle, shall pay the Wisconsin

1 motor fuel or special fuel tax on the gallons consumed by ~~such~~ the motor
2 vehicle while operated on ~~Wisconsin public~~ the highways, except that this
3 section ~~shall~~ does not apply to any motor vehicle coming into this state with
4 a motor fuel or special fuel tank capacity not to exceed 20 gallons. Payment
5 of the tax shall be made by purchase of motor fuel or special fuel within
6 ~~Wisconsin~~ this state of such gallonage as is equivalent to the gallonage con-
7 sumed while operating ~~such~~ the motor vehicle on the ~~public~~ highways of
8 ~~Wisconsin~~ this state, or by direct remittance to the department. ~~If deemed~~
9 ~~necessary to determine the amount of tax due or to prevent tax evasion, the~~

10 (1m) (a) The department may require any ~~such~~ person required to pay under
11 sub. (1g) to report on forms prescribed by it, to display evidence of compli-
12 ance with sub. (1g) and to pay taxes in the same manner as is provided for
13 licensees. If specified by the department. The department shall require any
14 person is convicted of evading the tax due under this subsection, the depart-
15 ment shall require any such person sub. (1g) to report quarterly on forms and
16 in the manner prescribed by it, and to pay taxes in the same manner as is
17 provided for licensees the department.

18 (b) Every person required to make returns and pay the tax herein imposed
19 shall be under sub. (1g) is subject to all provisions of this chapter and all
20 finances and penalties herein imposed under ch. 78 for violations thereof of that
21 chapter. The department shall notify the department of revenue of violations
22 of sub. (1g) and this subsection and the department of revenue shall give
23 priority to the enforcement of sub. (1g) and this subsection.

24 ••87-2246/2••SECTION 1612m. 78.76 (2) and (3) of the statutes are renum-
25 bered 341.45 (2) and (3) and amended to read:

26 341.45 (2) Every person regularly or habitually operating motor vehicles
27 upon the ~~public~~ highways of any other state and using in ~~said~~ those motor
28 vehicles motor fuel or special fuel purchased or obtained in this state, shall

1 be allowed a credit or refund equal to the tax on ~~said~~ the motor fuel or spe-
2 cial fuel actually paid to the state in which it is used, but not to exceed
3 the tax imposed on ~~said~~ motor fuel or special fuel by this state, except that
4 this subsection ~~shall~~ does not apply to any motor vehicle going into ~~such~~ the
5 other state from this state with not to exceed 20 gallons of motor fuel or
6 special fuel in its tanks or with a motor fuel or special fuel tank capacity
7 not to exceed 20 gallons. No ~~such~~ credits or refund shall be allowed for
8 taxes paid to any state which imposes a tax upon motor fuel or special fuel
9 purchased or obtained in this state and used on the highways of such other
10 state, and which does not allow a similar credit or refund for the tax paid to
11 this state on motor fuel or special fuel purchased or acquired in ~~such~~ the
12 other state and used on highways of this state. Every person claiming a
13 credit or refund shall file a report in the form as is prescribed by the
14 department, together with the proof of the payment of the tax and of the fact
15 that it was paid on motor fuel or special fuel purchased or obtained within
16 this state that the department requires. If the report is not filed within 90
17 days after the tax is paid to the other state, no credit or refund may be
18 paid. Any such claimant not required so to do under sub. ~~(1)~~ (1m) shall make
19 and file returns in the same manner and containing the same information as
20 required by persons to whom sub. ~~(1)~~ (1m) is applicable. ~~This subsection~~
21 ~~shall supersede any provision of this chapter in conflict therewith.~~

22 (3) The department ~~is hereby empowered to~~ may enter into reciprocal
23 agreements with the appropriate officials of any other state under which it
24 may waive all or any part of the requirements imposed by this section upon
25 those who use motor fuel or special fuel upon which the tax has been paid to
26 ~~such other~~ another state, ~~provided that~~ if the officials of ~~such~~ the other
27 state grant equivalent privileges with respect to motor fuel or special fuel

1 used in ~~such other~~ that state but upon which the tax has been paid to
2 Wisconsin.

3 ••87-2246/2••SECTION 1613m. 78.79 of the statutes is amended to read:

4 78.79 (title) DUTY OF DEPARTMENT TO ENFORCE FUEL TAX PROVISIONS;
5 PROMULGATE RULES. The department shall enforce this chapter and those viola-
6 tions of s. 341.45 (1g) and (1m) which are reported to the department by the
7 department of transportation and see that all violations thereof are promptly
8 prosecuted, and that all moneys received by licensees and other persons and in
9 their hands as trust funds and due the state are recovered and collected. The
10 department may promulgate reasonable rules relating to the administration and
11 enforcement of this chapter, and rules to govern its proceedings and to regu-
12 late the mode and manner of all investigations and hearings. The department
13 shall consult and cooperate with the department of transportation in the
14 enforcement of s. 341.45 (1g) and (1m).

15 ••87b1057/1 •• 87b1226/2••SECTION 1613s. 78.80 (3) of the statutes is
16 amended to read:

17 78.80 (3) Section 71.11 (44) ~~(a) and (c)~~ to (h), relating to confidenti-
18 ality of income and gift tax returns, applies to any information obtained from
19 any person on a motor fuel, general aviation fuel or special fuel tax return,
20 report, schedule, exhibit or other document or from an audit report pertaining
21 to the same.

22 ••87-2305/4••SECTION 1621. 79.015 (1) of the statutes, as affected by
23 1985 Wisconsin Act 29, is renumbered 79.015 and amended to read:

24 79.015 STATEMENT OF ESTIMATED PAYMENTS. The department of revenue, on or
25 before September 15 of 1985 and 1986, ~~and on or before December 1~~ of each year
26 ~~beginning with 1987~~, shall provide to each municipality and county a statement
27 of estimated payments to be made in the next calendar year to the municipality
28 or county under ss. 79.03, 79.04 and 79.06. ~~The municipality or county shall~~

1 ~~not consider the anticipated receipt of these entitlements in determining the~~
2 ~~tax rate of the municipality or county.~~

3 ••87-2305/4••SECTION 1622. 79.015 (2) of the statutes, as created by 1985
4 Wisconsin Act 29, is repealed.

5 ••87b0465/1••SECTION 1622g. 79.02 (1) of the statutes is amended to read:
6 79.02 (1) The department of administration, upon certification by the
7 department of revenue, shall distribute shared revenue payments to each
8 municipality and county on the 4th Monday in July, ~~the 3rd Monday in September~~
9 and the 3rd Monday in November.

10 ••87b0465/1••SECTION 1622gm. 79.02 (1) of the statutes, as affected by
11 1985 Wisconsin Act 29 and 1987 Wisconsin Act (this act), is repealed and
12 recreated to read:

13 79.02 (1) The department of administration, upon certification by the
14 department of revenue, shall distribute shared revenue payments to each
15 municipality and county on the 4th Monday in July and the 3rd Monday in
16 November.

17 ••87b0502/2••SECTION 1622m. 79.02 (2) of the statutes, as affected by
18 1985 Wisconsin Act 29, is amended to read:

19 79.02 (2) (a) In this subsection, "entitlements estimated payments" means
20 the amounts in the statement provided to the county or municipality under s.
21 79.015 (2).

22 (b) Payments in July shall equal 15% of the municipality's or county's
23 entitlements estimated payments.

24 ••87b0502/2••SECTION 1622p. 79.02 (3) of the statutes, as affected by
25 1985 Wisconsin Act 29, is amended to read:

26 79.02 (3) Payments to each municipality and county in November shall
27 equal that municipality's or county's entitlements entitlement to shared

1 revenues under ss. 79.03, 79.04 and 79.06 for the current year, minus the
2 amount distributed to the municipality or county in July.

3 ••87b0502/2••SECTION 1622t. 79.02 (4) of the statutes, as created by 1985
4 Wisconsin Act 29, is repealed.

5 ••87-1994/5••SECTION 1624. 79.03 (3) (b) 4. (intro.) and a of the stat-
6 utes are amended to read:

7 79.03 (3) (b) 4. (intro.) "Local purpose revenues" means the sum of the
8 following: local general purpose taxes; ² regulation revenues, except liquor
9 and malt beverage licenses, business and occupational licenses and cable
10 television licenses; revenues for services to private parties by a county's or
11 municipality's general operations or enterprises, except services by
12 hospitals, nursing and rest homes, mass transit systems, urban development and
13 housing agencies, liquor stores, cemeteries, and electric, gas and water
14 utilities and, except judicial service fees and court costs, register of deeds
15 fees, board paid for prisoners at county jails, fees for mental health,
16 developmental disability and alcohol and drug abuse services provided under
17 ss. 51.42 and 51.437, welfare repayments by individuals, other health and
18 social services fees, fees from older American projects, revenues from the
19 sale of highway materials and services, revenues from the operation of vessels
20 under s. 30.38 (8) (b) 3, snow, ice and weed control revenues, airport
21 revenues, fairs and exhibits, auditoriums, stadiums and celebration revenues,
22 forestry fees, and sewer revenues from private parties outside the
23 municipality; revenue for sanitation services to private parties collected by
24 sewerage, sanitation or inland lake rehabilitation districts; ¹ special
25 assessment revenues, or in the case of enterprises, those special assessment
26 revenues that are transferred to the municipality and county for general
27 operations; tax base equalization aids; and, for municipalities only, a proxy
28 for private sewer service costs. Taxes and revenues of sewerage, sanitation

1 ~~and inland lake rehabilitation districts that are local purpose revenues shall~~
2 ~~be allocated to municipalities in proportion to the amount of revenue that is~~
3 ~~derived from within the municipality. In this subdivision:~~

4 a. "Local general purpose taxes" means, ~~for the calculation of local~~
5 ~~purpose revenues for 1983 to 1987, the portion of tax increments collected for~~
6 ~~payment to a municipality under s. 66.46 which is attributable to that~~
7 ~~municipality's own levy, general property taxes collected to finance the gen-~~
8 ~~eral purpose government unit, property taxes collected for sewage and sanitary~~
9 ~~districts, mobile home fees, the proceeds of county sales and use taxes and~~
10 ~~municipal and county vehicle registration fees under s. 341.35 (1). "Local~~
11 ~~general purpose taxes" means, for the calculation of local purpose revenues~~
12 ~~for 1988 and thereafter, the portion of tax increments collected for payment~~
13 ~~to a municipality under s. 66.46 which is attributable to that municipality's~~
14 ~~own levy, general property taxes collected to finance the general purpose~~
15 ~~government unit, net of the credit determined under ss. 79.015 (2) (a) and (b)~~
16 ~~and 86.30 (10) (a) and (b) which was applied to tax bills, property taxes~~
17 ~~collected for sewage and sanitary districts, mobile home fees and municipal~~
18 ~~and county vehicle registration fees under s. 341.35 (1).~~

19 ••87-1994/5••SECTION 1625. 79.03 (3) (b) 4. c to e of the statutes are
20 amended to read:

21 79.03 (3) (b) 4. c. "Regulation revenues" means ~~revenue~~ revenues from
22 ~~local licenses and local~~ construction and building permits ~~except revenues~~
23 ~~expressly excluded under this subdivision and zoning fees.~~

24 d. "Revenue for sanitation services to private parties" means revenues
25 collected from private parties by a county's or municipality's general oper-
26 ations or enterprises and by sewerage, sanitation or inland lake rehabilita-
27 tion districts as refuse collection fees, sewerage service fees and landfill
28 fees.

1 e. "Revenues for services to private parties by a county's or
2 municipality's general ~~operation~~ operations or enterprises" means those reve-
3 nues collected from private parties for the following services provided,
4 ~~including but not limited to:~~ general government services such as consisting
5 of license publication fees, sale of publications, clerk's fees, ~~zoning fees~~
6 and treasurer's fees; public safety services such as ~~copies of accident~~
7 ~~reports,~~ consisting of police or sheriff's department fees, fire department
8 fees and ambulance fees and ~~fire calls;~~ inspection services such as, consist-
9 ing of building, electrical, heat, plumbing, elevator and weights and
10 measures; ~~health and social services such as public health dispensary~~
11 ~~services;~~ ~~transportation services such as~~ sidewalk replacement or construction
12 fees, storm sewer construction fees, street lighting fees; parking ramps and,
13 meters, ~~and dock and harbor fees;~~ sanitation services such as refuse collec-
14 tion fees, sewage fees and landfill fees; leisure activity services such as
15 and lot fees, except that fees collected from a parking ramp or lot funded
16 under s. 23.09 (25) (e) are excluded until the county or municipality has
17 foregone total payments under this section and s. 79.06 in an amount equal to
18 the funds received under s. 23.09 (25) (e) for the parking ramp or lot;
19 library fines or fees; and museum, and zoo, ~~golf, swimming pool and ice arena~~
20 users or admission fees; ~~conservation and development of natural resources~~
21 ~~services such as park use fees; except those services expressly excluded under~~
22 ~~this subdivision.~~

23 ••87-1994/5••SECTION 1626. 79.03 (3) (b) 4. g of the statutes is amended
24 to read:

25 79.03 (3) (b) 4. g. "Tax base equalization aids" means payments received
26 under par. (a) and s. 70.996 (1m) (c), 1977 stats. and 1979 stats., s. 79.03
27 (3), 1977 stats. and 1979 stats., and s. 79.16 (3), 1977 stats. and 1979
28 stats. For the calculation of 1982 local purpose revenues, "tax base equal-

1 ization aids" means payments that would have been received under par. (a) if
2 \$471,395,500 had been distributed under par. (a) plus payments received under
3 s. 70.996 (1m) (c), 1977 stats. and 1979 stats., s. 79.03 (3), 1977 stats. and
4 1979 stats., and s. 79.16 (3), 1977 stats. and 1979 stats. For the calcu-
5 lation of local purpose revenues for 1983 and thereafter, "tax base equaliza-
6 tion aids" means ~~payments~~ entitlements received under par. (a).

7 ••87-1994/5••SECTION 1627. 79.03 (3) (b) 4. h of the statutes is created
8 to read:

9 79.03 (3) (b) 4. h. Taxes and revenues of sewerage, sanitation and inland
10 lake rehabilitation districts that are local purpose revenues shall be allo-
11 cated to municipalities in proportion to the amount of revenue that is derived
12 from within the municipality.

13 ••87b0476/2••SECTION 1627m. 79.03 (3) (b) 6 of the statutes is amended to
14 read:

15 79.03 (3) (b) 6. "Standardized valuation per person" is that number,
16 ~~rounded to the nearest hundred,~~ that when used in the computation under par.
17 (a) most nearly approximates the sum of entitlements for all municipalities
18 and all counties to the funds distributable under par. (a).

19 ••87-1994/5••SECTION 1628. 79.03 (3) (b) 7 of the statutes is amended to
20 read:

21 79.03 (3) (b) 7. "Sum of local purpose revenues" ~~for those municipalities~~
22 ~~and counties whose fiscal year ends in the period July 1 to December 31~~ means
23 the sum of local purpose revenues for the 3 fiscal years ending 2 years prior
24 to the year of distribution. "Sum of local purpose revenues" ~~for municipal-~~
25 ~~ities and counties whose fiscal year ends in the period January 1 to June 30~~
26 ~~means the sum of local purpose revenues for the 3 fiscal years ending one year~~
27 ~~prior to the year of distribution~~ For the purpose of this subdivision, local

1 purpose revenues for any fiscal year before 1988 shall be defined according to
2 subd. 4, 1985 stats.

3 ••87-1994/5••SECTION 1629. 79.03 (4) of the statutes is amended to read:
4 79.03 (4) ~~In 1985, the total amount to be distributed under this sub-~~
5 ~~chapter from the appropriation under s. 20.835 (1) (d) is \$759,360,000. In~~
6 ~~1986, the total amount to be distributed under this subchapter from the~~
7 ~~appropriation under s. 20.835 (1) (d) is \$779,360,000. In 1987, the total~~
8 ~~amount to be distributed under this subchapter from the appropriation under s.~~
9 ~~20.835 (1) (d) is \$779,360,000. In 1988 and thereafter, the total amount to~~
10 ~~be distributed under this subchapter from the appropriation under s. 20.835~~
11 ~~(1) (d) is \$791,360,000.~~

12 ••87b0891/1 •• 87b1226/2••SECTION 1629b. 79.04 (1) (intro.) of the stat-
13 utes is amended to read:

14 79.04 (1) (intro.) Annually the department of administration, upon
15 certification by the department of revenue, shall distribute to a municipality
16 having within its boundaries a production plant or a general structure,
17 including production plants and general structures under construction, used by
18 a light, heat or power company assessed under s. 76.28 (2) except those de-
19 scribed in s. 66.069 (2) or by an electric cooperative ~~association~~ assessed
20 under ss. 76.07 and 76.48, respectively, the following amounts, except that no
21 distribution shall be made for a production plant if the municipality received
22 a distribution under sub. (3), pertaining to the same production plant:

23 ••87b0509/1••SECTION 1629h. 79.04 (2) (a) of the statutes is amended to
24 read:

25 79.04 (2) (a) Annually, the department of administration, upon certifi-
26 cation by the department of revenue shall distribute from the shared revenue
27 account to any county having within its boundaries a production plant or a
28 general structure, including production plants and general structures under

1 construction, used by a light, heat or power company assessed under s. 76.28
2 (2) except those described in s. 66.069 (2) or by an electric cooperative
3 association assessed under ss. 76.07 and 76.48, respectively, an amount
4 determined by multiplying by 6 mills the first \$100,000,000 of the amount
5 shown in the account, plus leased property, of each public utility on December
6 31 of the preceding year for either "production plant, exclusive of land" and
7 "general structures", or "work in progress" for production plants and general
8 structures under construction, in the case of light, heat and power companies
9 or electric cooperatives, for all property within a town in accordance with
10 the system of accounts established by the public service commission or rural
11 electrification administration, less depreciation thereon as determined by the
12 department of revenue and less the value of treatment plant and pollution
13 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the
14 department of revenue and by multiplying by 3 mills the first \$100,000,000 of
15 the amount as defined in this subsection for all property within a city or
16 village. Amounts from the accounts, plus leased property, for production
17 plants for which sub. (3) distributions pertain, shall be excluded in comput-
18 ing the distribution under this subsection. The total of amounts, as
19 depreciated, from the accounts of all public utilities for the same production
20 plant is also limited to not more than \$100,000,000. The amount distributable
21 to a county in any year shall not exceed \$100 times the population of the
22 county.

23 ••87b0502/2••SECTION 1629pm. 79.08 (1) of the statutes, as created by
24 1985 Wisconsin Act 29, is repealed.

25 ••87b0502/2••SECTION 1629pr. 79.08 (2) of the statutes, as affected by
26 1985 Wisconsin Act 29, is renumbered 79.08.

27 ••87-2305/4••SECTION 1630. 79.10 (1) (c) of the statutes, as created by
28 1985 Wisconsin Act 29, is amended to read:

1 79.10 (1) (c) "General government levies" means the total of all general
2 property taxes levied in a municipality, including value increments under s.
3 66.46 but excluding school tax levies, net of municipal surplus funds applied
4 against those levies, ~~and minus credits applied under ss. 79.015 (2) and 86.30~~
5 ~~(10)~~.

6 ••87-2305/4••SECTION 1632. 79.10 (1) (e) of the statutes, as created by
7 1985 Wisconsin Act 29, is amended to read:

8 79.10 (1) (e) "School tax levies" means property taxes levied in a
9 municipality for elementary and secondary school districts and for handicapped
10 children's education programs under s. 115.86, net of municipal surplus funds
11 applied against those levies, ~~and minus credits applied under s. 121.008 (6)~~.

12 ••87-2304/4••SECTION 1634. 79.10 (2) of the statutes is amended to read:

13 79.10 (2) NOTICE TO MUNICIPALITIES. On or before December 1 of the year
14 preceding the distribution under sub. (7m), the department of revenue shall
15 notify the clerk of each town, village and city of the amount to be distrib-
16 uted to it under sub. (7m) on the following ~~first Monday in March and on the~~
17 ~~following~~ 4th Monday in July. The anticipated receipt of such distribution
18 shall not be taken into consideration in determining the tax rate of the
19 municipality but shall be applied as tax credits.

20 ••87-2304/4••SECTION 1635. 79.10 (3) of the statutes is repealed.

21 ••87-2304/4••SECTION 1636. 79.10 (3m) of the statutes is repealed.

22 ••87b1205/1 •• 87b1226/2••SECTION 1637. 79.10 (6) of the statutes is
23 amended to read:

24 79.10 (6) TOTAL DISTRIBUTION. ~~The total amount to be distributed under~~
25 ~~subs. (4) and (5) in 1986 is \$304,100,000.~~ In 1987 and thereafter, the total
26 amount distributed under subs. (4) and (5) from the appropriations under s.
27 20.835 (3) (a) and (b) ~~shall increase over the total amount distributed in the~~
28 ~~previous year under those appropriations by 5% is \$319,305,000.~~ On or before

1 November 15 of each year, the department of revenue shall determine the
2 amounts to be distributed in the following year under subs. (4) and (5).
3 Those amounts shall be proportionate to the sum of average school tax levies
4 and the sum of average general government levies.

5 ••87-2304/4••SECTION 1638. 79.10 (7m) (a) and (b) of the statutes are
6 repealed.

7 ••87-2304/4••SECTION 1639. 79.10 (7m) (c) of the statutes is renumbered
8 79.10 (7m) and amended to read:

9 79.10 (7m) DISTRIBUTION TO MUNICIPALITIES. On the 4th Monday in July,
10 commencing in 1987, the amount appropriated under s. 20.835 (3) (a) and (b)
11 shall be distributed by the department of administration to towns, villages
12 and cities as determined under subs. (4) and (5) and s. 79.105. The town,
13 village or city treasurer shall settle for the amounts distributed under subs.
14 (4) and (5) and s. 79.105 with the appropriate county treasurer on the next
15 regular settlement date under s. 74.03 (5) or with the appropriate treasurers
16 of each taxing jurisdiction on the next regular settlement date under s.
17 74.031 (8) following the town's, village's or city's receipt of those amounts,
18 but that settlement may not be made later than August 15. Failure to settle
19 timely under this ~~subsection~~ section subjects the town, village or city trea-
20 surer to the penalties under s. 74.22. On or before August 20, the county
21 treasurer shall use the amounts distributed under subs. (4) and (5) and s.
22 79.105 to settle with each taxing jurisdiction, including towns, villages and
23 cities except 1st class cities and except taxing jurisdictions settling under
24 s. 74.031, in the county.

25 ••87-2305/4••SECTION 1641. 79.10 (9) (a) of the statutes, as created by
26 1985 Wisconsin Act 29, is repealed.

27 ••87-2305/4••SECTION 1642. 79.10 (9) (b) of the statutes, as affected by
28 1985 Wisconsin Act 29, is amended to read:

1 79.10 (9) (b) Every property taxpayer of the municipality having assessed
2 property shall receive a tax credit in an amount determined by applying the
3 percentage of the amount of the value of property assessed to the taxpayer to
4 the amount of the ~~credits allocated~~ distribution to be made to the municipal-
5 ity under sub. (7m), as stated in the December 1 notification ~~under par. (a)~~
6 from the department of revenue, ~~except that credits shall be allocated only to~~
7 ~~those portions of the municipality that are located in the taxing jurisdiction~~
8 ~~upon which the payments are based and except that no taxpayer may receive a~~
9 credit larger than the total amount of property taxes to be paid on each
10 parcel for which tax is levied for that year by that taxpayer and ~~except that~~
11 ~~credit amounts shall be reduced to reflect adjustments specified in ss. 79.02~~
12 ~~(4) (b), 86.30 (11) and 121.008 (3) and pars. (f), (g) and (h).~~

13 ••87-2305/4••SECTION 1643. 79.10 (9) (d) to (i) of the statutes, as
14 created by 1985 Wisconsin Act 29, are repealed.

15 ••87-2305/4••SECTION 1644. 79.18 of the statutes, as affected by 1985
16 Wisconsin Act 29, is amended to read:

17 79.18 UNDERPAYMENT OF CREDITS. If the credit under s. 79.10 or under s.
18 79.17, 1979 stats., was understated, the treasurer shall pay ~~such~~ the taxpayer
19 the amount of the understatement if the tax has been paid in full. If the tax
20 has not been paid in full the clerk shall issue an order check to the trea-
21 surer then in possession of the tax roll who shall apply such amount as pay-
22 ment on the taxes due. The next December 1 certification under s. 79.10 ~~(9)~~
23 ~~(a)~~ (2) or under s. 79.17 (3), 1979 stats., shall be reduced by the clerk for
24 such payments or credits and the balance then remaining shall be distributed
25 in accordance with s. 79.10 (9) (b) if the underpayment occurred under s.
26 79.10 or under s. 79.17 (3) (b), 1979 stats., if the underpayment occurred
27 under s. 79.17, 1979 stats.

1 ••87-2252/1••SECTION 1644m. 83.015 (2) (b) of the statutes is amended to
2 read:

3 83.015 (2) (b) In any county with a highway commissioner appointed under
4 s. 83.01 (1) (b) or (c), the county highway committee shall be only a
5 policymaking body determining the broad outlines and principles governing
6 administration and the county highway commissioner shall have the administra-
7 tive powers and duties prescribed for the county highway committee under par.
8 (a), sub. (3) (a) and ss. 27.065 (4) (b) and (13), 32.05 (1) (a), 81.38 (1),
9 (3) and (4), 83.01 (6), 83.013, 83.018, 83.025 (1) and (3), 83.026, 83.035,
10 83.04, 83.05 (1), 83.07 to 83.09, 83.12, 83.14 (6), 83.17, 83.18, 83.42 (3)
11 and (4), 84.01 (5), ~~84.03 (3) (e)~~, 84.06 (3), 84.07 (1) and (2), 84.09 (1),
12 (3) (a) to (c) and (4), 84.10, 86.04 (1) and (2), 86.07 (2), 86.19 (3), 86.34
13 (1), 114.33 (5), 349.07 (2), 349.11 (4) and (10) and 349.15 (2). No statutory
14 power, duty or function specified elsewhere for the county highway commis-
15 sioner may be deemed impliedly repealed for the sole reason that reference to
16 it has been omitted in this paragraph.

17 ••87b0502/2••SECTION 1654e. 84.01 (16) (a) of the statutes is renumbered
18 84.01 (16) and amended to read:

19 84.01 (16) NOTICE OF COUNTY TRANSPORTATION AID. Annually, not later than
20 June 30, the department shall notify each county clerk of the estimated
21 transportation aid to the county for the following calendar year. ~~The esti-~~
22 ~~mate of aid shall not include the amount of local transportation aids under s.~~
23 ~~86.30 for the following calendar year.~~

24 ••87b0502/2••SECTION 1654m. 84.01 (16) (b) of the statutes is repealed.

25 ••87b0502/2••SECTION 1654s. 84.01 (16m) of the statutes is repealed.

26 ••87-2252/1••SECTION 1654uc. 84.01 (18) of the statutes is repealed.

27 ••87-2252/1••SECTION 1654ug. 84.01 (27) of the statutes is amended to
28 read:

1 84.01 (27) URBAN MASS TRANSIT SYSTEMS. ~~To encourage the development,~~
2 ~~improvement and use of public mass transportation systems operating motor~~
3 ~~vehicles on highways and to encourage the use of car pool vehicles, as defined~~
4 ~~in s. 340.01 (6r), but not motorcycles, for the transportation of passengers~~
5 ~~within urbanized areas so as to increase traffic capacity, the department may,~~
6 ~~from funds available under s. 84.03 (3) and with county approval, acquire,~~
7 ~~construct, reconstruct and maintain lands and facilities for the development,~~
8 ~~improvement and use of public mass transportation systems or car pool vehicles~~
9 ~~for the transportation of passengers within urbanized areas in this state.~~

10 The department may encourage generally and provide, without limitation by
11 enumeration, for the construction of exclusive or preferential bus lanes,
12 highway control devices, bus passenger loading areas and terminal facilities,
13 including shelters, fringe and corridor parking facilities to serve bus, car
14 pool and other public mass transportation passengers and, with the approval of
15 the local authority charged with the maintenance of the highway facility,
16 preferential lanes for car pool vehicles. All moneys granted or allotted to
17 this state as federal aid for the purposes specified in this subsection shall
18 be expended by the department in accordance with the act of congress relating
19 to such federal aid funds.

20 ••87b0863/1 •• 87b1226/2••SECTION 1654uL. 84.01 (29) of the statutes is
21 created to read:

22 84.01 (29) HIGHWAY PAINT. Upon promulgation of rules under s. 144.40 (3)
23 (d), the department shall only use, in the volatile organic compound accommo-
24 dation area, as defined in s. 144.30 (25), or furnish under s. 349.08 for use
25 in the volatile organic compound accommodation area, highway paint which com-
26 plies with the requirements of the rules.

27 ••87a1016/1••SECTION 1654un. 84.013 (1) (a) 2. b of the statutes is
28 amended to read:

1 84.013 (1) (a) 2. b. Adding one or more lanes ~~4~~ 5 miles or more in
2 length to the existing highway.

3 ••87-2252/1••SECTION 1654up. 84.013 (2) (a) and (b) of the statutes are
4 amended to read:

5 84.013 (2) (a) Major highway projects shall be funded from the appropri-
6 ations under ss. 20.395 (3) ~~(aq)~~, (bq) to (bx) and (gq) to (gx) and (4) (jq)
7 and 20.866 (2) (ur) to (uu).

8 (b) Reconditioning, reconstruction and resurfacing of highways shall be
9 funded from the appropriations under s. 20.395 (3) ~~(aq)~~, (cq) to (cx) and (gq)
10 to (gx).

11 ••87-2239/1••SECTION 1654us. 84.013 (3) (em) of the statutes is created
12 to read:

13 84.013 (3) (em) USH 45 between USH 41 and CTH "D", designated as the West
14 Bend bypass 2nd roadway, in Washington county.

15 ••87a1019/1••SECTION 1654uw. 84.013 (3) (vc) to (x) of the statutes are
16 created to read:

17 84.013 (3) (vc) USH 8 extending easterly 6.5 miles from the junction with
18 STH 47 in the city of Rhinelander, designated as the Rhinelander beltline, in
19 Oneida county.

20 (vg) USH 18/151 extending easterly 7 miles from the east terminus of the
21 Mt. Horeb bypass to the city of Verona in Dane county.

22 (vL) STH 29 between Hillcrest road and Maple avenue, designated as the
23 Shawano bypass, in Shawano county.

24 (vp) STH 31 extending southerly between STH 50 and the state line in
25 Kenosha county.

26 (vt) USH 45 extending 4.9 miles northerly and northwesterly between USH
27 45 one mile south of New London and USH 45 one mile north of New London,
28 designated as the New London bypass, in Outagamie county.

1 (vx) USH 51 between USH 8 and CTH "K" in Lincoln and Oneida counties.

2 (w) USH 151 between Sun Prairie and that portion of USH 151 designated as
3 the Columbus bypass, in Dane and Columbia counties.

4 ••87a1019/1•• (wg) A state trunk highway in the city of Milwaukee
5 extending from the southerly terminus of the Daniel Webster Hoan Memorial
6 bridge southerly approximately 3 miles on or adjacent to the Chicago and
7 Northwestern railroad right-of-way to the intersection with East Layton
8 avenue, designated as the Lake Arterial project, in Milwaukee county.

9 (wr) USH 53 extending approximately 7.4 miles between Solon Springs and
10 Hawthorne in Douglas county.

11 (x) USH 18 extending easterly 7.5 miles from Manhattan drive in Waukesha
12 county to the western Milwaukee county line.

13 ••87b1372/1 •• 87b1751/en••SECTION 1654uwg. 84.013 (3) (y) of the stat-
14 utes is created to read:

15 84.013 (3) (y) STH 124 between the I 94/USH 12 interchange and an inter-
16 change or intersection with USH 53, including construction of a bridge across
17 the Chippewa river, designated as the USH 12/North Crossing project in Eau
18 Claire county.

19 ••87b1359/3 •• 87b1751/en••SECTION 1654uwm. 84.013 (4) of the statutes is
20 renumbered 84.013 (4) (a).

21 ••87b1359/3 •• 87b1751/en••SECTION 1654uwp. 84.013 (5), (6) and (6m) of
22 the statutes are amended to read:

23 84.013 (5) Commencing with the 1985-87 biennial budget bill and bienni-
24 ally thereafter, the department shall request adjustments to the list of major
25 highway projects under sub. (3) as listed projects are completed, projects are
26 approved under sub. (6) and new projects are ready for construction. The
27 department shall submit the proposed biennial adjustments for major highway

1 ~~projects to the transportation projects commission for review and recommenda-~~
2 ~~tion as provided under s. 13.489 16.42.~~

3 (6) If following the enactment of the biennial budget bill the department
4 determines that a highway project which was initially planned or designed as a
5 reconditioning, reconstruction or resurfacing project is a major highway
6 project and is ready for construction, the department ~~shall submit the pro-~~
7 ~~posal for the specific project to the transportation projects commission for~~
8 ~~review and recommendation as provided under s. 13.489. After the transporta-~~
9 ~~tion projects commission has submitted its report on the project, the depart-~~
10 ~~ment~~ may request approval of the specific project as a major highway project
11 from the joint committee on finance. If the joint committee on finance
12 approves the project, the committee shall make such transfer of funds among
13 the highway appropriations as deemed necessary and the department may proceed
14 with construction.

15 (6m) Notwithstanding sub. (1) (a), if a highway improvement project
16 within the corporate limits of a city or village has a cost of more than
17 \$2,000,000, the city or village may, by resolution, petition the ~~transporta-~~
18 ~~tion projects commission to designate~~ department to request approval of the
19 project as a major highway project as approved under sub. (6). This subsec-
20 tion does not apply to a highway improvement project on a freeway within the
21 corporate limits of a city or village. The department may not construct a
22 highway improvement project ~~designated~~ under this subsection which is approved
23 as a major highway project by the ~~transportation projects commission under~~
24 ~~this subsection~~ joint committee on finance without specific authorization
25 under sub. (3).

26 ••87b2079/1••SECTION 1654uws. 84.013 (8) (b) of the statutes is amended
27 to read:

1 84.013 (8) (b) Nothing in par. (a) prohibits expenditure of state or
2 federal funds for maintenance ~~of~~, resurfacing ~~of~~, reconditioning or recon-
3 struction which does not result in additional lanes on that portion of STH 145
4 specified in par. (a). No business or residence may be relocated or displaced
5 in order to make an improvement or conduct maintenance permitted under this
6 paragraph.

7 ••87b1166/1 •• 87b1226/2••SECTION 1654vb. 84.013 (8m) of the statutes is
8 created to read:

9 84.013 (8m) Notwithstanding its enumeration as a major highway project
10 under sub. (3) (x), the department shall not proceed with construction of USH
11 18 between Manhattan drive in Waukesha county and the western Milwaukee county
12 line unless the department is satisfied that an appropriate contribution to
13 the cost of the project is provided from local funds. The department shall
14 determine the amount of the contribution from local funds required under this
15 subsection.

16 ••87-2252/1••SECTION 1654vk. 84.03 (3) of the statutes is repealed.

17 ••87b1357/1 •• 87b1751/en••SECTION 1654w. 84.06 (2) of the statutes is
18 amended to read:

19 84.06 (2) BIDS, CONTRACTS. All such highway improvements shall be exe-
20 cuted by contract based on bids unless the department finds that another
21 method as provided in sub. (3) or (4) would be more feasible and advantageous.
22 Bids shall be advertised for in the manner determined by the department.
23 Except as provided in ~~ss.~~ ss. 84.075 and 84.076, the contract shall be awarded
24 to the lowest competent and responsible bidder as determined by the
25 department. If the bid of the lowest competent bidder is determined by the
26 department to be in excess of the estimated reasonable value of the work or
27 not in the public interest, all bids may be rejected. The department shall,
28 so far as reasonable, follow uniform methods of advertising for bids and may

1 prescribe and require uniform forms of bids and contracts. The department
2 shall require each bid to specify the amount and cost of rubber recovered from
3 waste tires, as defined under s. 84.076 (1), that the bidder intends to use in
4 the highway improvement. The secretary shall enter into the contract on
5 behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75,
6 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528 and 16.754 apply to the
7 contract. Any such contract involving an expenditure of \$1,000 or more shall
8 not be valid until approved by the governor. The secretary may require the
9 attorney general to examine any contract and any bond submitted in connection
10 with the contract and report on its sufficiency of form and execution. The
11 bond required by s. 779.14 (1) (b) for any such contract involving an
12 expenditure of less than \$1,000 is exempt from approval by the governor and
13 shall be subject to approval by the secretary. This subsection also applies
14 to contracts with private contractors based on bids for maintenance under s.
15 84.07.

16 ••87b0248/2••SECTION 1654y. 84.075 (1) of the statutes, as affected by
17 1983 Wisconsin Act 390, is amended to read:

18 84.075 (1) In purchasing services under s. 84.01 (13), in awarding con-
19 struction contracts under s. 84.06 and in contracting with private contractors
20 and agencies under s. 84.07, the department shall attempt to ensure that 5% of
21 the total amount expended in each fiscal year is paid to contractors, subcon-
22 tractors and vendors which are minority businesses, as defined under s.
23 560.036 (1) ~~(em)~~ (e) 1. In attempting to meet this goal, the department may
24 award any contract to a minority business that submits a qualified responsible
25 bid that is no more than 5% higher than the low bid.

26 ••87b1357/1 •• 87b1751/en••SECTION 1654ym. 84.076 of the statutes is
27 created to read:

1 84.076 USE OF RECOVERED RUBBER. (1) In this section, "waste tire" means
2 a tire that is no longer suitable for its original purpose because of wear,
3 damage or defect.

4 (2) The department shall use or encourage the use of the maximum possible
5 amount of rubber recovered from waste tires as surfacing material, structural
6 material and fill for all highway improvements, as defined under s. 84.06 (1),
7 consistent with standard engineering practices. The department shall promul-
8 gate rules specifying the proportion of recovered rubber that may be used in
9 various types of highway improvements.

10 (3) In awarding construction contracts under s. 84.06 and in contracting
11 with private contractors and agencies under s. 84.07, the department may award
12 a contract to a qualified responsible bidder whose bid exceeds the lowest
13 competent and responsible bidder by no more than 5% of the cost submitted by
14 the lowest competent and responsible bidder, as specified under s. 84.06 (2),
15 if the following conditions are met:

16 (a) A qualified responsible bidder intends to use rubber recovered from
17 waste tires in the highway improvement.

18 (b) The cost of the rubber recovered from waste tires that the qualified
19 responsible bidder intends to use under par. (a) is greater than or equal to
20 the amount by which the cost of the bid of the qualified responsible bidder
21 exceeds the bid of the lowest competent and responsible bidder.

22 (4) (a) The secretary shall make a written request for a waiver from a
23 federal regulation or statute to the appropriate federal agency if sub. (3) is
24 found to be in conflict with that federal regulation or statute under any of
25 the following circumstances:

26 1. The department determines that sub. (3) is in conflict with a federal
27 regulation or statute.

1 2. A federal agency determines that sub. (3) is in conflict with a fed-
2 eral regulation or statute.

3 3. A court issues a final judgment that sub. (3) is in conflict with a
4 federal regulation or statute.

5 (b) The secretary shall also make a timely request to renew any waiver
6 that the department receives under this subsection.

7 ••87-2066/6••SECTION 1655. 84.185 of the statutes is created to read:

8 84.185 TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE AND DEVELOPMENT. (1)

9 DEFINITIONS. In this section:

10 (b) "Governing body" has the meaning specified in s. 560.60 (6).

11 (c) "Improvement" includes construction, reconstruction and the
12 activities, operations and processes incidental to building, fabricating or
13 bettering a transportation facility, but not maintenance.

14 (ce) "Job" has the meaning specified in s. 560.60 (10).

15 (cg) "Major economic development project" has the meaning specified in s.
16 560.60 (11).

17 (cm) "Political subdivision" has the meaning specified in s. 560.60 (13).

18 (d) "Transportation facility" means any of the following:

19 1. A highway as defined in s. 340.01 (22).

20 2. An airport as defined in s. 114.002 (7).

21 3. A harbor improvement as defined in s. 85.095 (1) (b).

22 4. Rail property consisting of an industrial lead, spur, team track
23 property or trackside intermodal transfer facility.

24 (2) APPROVAL OF IMPROVEMENTS. (a) The secretary may approve the
25 improvement of a transportation facility under this section when the improve-
26 ment is a component of a major economic development project, except that the
27 secretary may not approve the improvement of a private road or driveway, as
28 defined in s. 340.01 (46).

1 (b) The secretary may approve an improvement under this section only
2 after determining all of the following:

3 1. Whether the improvement is a justified transportation need. An
4 improvement qualifies as a justified transportation need only when the secre-
5 tary determines that the costs of the improvement are substantially balanced
6 by significant transportation benefits resulting from the improvement.

7 2. The cost of the improvement.

8 3. The ratio of the cost of the improvement per job created by the major
9 economic development project.

10 4. The number of jobs which the improvement will cause to be retained or
11 increased in the political subdivision.

12 5. The value of the contribution which the political subdivision will
13 make in the improvement.

14 6. The value of the expenditures required for local infrastructure
15 relating to the improvement.

16 7. The extent to which the improvement is compatible and complementary to
17 other transportation facilities and improvements in the political subdivision.

18 8. The extent to which the improvement meets the criteria specified under
19 s. 560.605 (1) (a) to (e) and (2) (a) to (d) for the awarding of grants or
20 loans for a project, as defined in s. 560.60 (14).

21 (c) In addition to making the determinations under par. (b), the secre-
22 tary shall give priority to achieving diversity in the areas of the state and
23 the size of the political subdivisions in which improvements made under this
24 section are located.

25 (4) RULES. The department shall promulgate rules establishing criteria
26 for making determinations under this section.

27 (6m) ADMINISTRATION. From the appropriations under s. 20.395 (2) (iq),
28 (iv) and (ix), upon the approval of the secretary under sub. (2), the depart-

1 ment may improve a transportation facility under sub. (1) (d) 1 to 3 or pro-
2 vide other assistance for the improvement of a transportation facility under
3 sub. (1) (d) 4.

4 (7m) AGREEMENTS. The department may enter into agreements with a gov-
5 erning body or private source, or both, respecting the financing of an
6 improvement under this section.

7 (8m) EXCEPTION. Nothing in this section prevents the improvement of a
8 transportation facility under other applicable provisions.

9 ••87-2247/4••SECTION 1660m. 84.59 (6) of the statutes is amended to read:

10 84.59 (6) Revenue obligations may be contracted by the building commis-
11 sion when it reasonably appears to the building commission that all obli-
12 gations incurred under this section can be fully paid from moneys received or
13 anticipated and pledged to be received on a timely basis. Revenue obligations
14 issued under this section shall not exceed ~~\$292,900,000~~ \$383,300,000 in prin-
15 cipal amount, excluding obligations issued to refund outstanding revenue
16 ~~obligation notes obligations~~. Not more than ~~\$248,200,000~~ \$324,700,000 of the
17 ~~\$292,900,000~~ \$383,300,000 may be used for transportation facilities under s.
18 84.01 (28) and major highway projects under ss. 84.06 and 84.09.

19 ••87b0824/3 •• 87b1226/2••SECTION 1660mb. 85.08 (4m) (d) of the statutes
20 is amended to read:

21 85.08 (4m) (d) Railroad rehabilitation and construction grants. The
22 department may make grants to eligible applicants for the purpose of reha-
23 bilitating or constructing rail property improvements. Construction shall be
24 limited to that which is required to continue rail service on a particular
25 line ~~or~~ to provide alternative rail service when a line has been abandoned or
26 to provide industry access to a line. A grant under this paragraph may be
27 composed of state funds, federal funds, state property, technical assistance,
28 or any combination of state funds, federal funds, state property and technical

1 assistance. The value of a grant may not exceed 80% of the costs of reha-
2 bilitation or construction. A grant may be made before or after abandonment
3 of a railroad line as defined in s. 85.09 (3). A grant made under this para-
4 graph shall be paid from the appropriation under s. 20.395 (2) (bq) or (bx).

5 ••87b1362/1 •• 87b1751/en••SECTION 1660mbm. 85.09 (5m) of the statutes is
6 created to read:

7 85.09 (5m) LESSEE'S RIGHT OF ACQUISITION. If the department determines
8 not to acquire abandoned rail property under sub. (4) and the department
9 issues a release of its first right to acquire the property under sub. (2),
10 then a person occupying the property under a lease, license or other permit
11 has the right to acquire the property at a fair market value as provided in
12 this subsection. The railroad shall send, by certified mail, a written offer
13 to sell the property at a fair market value price to the person so occupying
14 the property. The offer shall specify that the person to whom the offer is
15 extended must respond to the offer in writing, by certified mail, within 60
16 days after receiving the offer. If the railroad and the person occupying the
17 property disagree as to the price or other terms of the sale transaction,
18 including the amount, description or fair market value of the property, the
19 disagreement may be resolved by a commission of county condemnation commis-
20 sioners for the county in which the property is located, in the manner speci-
21 fied in s. 32.05 (9) to (12), to the extent applicable. Application to a
22 commission of county condemnation commissioners for resolution of a disagree-
23 ment as to the terms of the sale transaction shall be made within 60 days
24 after the date on which the person occupying the property sends to the
25 railroad, by certified mail, initial response to the offer to sell. If the
26 commission is requested to resolve a disagreement relating to the fair market
27 value of the property, the commission shall determine the fair market value in
28 part upon the basis of 3 independent appraisals. The railroad and the person

1 occupying the property shall each select one appraiser and pay for his or her
2 appraisal. The commission shall appoint a 3rd appraiser and shall divide the
3 costs of the 3rd appraisal equally between the railroad and the person occu-
4 pying the property. The person occupying the property may withdraw the offer
5 to purchase within 30 days of any final decision under s. 32.05 (9) to (12).
6 A decision of a commission which is not appealed within 60 days as provided in
7 s. 32.05 (10) is a final decision. This subsection applies to abandoned rail
8 property for which the department has not issued a release of its first right
9 of acquisition under sub. (2) on the effective date of this subsection
10 [revisor inserts date].

11 SECTION 1660mc. 85.095 (title) of the statutes is amended to read:

12 85.095 (title) HARBOR ASSISTANCE AND FERRY SERVICE ASSISTANCE PROGRAM.

13 SECTION 1660mg. 85.095 (1) (am) of the statutes is created to read:

14 85.095 (1) (am) "Ferry service assistance" means financial assistance for
15 the purpose of reimbursing an eligible applicant for not more than 50% of
16 moneys expended to acquire a vessel for ferry service on any river within or
17 forming a boundary of the state.

18 SECTION 1660mi. 85.095 (2) (title) of the statutes is amended to read:

19 85.095 (2) (title) HARBOR ASSISTANCE ADMINISTRATION.

20 SECTION 1660mp. 85.095 (2) (c) of the statutes is amended to read:

21 85.095 (2) (c) To receive and review applications for grants under this
22 ~~section~~ subsection and to prescribe the form, nature and extent of the
23 information which shall be contained in the applications.

24 SECTION 1660mt. 85.095 (3) (title) and (a) of the statutes are amended to
25 read:

26 85.095 (3) (title) HARBOR ASSISTANCE PLANNING REQUIREMENTS. (a) Except
27 as provided in par. (c), no grant may be made under ~~this section~~ sub. (2)
28 unless the eligible applicant submits information to the department regarding

1 harbor projects for which the eligible applicant may request state aid under
2 ~~this section sub. (2)~~ or federal aid, or both, during the next 3-year period.
3 The information shall be submitted prior to the April 1 which precedes the
4 fiscal year in which the eligible applicant seeks aid under ~~this section sub.~~
5 (2).

6 SECTION 1660mx. 85.095 (4) of the statutes is created to read:

7 85.095 (4) FERRY SERVICE ASSISTANCE ADMINISTRATION. The department shall
8 administer the ferry service assistance program. The department may:

9 (a) Establish criteria for evaluating an application for ferry service
10 assistance and prescribe the form, nature and extent of the information which
11 shall be contained in an application.

12 (b) Approve or disapprove an application for a ferry service assistance
13 under par. (a).

14 (c) From the appropriation under s. 20.395 (2) (cq), make grants of ferry
15 service assistance to eligible applicants, not to exceed, in total, \$100,000.

16 ••87a0893/1••SECTION 1660r. 85.097 of the statutes is repealed.

17 ••87-1255/1••SECTION 1669. 85.10 (1) and (2) of the statutes are
18 repealed.

19 ••87-1255/1••SECTION 1670. 85.10 (3) of the statutes is renumbered 85.10
20 and amended to read:

21 85.10 SALE OF AERIAL PHOTOGRAPHIC SURVEY PRODUCTS. The department shall
22 produce and sell to any person the selection of photographic products derived
23 from the aerial photographic survey conducted under s. 16.965 ~~designated for~~
24 ~~production and sale by the department of administration under s. 16.965 (2),~~
25 1985 stats. The sale price for the products shall be determined by the
26 department of administration ~~in accordance with s. 16.965 (2).~~

27 ••87a0868/1••SECTION 1671b. 85.107 of the statutes is created to read:

1 85.107 MINORITY CIVIL ENGINEER SCHOLARSHIP AND LOAN REPAYMENT INCENTIVE

2 GRANT PROGRAM. (1) PURPOSE. The minority civil engineer scholarship and
3 loan repayment incentive grant program is created to assist in improving the
4 representation of minorities among employes of the department who are classi-
5 fied as civil engineers.

6 (2) DEFINITION. In this section, "minority" has the meaning specified
7 for "minority group member" under s. 560.036 (1) (f).

8 (3) ADMINISTRATION. From the appropriation under s. 20.395 (4) (aq), the
9 department may:

10 (a) Award scholarships to resident minority students enrolled fulltime
11 and registered as sophomores, juniors or seniors in a civil engineering bach-
12 elor of science program offered by an accredited institution of higher edu-
13 cation in this state. Scholarships under this paragraph shall not exceed the
14 following amounts:

- 15 1. For a sophomore, \$1,500.
- 16 2. For a junior, \$2,000.
- 17 3. For a senior, \$2,500.

18 (b) 1. Make loan repayment grants to minority civil engineers who are
19 employed by the department and have education loans outstanding. Subject to
20 subd. 2, loan repayment grants under this subdivision shall not exceed the
21 following amounts:

- 22 a. After one year of employment by the department, \$1,000.
- 23 b. After 2 years of employment by the department, an additional \$1,200.
- 24 c. After 3 years of employment by the department, an additional \$1,700.
- 25 d. After 4 years of employment by the department, an additional \$2,100.

26 2. The total amount of loan repayment grants under this paragraph made to
27 an employe shall not exceed the amount of the employe's education loans
28 outstanding.

1 (4) RULE MAKING. The department shall promulgate rules to implement and
2 administer this section.

3 ••87a1014/2••SECTION 1671e. 85.20 (4m) (a) and (em) 1 of the statutes are
4 amended to read:

5 85.20 (4m) (a) From the amounts appropriated under s. 20.395 (1) (bq), an
6 amount equal to ~~37.5%~~ 39% of the projected operating ~~costs~~ expenses of each
7 eligible applicant's urban mass transit system shall be allocated to each
8 eligible applicant.

9 (em) 1. ~~Thirty-seven and one-half~~ Thirty-nine percent of the audited
10 operating expenses for the project year of the applicant's urban mass transit
11 system; or

12 ••87-2245/1••SECTION 1671h. 85.21 (3) (d) of the statutes is repealed.

13 ••87-2245/1••SECTION 1671L. 85.21 (4) (a) of the statutes is amended to
14 read:

15 85.21 (4) (a) The county ~~shall~~ may establish the transportation of
16 elderly and handicapped persons to medical, nutritional and work-related
17 activities as the priority for the specialized transportation services.

18 ••87-2246/2••SECTION 1671r. 85.35 of the statutes is created to read:

19 85.35 MOTOR CARRIER PROJECTS PROGRAM. The department may administer a
20 program for the study of motor carrier operations and may participate in
21 projects, including pilot projects in cooperation with other jurisdictions,
22 for the evaluation of programs affecting motor carriers.

23 ••87b1361/1 •• 87b1751/en••SECTION 1671u. 86.19 (1r) of the statutes is
24 created to read:

25 86.19 (1r) The department shall place at major points of entry into the
26 state for and along those highways which are heavily traveled by those vehi-
27 cles specified in s. 346.14 (2) signs indicating that the operator of one of
28 those vehicles must keep the vehicle he or she is operating at a distance of

1 not less than 500 feet to the rear of the vehicle immediately preceding it, as
2 provided in s. 346.14 (2).

3 ••87-2243/6••SECTION 1672f. 86.30 (1) of the statutes is repealed and
4 recreated to read:

5 86.30 (1) DEFINITIONS. In this section:

6 (b) "Mileage aids" means the amount determined under sub. (2) (a) 3.

7 (c) "Municipality" means a city, village or town.

8 (d) "Share of costs" means the amount determined under sub. (2) (a) 2. a
9 or b.

10 (e) "Statewide average cost-sharing percentage" means a factor by which
11 multiyear average costs under s. 86.303 are multiplied to fully distribute the
12 amounts specified in sub. (9) for the purpose of determining the share of
13 costs.

14 ••87-2243/6••SECTION 1672g. 86.30 (2) of the statutes is repealed and
15 recreated to read:

16 86.30 (2) TRANSPORTATION AIDS DISTRIBUTION. (a) Amount of aids payment.

17 1. The amount of transportation aids payable by the department to each county
18 and municipality shall be the aids amount calculated under subd. 2 or 3,
19 whichever is greater, except as provided under pars. (b) and (d) and s. 86.303
20 (5).

21 2. a. The share of costs for a municipality is the amount determined by
22 multiplying the statewide average cost-sharing percentage by the
23 municipality's multiyear average costs under s. 86.303.

24 b. The share of costs for a county is the amount determined by multiply-
25 ing 125% of the statewide average cost-sharing percentage by the county's
26 multiyear average costs under s. 86.303.

1 3. For each mile of road or street under the jurisdiction of a county or
2 municipality as determined under s. 86.302, the mileage aid payment shall be
3 an amount equal to the following:

4 a. In calendar year 1988, \$750.

5 b. In calendar year 1989 and thereafter, \$810.

6 ••87a1021/3•• (b) Minimum and maximum payments. 1. Except as provided
7 under par. (d) and s. 86.303 (5), no municipality whose aid is determined
8 under par. (a) 2 may receive an increase in its annual transportation aid
9 payment in excess of 10% of its last previous calendar year aid payment or a
10 decrease in its annual transportation aid payment in excess of 5% of its last
11 previous calendar year transportation aid payment. This subdivision does not
12 apply after December 31, 1988.

13 1c. Except as provided under pars. (c) and (d) and s. 86.303 (5), no
14 municipality whose aid is determined under par. (a) 2 may receive an increase
15 in its annual transportation aid payment in excess of 10% of its last previous
16 calendar year aid payment or a decrease in its annual transportation aid pay-
17 ment in excess of 5% of its last previous calendar year transportation aid
18 payment. This subdivision applies on and after January 1, 1989.

19 ••87a1021/3••1g. Except as provided under par. (d) and s. 86.303 (5), no
20 municipality whose aid is determined under par. (a) 3 may receive a decrease
21 in its annual transportation aid payment in excess of 5% of its last previous
22 calendar year transportation aid payment.

23 1r. Except as provided under par. (d) and s. 86.303 (5), no county may
24 receive either of the following:

25 a. An increase in its annual transportation aid payment in excess of 10%
26 of its last previous calendar year aid payment.

1 b. For calendar year 1989 and thereafter, a decrease in its annual
2 transportation aid payment in excess of 2% of its last previous calendar year
3 transportation aid payment.

4 2. The last previous calendar year aid payment to a county or municipal-
5 ity whose aid is determined under par. (a) 3 is adjusted in proportion to
6 changes in the mileage under the jurisdiction of the county or municipality
7 before an adjustment under subd. 1g or 1r is made.

8 (c) Shared mileage. Except as provided under par. (d) and s. 86.305 (5):

9 1. For each mile of road comprising the boundary between a town whose aid
10 is determined under par. (a) 2 and a city or village over which the town and
11 the city or village share jurisdiction, if the total aid payment provided to
12 the town divided by the jurisdictional mileage of the town is less than the
13 total aid payment provided to the city or village divided by the jurisdic-
14 tional mileage of the city or village, the town shall receive an aid payment
15 supplement equal to the difference.

16 2. For each mile of road comprising the boundary between a city or
17 village whose aid is determined under par. (a) 2 and a town over which the
18 city or village and the town share jurisdiction, if the total aid payment
19 provided to the city or village divided by the jurisdictional mileage of the
20 city or village is less than the total aid payment provided to the town
21 divided by the jurisdictional mileage of the town, the city or village shall
22 receive an aid payment supplement equal to the difference.

23 (d) Aid limitation based on reported costs. No county or municipality
24 may be paid an amount under this section greater than 80% of its multiyear
25 average costs under s. 86.303.

26 (e) Aid payments. 1. Local transportation aids under this section shall
27 be calculated and distributed on the basis of a calendar year. Local trans-
28 portation aids shall be paid in 4 equal instalments on the first Monday in

1 January, April, July and October. If adjustments are necessary, the depart-
2 ment may adjust any of the scheduled aid payments in a calendar year. The
3 payments shall be made from the appropriation under s. 20.395 (1) (aq) for the
4 fiscal year in which the payments are made.

5 2. If the amount appropriated under s. 20.395 (1) (aq) is insufficient to
6 pay the local transportation aids distribution under this section, the
7 department shall prorate the amount appropriated in the manner it deems
8 desirable.

9 ••87-2243/6••SECTION 1672i. 86.30 (4) and (6m) of the statutes are
10 repealed.

11 ••87-2243/6••SECTION 1672m. 86.30 (9) of the statutes is amended to read:
12 86.30 (9) (title) AIDS CALCULATIONS FOR 1988 AND 1989. For the purpose
13 of calculating and distributing basic aids under sub. ~~(4)~~ ~~(a)~~ (2), the amounts
14 for basic aids are ~~\$157,400,000~~ \$193,485,000 in calendar year ~~1986~~ 1988 and
15 ~~\$164,000,000~~ \$205,640,000 in calendar year ~~1987~~ 1989. These amounts, to the
16 extent practicable, shall be used to determine the ~~distribution of formula~~
17 ~~aids and hold harmless aids~~ statewide average cost-sharing percentage in the
18 particular calendar year.

19 ••87b0502/2••SECTION 1672p. 86.30 (10) of the statutes is repealed.

20 ••87b0502/2••SECTION 1672t. 86.30 (11) of the statutes is repealed.

21 ••87-2243/6••SECTION 1674m. 86.301 of the statutes is renumbered 84.61.

22 ••87-2243/6••SECTION 1675m. 86.302 (2) and (3) (c) of the statutes are
23 amended to read:

24 86.302 (2) ~~The department shall establish uniform regulations and cri-~~
25 ~~teria for the classification of roads and shall disseminate such information~~
26 ~~to local units of government.~~ The department shall cooperate with and provide
27 assistance to local units of government in their ~~functional classification and~~

1 jurisdictional mileage determination efforts. The department shall inventory
2 and verify all road mileage in a county or municipality once every 5 years.

3 (3) (c) Islands of this state consisting of one or more towns shall
4 receive all state aids regularly payable to towns under s. 86.30 ~~and in addi-~~
5 ~~tion thereto shall receive such aids for.~~ For purposes of determining aids
6 payable under s. 86.30, mileage under the jurisdiction of an island under this
7 paragraph includes the number of miles equal to the distance between an island
8 port and the closest mainland port where such distance is regularly traveled
9 by a licensed ferry transporting persons, cars, trucks, buses and other mech-
10 anized equipment. ~~Such additional aids are given for the purpose of mainte-~~
11 ~~nance and construction of public docks, parking areas at docks as well as ap-~~
12 ~~proaches and ramps leading to the docks and for maintenance, clearing and~~
13 ~~marking of traveled ways over frozen waters between the islands and the~~
14 ~~mainland.~~

15 ••87-2243/6••SECTION 1676m. 86.303 (1) to (3) of the statutes are
16 repealed.

17 ••87-2243/6••SECTION 1677m. 86.303 (4) of the statutes is amended to
18 read:

19 86.303 (4) MULTIYEAR AVERAGE COSTS. The multiyear ~~cost factors~~ average
20 costs used to determine the ~~formula~~ share of cost aids amount for local units
21 of ~~governments for calendar year 1985 and thereafter~~ government shall be based
22 on the 6 most recent years for which actual costs are available. Multiyear
23 average costs for a newly incorporated municipality shall be based on the
24 number of years for which cost data is available until average cost data is
25 based on 6 years of actual costs. If no cost data is available for a newly
26 incorporated municipality, the department may allocate costs for the munici-
27 pality until actual cost data is available.

1 ••87-2243/6••SECTION 1678m. 86.303 (5) (e) of the statutes is amended to
2 read:

3 86.303 (5) (e) Except as provided in par. (f), if a county or municipi-
4 pality fails to submit a substantially complete and accurate financial report
5 form by the date required under par. (c) or (d) each year, as provided under
6 this subsection, the aids payable to the county or municipality during the
7 following year shall be equal to 90% of the aids actually paid to the county
8 or municipality under s. 86.30 (~~4~~) (2) during the preceding year.

9 ••87-2243/6••SECTION 1679m. 86.303 (5) (f) 1 and 2 of the statutes are
10 amended to read:

11 86.303 (5) (f) 1. The amount of the reduction may not exceed 10% of the
12 aids payable to the county or municipality under s. 86.30 (~~4~~) (2) for the
13 following year.

14 2. The amount of aids payable to the county or municipality under s.
15 86.30 (~~4~~) (2) during the following year may not be reduced to less than 90% of
16 the aids actually paid to the county or municipality under s. 86.30 (~~4~~) (2)
17 during the preceding year.

18 ••87-2243/6••SECTION 1680m. 86.303 (6) (intro.) and (d) of the statutes
19 are amended to read:

20 86.303 (6) ELIGIBLE COST ITEMS. (intro.) All public road or street or
21 alley construction and maintenance expenditures within the right-of-way are
22 generally reportable as eligible cost items.

23 (d) Road or street or alley costs not eligible include costs that ~~may be~~
24 are financed with public funds other than road or street funds, items that are
25 by statute, ordinance or local policy not a public expense or responsibility
26 and all administrative costs. Costs not eligible include costs incurred on
27 every way or place in private ownership and used for vehicular travel only by

1 the owner and those having express or implied permission from the owner and
2 every road, alley or driveway upon the grounds of public institutions.

3 ••87-2243/6••SECTION 1681m. 86.303 (7) (b) of the statutes is amended to
4 read:

5 86.303 (7) (b) If the county or municipality fails to conduct such an
6 audit, the aids payable during the following year shall be equal to 90% of the
7 aids actually paid during the preceding year. If the department has reason to
8 believe that the 90% payment will be greater than the actual payment should
9 be, the department may itself order an independent audit and deduct the audit
10 costs from the transportation aids paid to the county or municipality under s.
11 86.30 ~~(4)~~ (2). Any underpayment or overpayment of aids resulting from finan-
12 cial reporting errors shall be rectified by adjusting aids paid in the
13 following year.

14 ••87-2243/6••SECTION 1682m. 86.304 of the statutes is repealed.

15 ••87-2243/6••SECTION 1683m. 86.305 (title) of the statutes is repealed.

16 ••87-2243/6••SECTION 1684m. 86.305 of the statutes is renumbered 86.302
17 (4) and amended to read:

18 86.302 (4) The incorporated status and boundaries of municipalities and
19 changes in jurisdictional mileage responsibilities under ~~s. 86.302~~ this
20 section shall be certified by the department by May 1 in order to be reflected
21 in transportation aid calculations for the following calendar year.

22 ••87-2248/1••SECTION 1685m. 86.32 (2) (b) 1 and (3) of the statutes are
23 amended to read:

24 86.32 (2) (b) 1. Reimbursement for maintenance of connecting highways for
25 calendar year ~~1985~~ 1987 shall be determined as follows: ~~\$7,460~~ \$8,210 per lane
26 mile for municipalities having a population over 500,000; ~~\$6,910~~ \$7,610 per
27 lane mile for municipalities having a population of 150,001 to 500,000; ~~\$6,160~~
28 \$6,780 per lane mile for municipalities having a population of 35,001 to

1 150,000; ~~\$5,420~~ \$5,970 per lane mile for municipalities having a population of
2 10,000 to 35,000; and ~~\$4,670~~ \$5,140 per lane mile for municipalities having a
3 population under 10,000. For the first 2 lanes of a highway, the applicable
4 rate per lane mile shall be paid in full. For the 2nd 2 lanes of a highway,
5 the payable rate per lane mile shall be 75% of the appropriate rate per lane
6 mile prescribed in this section. For the 3rd 2 lanes, and any additional
7 lanes, of highway, the payable rate per lane mile shall be 50% of the appro-
8 priate rate per lane mile prescribed in this section.

9 (3) For calendar year ~~1986~~ 1988, the per lane mile reimbursement rate
10 established in sub. (2) shall be increased by ~~4.9%~~ 4%. For calendar year ~~1987~~
11 1989, the per lane mile reimbursement rate established in this subsection for
12 calendar year ~~1986~~ 1988 shall be increased by ~~4.9%~~ 4.7%.

13 ••87b1284/1 •• 87b1780/en••SECTION 1689m. 87.30 (1) (a) of the statutes
14 is amended to read:

15 87.30 (1) (a) If any county, city or village or the Yahara watershed
16 management district acting under s. 33.43 (3) (b) does not adopt a reasonable
17 and effective floodplain zoning ordinance within one year after hydraulic and
18 engineering data adequate to formulate the ordinance becomes available, the
19 department shall, upon petition of an interested state agency or a municipal-
20 ity or upon its own motion as soon as practicable and after public hearing,
21 determine and fix by order the limits of any or all floodplains within a
22 county, city or village within which serious damage may occur. Thereafter the
23 department shall as soon as practicable after public hearing adopt a flood-
24 plain zoning ordinance applicable to a county, city or village or the Yahara
25 watershed management district, except that no floodplain zoning ordinance may
26 be enacted unless the hydraulic and engineering studies necessary to determine
27 the floodway or floodplain limits, or both, if both limits are deemed neces-
28 sary by the department, have been made at state or federal expense. If the

1 department utilizes hydraulic and engineering studies previously completed,
2 the department shall be responsible for ensuring that the studies are reason-
3 able and accurate. Thirty days' notice of all hearings on floodplain
4 determination or zoning before the department shall be given to the county,
5 city or village clerk, the clerks of all towns where lands may be affected,
6 the board of commissioners of the Yahara watershed management district, if
7 applicable, and to the department of transportation. Exhibits and testimony
8 shall be a part of the official record. Failure of a county, city or village
9 or the Yahara watershed management district to adopt a floodplain zoning
10 ordinance for an area where appreciable damage from floods is likely to occur
11 or to adopt an ordinance which will result in a practical minimum of flood
12 damage in an area shall be prima facie proof of the necessity for action
13 specified under this paragraph by the department. The department shall make a
14 decision in writing of insufficiency of any county, city ~~or~~, village or Yahara
15 watershed management district floodplain zoning ordinance before adopting an
16 ordinance superseding ~~a county, village or city~~ such an ordinance. All orders
17 of the department under this subsection which either fix the limits of
18 floodplains or enact local floodplain zoning ordinances shall, when they are
19 in final draft form and before they are issued, be referred to the appropriate
20 committees of the legislature, where the procedure under s. 227.19 shall
21 apply. Section 227.15 does not apply to the orders of the department under
22 this section. Orders of the department under this section shall, after
23 becoming effective, be deemed rules for purposes of s. 227.26, and may be
24 suspended by the joint committee for review of administrative rules.

25 ••87-2605/2••SECTION 1692. 91.65 of the statutes is repealed.

26 ••87b0376/4••SECTION 1692cb. 92.04 (2) (b) of the statutes is amended to
27 read:

1 92.04 (2) (b) (title) Review erosion control plans. The board shall
2 review soil erosion control plans prepared under s. 92.10, ~~review aid appli-~~
3 ~~eations submitted under s. 92.14~~ and make recommendations to the department on
4 approval or disapproval of the those plans ~~or applications and on allocation~~
5 ~~of funding among the counties.~~

6 ••87b0376/4••SECTION 1692cd. 92.04 (2) (d) of the statutes is amended to
7 read:

8 92.04 (2) (d) (title) Review plans. The board shall review annual ~~and~~
9 ~~long-range land conservation grant allocation plans~~ developed under s. 92-08
10 92.14 (6) (b) and make recommendations to the department on approval, modifi-
11 cation or disapproval of the plans.

12 ••87b0376/4••SECTION 1692cdm. 92.04 (2) (e) to (h) of the statutes are
13 renumbered 92.04 (2) (g) to (j).

14 ••87b0376/4••SECTION 1692ce. 92.04 (2) (e) of the statutes is created to
15 read:

16 92.04 (2) (e) Review joint evaluation plan. The board shall review the
17 evaluation plan prepared under s. 92.14 (13). After its review, the board
18 shall make recommendations on the plan to the department and to the department
19 of natural resources.

20 ••87b0376/4••SECTION 1692cem. 92.04 (2) (f) of the statutes is created to
21 read:

22 92.04 (2) (f) Review annual reports. The board shall review the annual
23 reports under ss. 92.14 (12) and 144.25 (4) (o).

24 ••87b1284/1 •• 87b1780/en••SECTION 1692cer. 92.05 (1) of the statutes is
25 amended to read:

26 92.05 (1) CENTRAL AGENCY. The department is the central agency of this
27 state responsible for setting and implementing statewide soil and water
28 conservation policies and administering the state's soil and water conser-

1 vation programs. The department shall coordinate its soil and water conser-
2 vation program with the nonpoint source water pollution abatement program
3 established under s. 144.25, the inland lake protection and rehabilitation
4 program established under ch. 33 any program established by the Yahara water-
5 shed management district and other programs with objectives related to soil
6 and water conservation administered by the department of natural resources or
7 by other state or federal agencies.

8 ••87b0376/4••SECTION 1692cf. 92.05 (2) (c) of the statutes is repealed.

9 ••87b0376/4••SECTION 1692dc. 92.08 of the statutes is repealed and re-
10 created to read:

11 92.08 BASIC WORKLOAD ALLOCATION PLAN. (1) Every land conservation
12 committee shall prepare annually for its county a plan which describes the
13 soil and water resource activities to be undertaken by that county and the
14 dollar amounts required for personnel to administer and implement activities
15 in that county related to soil conservation activities required under ss.
16 92.104 and 92.105 to claim a farmland preservation credit under s. 71.09 (11)
17 or activities required under s. 144.25 (8m) related to the development or
18 implementation of animal waste or construction site erosion ordinances. The
19 land conservation committee shall submit that plan to the county board of that
20 county and to the department.

21 (2) The department shall review and approve, modify or disapprove any
22 plan prepared under sub. (1).

23 ••87b0376/4••SECTION 1692ef. 92.085 of the statutes is repealed.

24 ••87b0376/4••SECTION 1692fc. 92.10 (title) of the statutes is amended to
25 read:

26 92.10 (title) EROSION CONTROL PLANNING PROGRAM.

27 ••87b0376/4••SECTION 1692fe. 92.10 (1) of the statutes is amended to
28 read:

1 92.10 (1) CREATION. There is created an erosion control planning
2 program. The department, board and land conservation committees in identified
3 priority counties jointly shall develop and administer this program.

4 ••87b0376/4••SECTION 1692fg. 92.10 (2) (intro.), (a) and (c) of the
5 statutes are consolidated, renumbered 92.10 (2) and amended to read:

6 92.10 (2) PURPOSES. The purposes of the erosion control planning program
7 are to: ~~(a) Conserve~~ conserve long-term soil productivity ~~and,~~ protect the
8 quality of related natural resources; ~~(c) Focus program resources, enhance~~
9 water quality and focus on severe soil erosion problems in identified priority
10 counties; ~~and.~~

11 ••87b0376/4••SECTION 1692fi. 92.10 (2) (b) of the statutes is repealed.

12 ••87b0376/4••SECTION 1692fk. 92.10 (2) (d) of the statutes is repealed.

13 ••87b0376/4••SECTION 1692fm. 92.10 (4) (b) of the statutes is repealed.

14 ••87b0376/4••SECTION 1692fo. 92.10 (4) (c) of the statutes is amended to
15 read:

16 92.10 (4) (c) Plan assistance. The department shall assist land conser-
17 vation committees in identified priority counties in preparing soil erosion
18 control plans. The department may allocate funds appropriated under s. 20.115
19 (7) ~~(d)~~ (c) to land conservation committees in identified priority counties to
20 cover up to 50% of the cost of preparing soil erosion control plans.

21 ••87b0376/4••SECTION 1692fq. 92.10 (4) (e) of the statutes is repealed.

22 ••87b0376/4••SECTION 1692fs. 92.10 (4) (f) of the statutes is repealed.

23 ••87b0376/4••SECTION 1692fu. 92.10 (6) (d) of the statutes is amended to
24 read:

25 92.10 (6) (d) Plan submission. A land conservation committee in an
26 identified priority county shall submit the soil erosion control plan ~~and any~~
27 ~~request for state funding for the implementation of conservation practices~~
28 ~~included in the plan~~ to the board and department.

1 ••87b0376/4••SECTION 1692fw. 92.10 (6) (e) of the statutes is amended to
2 read:

3 92.10 (6) (e) Plan adoption. A land conservation committee in an
4 identified priority county shall make the approved soil erosion control plan a
5 part of the committee's long-range ~~plan required under s. 92.08~~ planning
6 strategy to improve soil and water resource management.

7 ••87b0376/4••SECTION 1692fz. 92.10 (6) (f) of the statutes is repealed.

8 ••87b0376/4••SECTION 1692gc. 92.10 (7) of the statutes is repealed.

9 ••87b0376/4••SECTION 1692ge. 92.11 (title) and (1) of the statutes are
10 amended to read:

11 92.11 (title) REGULATION OF LOCAL SOIL AND WATER RESOURCE MANAGEMENT
12 PRACTICES. (1) PROPOSED ORDINANCES. To promote soil and water conservation
13 or nonpoint source water pollution abatement, a ~~land conservation committee~~
14 county, city or village may develop ~~proposed county~~ ordinances for the regu-
15 lation of land use ~~and,~~ land management and pollutant management practices.

16 ••87b1284/1 •• 87b1780/en••SECTION 1692gf. 92.12 of the statutes is
17 amended to read:

18 92.12 INTERGOVERNMENTAL COOPERATION. Counties, cities, villages, towns
19 ~~and,~~ public agencies with natural resource responsibilities and the Yahara
20 watershed management district, if applicable, in the same or different coun-
21 ties may cooperate in carrying out the purposes of this chapter. If a problem
22 of soil or water conservation is defined in part by drainage basin boundaries
23 beyond a single county's borders or otherwise transcends these borders, the
24 respective counties, cities, villages, towns ~~and,~~ public agencies with natural
25 resource responsibilities and the Yahara watershed management district, if
26 applicable, may enter into mutually binding agreements and contracts
27 containing, but not limited to, provisions for mutually enforced and adminis-
28 tered regulatory ordinances and cost-sharing distribution arrangements.

1 ••87b0376/4••SECTION 1692gg. 92.14 of the statutes is repealed and re-
2 created to read:

3 92.14 SOIL AND WATER RESOURCE MANAGEMENT PROGRAM. (1) DEFINITIONS. In
4 this section:

5 (a) "Best management practices" has the meaning given under s. 144.25 (2)
6 (a).

7 (b) "Nonpoint source" has the meaning given under s. 144.25 (2) (b).

8 (c) "Priority watershed" has the meaning given under s. 144.25 (2) (c).

9 (2) ESTABLISHMENT. There is created a soil and water resource management
10 program, which has all of the following purposes:

11 (a) Enhancing protection of surface water and groundwater resources in
12 this state.

13 (c) Providing financial and technical assistance for soil and water
14 conservation activities.

15 (d) Promoting cost-effective soil and water conservation activities.

16 (e) Promoting compliance with the requirements under ss. 92.104 and
17 92.105 by persons claiming a farmland preservation credit under s. 71.09 (11).

18 (g) Promoting and attaining the soil erosion control goals specified
19 under s. 92.025.

20 (h) Encouraging innovative local strategies, regulations and incentives
21 to address soil and source water conservation activities.

22 (i) Increasing local technical assistance to address soil and water
23 resource problems.

24 (j) Enhancing the administration and coordination of state nonpoint
25 source water pollution abatement activities by the department and the
26 department of natural resources.

27 (3) BASIC ALLOCATIONS TO COUNTIES. To help counties meet administrative
28 and technical operating costs in their soil and water conservation activities,

1 the department shall award grants from the appropriation under s. 20.115 (7)
2 (c) to any county land conservation committee which has a workload allocation
3 plan approved by the department under s. 92.08 (2), and which, by county board
4 action, has resolved to match any moneys granted under this subsection with an
5 equal amount of county moneys. The county shall use the grant for county land
6 conservation personnel to administer and implement activities directly related
7 to any of the following:

8 (a) Compliance with requirements under ss. 92.104 and 92.105 by persons
9 claiming a farmland preservation credit under s. 71.09 (11).

10 (b) Animal waste management activities and ordinances under s. 92.16.

11 (c) Soil erosion control activities in accordance with plans approved
12 under s. 92.10 and construction site ordinances.

13 (d) Nonpoint source water pollution abatement activities.

14 (e) Other conservation activities determined by the county to be neces-
15 sary for conservation and resource management in that county.

16 (4) OTHER SOIL AND WATER RESOURCE GRANTS. From the moneys remaining in
17 s. 20.115 (7) (c) after the department has awarded all grants for a year under
18 sub. (3), the department may award grants from the appropriation under s.
19 20.115 (7) (c) to any eligible county, including any county which has received
20 a grant under sub. (3), for one or more of the following:

21 (a) Implementing soil and water resource management projects to manage
22 animal waste and conserve soil approved in plans under s. 92.10 and under s.
23 92.15, 1985 stats.

24 (b) Implementing soil and water resource management projects undertaken
25 to comply with the requirements under ss. 92.104 and 92.105 by persons claim-
26 ing a farmland preservation credit under s. 71.09 (11).

27 (c) Construction of a facility or system related to animal waste manage-
28 ment by a farmer who has received a notice of discharge under ch. 147.

1 (6) ADMINISTRATION OF GRANTS. (a) The department shall establish a
2 priority list of funding needs for soil and water resource management activi-
3 ties under this section.

4 (b) The department, in cooperation with the department of natural
5 resources, shall prepare an annual grant allocation plan identifying the
6 amounts to be spent annually for the categories of soil and water resource
7 management projects to be funded under this section and the general purposes
8 of those projects, which it shall specify. The department shall submit that
9 plan to the board.

10 (c) In developing the allocation plan for projects under par. (b), the
11 department, in cooperation with the department of natural resources, may con-
12 sider any of the following factors:

13 1. Cost-effectiveness of an activity, including but not limited to tech-
14 nical assistance, educational assistance, management practices, and satisfying
15 the requirements under ss. 92.104 and 92.105 for claiming farmland preser-
16 vation credits under s. 71.09 (11).

17 2. The amount of soil erosion reduction proposed to be effected by the
18 activity.

19 3. Severity of the water quality problem addressed by an activity.

20 4. The comprehensiveness of an activity's planning methods and the area
21 affected by an activity.

22 5. The degree of cooperation and commitment and the amount of supple-
23 mental funds from other sources contributed by counties related to an
24 activity.

25 6. The need for staff and project continuity.

26 (d) The board shall review the annual allocation plan submitted to it
27 under par. (b) and make recommendations to the department on approval,
28 modification or disapproval of the plan. The department shall review and

1 approve or disapprove the plan and shall notify the board of the department's
2 final action on the plan.

3 (e) The department shall make grant awards under this section to eligible
4 applicants which are consistent with the allocation plan approved by the
5 department under par. (d).

6 (f) The department shall provide summaries of projects awarded grants
7 under par. (e) to the board for its review.

8 (g) Every project awarded a grant under this section shall be consistent
9 with the plans under this section and ss. 92.08, 92.10, 92.15, 1985 stats.,
10 and 144.25.

11 (h) 1. The department may not make a grant under this section for the
12 construction of any facility or system related to animal waste management
13 unless all of the following conditions are met:

14 a. The facility or system is necessary to meet surface water or ground-
15 water quality objectives.

16 b. The facility or system is designed consistent with rules of the
17 department and with the technical standards of the county and is designed to
18 be constructed and operated to avoid water pollution.

19 c. The facility or system will use the most cost-effective method to meet
20 water quality standards.

21 d. The grant for the facility or system, combined with all other govern-
22 mental funding, is no more than \$10,000, except that there is no limit on the
23 amount of the grant if the principal purpose of the facility or system is to
24 prevent or control barnyard runoff.

25 e. The amount of the grant does not exceed 70% of the cost of the facil-
26 ity or structure.

27 2. The department may make payments under this section for the construc-
28 tion of a facility or system related to animal waste management directly to

1 farmers who receive a notice of discharge related to animal waste under ch.
2 147.

3 3. Nothing in this paragraph affects the authority of the department of
4 natural resources to act under ch. 147.

5 (i) No cost-sharing funds from any grant awarded under this section may
6 be distributed to a landowner or land user unless he or she, by contract with
7 the grant recipient, agrees to do all of the following:

8 1. Maintain any funded practice for its normal expected life, replace it
9 with an equally effective practice or improvement or repay the cost-sharing
10 funds to the grant recipient.

11 2. Conduct all land management and pollutant management activities in
12 substantial accordance with plans approved under ss. 92.08, 92.10, 92.14,
13 92.15, 1985 stats., and 144.25, or to repay the cost-sharing funds to the
14 grant recipient.

15 3. Repay to the grant recipient the cost-sharing funds if title to the
16 land on which the cost-shared practice is installed is transferred, unless the
17 subsequent landowner or land user agrees to comply with the requirements of
18 the plans approved under ss. 92.08, 92.10, 92.14, 92.15, 1985 stats., and
19 144.25.

20 (j) A grant awarded under this section may be used for technical
21 assistance, educational and training assistance, ordinance development and
22 administration, cost-sharing for management practices and capital
23 improvements, plan preparation under s. 92.10 (4) (c), easements or other
24 activities determined by the department to satisfy the requirements of this
25 chapter.

26 (7) MAINTENANCE OF EFFORT. The department may not make a grant to a
27 county under this section in any fiscal year unless that county enters into an
28 agreement with the department to maintain or increase its aggregate expendi-