



1 person required to file or unless the return was not timely filed because of a  
2 reasonable due to good cause and not because of due to neglect. The fee shall not  
3 apply if the department has failed to issue a seller's permit or a use tax registration  
4 within 30 days of the receipt of an application for a seller's permit or use tax  
5 registration accompanied by the fee established under s. 73.03 (50), if the person does  
6 not hold a valid certificate under s. 73.03 (50), and the security required under s.  
7 77.61 (2) has not been placed with the department. Delinquent sales and use taxes  
8 shall bear interest at the rate of 1.5% per month until paid. The taxes imposed by  
9 this subchapter shall become delinquent if not paid:

10 SECTION 1815g. 77.63 of the statutes is created to read:

11 **77.63 Agreements with direct marketers.** (1) (a) The department of  
12 revenue may enter into agreements with out-of-state direct marketers to collect the  
13 sales tax and the use tax imposed under this subchapter at the rate imposed under  
14 this subchapter plus the rate imposed under subch. V. An out-of-state direct  
15 marketer that collects the sales tax and the use tax under this section may retain 5%  
16 of the first \$1,000,000 of the taxes collected in a year and 6% of the taxes collected  
17 in excess of \$1,000,000 in a year. This section does not apply to an out-of-state direct  
18 marketer who is required to collect the sales tax and the use tax imposed under this  
19 subchapter and under subch. V.

20 (b) Sections 77.58, 77.59 and 77.60, as they apply to the taxes imposed under  
21 this subchapter, apply to agreements under this section, except that the department  
22 of revenue may negotiate payment schedules and audit procedures with out-of-state  
23 direct marketers. The retailer's discount under s. 77.61 (4) (c) does not apply to  
24 agreements under this section.

1           (2) Annually, by July 31, the department of revenue shall certify to the  
2 department of health and family services an amount equal to one-eleventh of the  
3 taxes collected under sub. (1) for grants to counties under s. 46.513.

4           **SECTION 1816.** 77.76 (3) of the statutes is amended to read:

5           77.76 (3) From the appropriation under s. 20.835 (4) (g) the department shall  
6 distribute ~~98.5%~~ 98.25% of the county taxes reported for each enacting county, minus  
7 the county portion of the retailers' discounts, to the county and shall indicate the  
8 taxes reported by each taxpayer, no later than the end of the 3rd month following the  
9 end of the calendar quarter in which such amounts were reported. In this subsection,  
10 the "county portion of the retailers' discount" is the amount determined by  
11 multiplying the total retailers' discount by a fraction the numerator of which is the  
12 gross county sales and use taxes payable and the denominator of which is the sum  
13 of the gross state and county sales and use taxes payable. The county taxes  
14 distributed shall be increased or decreased to reflect subsequent refunds, audit  
15 adjustments and all other adjustments of the county taxes previously distributed.  
16 Interest paid on refunds of county sales and use taxes shall be paid from the  
17 appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1)  
18 (a). The county may retain the amount it receives or it may distribute all or a portion  
19 of the amount it receives to the towns, villages, cities and school districts in the  
20 county. Any county receiving a report under this subsection is subject to the duties  
21 of confidentiality to which the department of revenue is subject under s. 77.61 (5).

22           **SECTION 1817.** 77.76 (4) of the statutes is amended to read:

23           77.76 (4) There shall be retained by the state 1.5% of the taxes collected under  
24 this subchapter for taxes imposed by special districts under s. 77.705 and 1.75% of  
25 the taxes collected for taxes imposed by counties under s. 77.70 to cover costs

1 incurred by the state in administering, enforcing and collecting the tax. All interest  
2 and penalties collected shall be deposited and retained by this state in the general  
3 fund.

4 **SECTION 1817bb.** Subchapter VII (title) of chapter 77 [precedes 77.92] of the  
5 statutes is amended to read:

#### 6 **CHAPTER 77**

#### 7 ~~TEMPORARY~~ **RECYCLING SURCHARGE**

8 **SECTION 1817bc.** 77.92 (4) of the statutes is amended to read:

9 77.92 (4) “Net business income”, with respect to a partnership, means taxable  
10 income as calculated under section 703 of the ~~internal revenue code~~ Internal  
11 Revenue Code; plus the items of income and gain under section 702 of the ~~internal~~  
12 ~~revenue code~~ Internal Revenue Code, including taxable state and municipal bond  
13 interest and excluding nontaxable interest income or dividend income from federal  
14 government obligations; minus the items of loss and deduction under section 702 of  
15 the ~~internal revenue code~~ Internal Revenue Code, except items that are not  
16 deductible under s. 71.21; plus guaranteed payments treated as not made to partners  
17 under section 707 (a) (c) of the internal revenue code Internal Revenue Code; plus  
18 the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx)  
19 and (3s); and plus or minus, as appropriate, transitional adjustments, depreciation  
20 differences and basis differences under s. 71.05 (13), (15), (16), (17) and (19); but  
21 excluding income, gain, loss and deductions from farming. “Net business income”,  
22 with respect to a natural person, estate or trust, means profit from a trade or  
23 business for federal income tax purposes and includes net income derived as an  
24 employe as defined in section 3121 (d) (3) of the ~~internal revenue code~~ Internal  
25 Revenue Code.

1           **SECTION 1817bcm.** 77.92 (4r) of the statutes is repealed.

2           **SECTION 1817bd.** 77.93 (intro.) of the statutes is amended to read:

3           **77.93 Applicability.** (intro.) For the privilege of doing business in this state,  
4 there is imposed a temporary recycling surcharge on the following entities:

5           **SECTION 1817be.** 77.93 (1) of the statutes is amended to read:

6           77.93 (1) All corporations required to file a return under subch. IV or V of ch.  
7 71 that have at least \$4,000 more than \$1,000,000 in ~~total gross~~ receipts from all  
8 activities for the taxable year except corporations that are exempt from taxation  
9 under s. 71.26 (1) and that have no unrelated business income reportable under s.  
10 71.24 (1m). The surcharge is imposed on the tax-option corporation, not on its  
11 shareholders, except that if a tax-option corporation's surcharge is delinquent, its  
12 shareholders are jointly and severally liable for it.

13           **SECTION 1817bf.** 77.93 (4) of the statutes is amended to read:

14           77.93 (4) All insurers that are required to file a return under subch. VII of ch.  
15 71 and that have at least \$4,000 more than \$1,000,000 in ~~total gross~~ receipts from  
16 all activities for the taxable year.

17           **SECTION 1817bg.** 77.94 (1) (intro.) of the statutes is amended to read:

18           77.94 (1) (intro.) Except as provided in ~~subs. sub. (2) and (3)~~, for taxable years  
19 ~~ending beginning~~ after ~~April 1, 1991~~ December 31, 1999, the surcharge imposed  
20 under s. 77.93 is calculated as follows:

21           **SECTION 1817bh.** 77.94 (1) (a) of the statutes is amended to read:

22           77.94 (1) (a) On a corporation under s. 77.93 (1) and (4), an amount equal to  
23 the amount calculated by multiplying gross tax liability for the taxable year of the  
24 corporation by ~~5.5%~~ 3.3%, or in the case of a tax-option corporation an amount equal

1 to the amount calculated by multiplying net income under s. 71.34 by ~~0.4345%~~  
2 0.2607%, up to a maximum of ~~\$9,800~~ \$20,000, or \$25, whichever is greater.

3 **SECTION 1817bi.** 77.94 (1) (b) of the statutes is amended to read:

4 77.94 (1) (b) On an entity under s. 77.93 (2) or (3), except an entity that has less  
5 ~~than \$4,000~~ no more than \$1,000,000 of gross receipts, an amount equal to the  
6 amount calculated by multiplying net business income as allocated or apportioned  
7 to this state by means of the methods under s. 71.04, for the taxable year of the entity  
8 by ~~0.4345%~~ 0.2607%, up to a maximum of ~~\$9,800~~ \$20,000, or \$25, whichever is  
9 greater.

10 **SECTION 1817bj.** 77.94 (1) (c) of the statutes is amended to read:

11 77.94 (1) (c) On an entity under s. 77.93 (5), except an entity that has a ~~net farm~~  
12 profit gross receipts from farming of less ~~no more than \$1,000~~ \$1,000,000, a  
13 surcharge of \$25, regardless of whether the entity is subject to a surcharge  
14 determined under par. (b).

15 **SECTION 1817bk.** 77.94 (3) of the statutes is repealed.

16 **SECTION 1817bl.** 77.94 (4) of the statutes is repealed.

17 **SECTION 1817bm.** 77.945 of the statutes is repealed.

18 **SECTION 1817bn.** 77.96 (6) of the statutes is amended to read:

19 77.96 (6) The department of revenue shall refer to the surcharge under this  
20 subchapter as the ~~temporary~~ recycling surcharge.

21 **SECTION 1817d.** 77.982 (3) of the statutes is amended to read:

22 77.982 (3) From the appropriation under s. 20.835 (4) (gg), the department of  
23 revenue shall distribute ~~97%~~ 97.45% of the taxes collected under this subchapter for  
24 each district to that district, no later than the end of the month following the end of  
25 the calendar quarter in which the amounts were collected. The taxes distributed

1 shall be increased or decreased to reflect subsequent refunds, audit adjustments and  
2 all other adjustments. Interest paid on refunds of the tax under this subchapter shall  
3 be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1)  
4 (a). Those taxes may be used only for the district's debt service on its bond  
5 obligations. Any district that receives a report along with a payment under this  
6 subsection is subject to the duties of confidentiality to which the department of  
7 revenue is subject under s. 77.61 (5).

8 **SECTION 1817g.** 77.991 (3) of the statutes is amended to read:

9 77.991 (3) From the appropriation under s. 20.835 (4) (gg), the department of  
10 revenue shall distribute ~~97%~~ 97.45% of the taxes collected under this subchapter for  
11 each district to that district, no later than the end of the month following the end of  
12 the calendar quarter in which the amounts were collected. The taxes distributed  
13 shall be increased or decreased to reflect subsequent refunds, audit adjustments and  
14 all other adjustments. Interest paid on refunds of the tax under this subchapter shall  
15 be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1)  
16 (a). Those taxes may be used only for the district's debt service on its bond  
17 obligations. Any district that receives a report along with a payment under this  
18 subsection is subject to the duties of confidentiality to which the department of  
19 revenue is subject under s. 77.61 (5).

20 **SECTION 1818.** 77.996 (2) (i) of the statutes is created to read:

21 77.996 (2) (i) Formal wear rental firms.

22 **SECTION 1818c.** 77.996 (4) of the statutes is created to read:

23 77.996 (4) "Formal wear" includes tuxedos, suits and dresses, but does not  
24 include costumes, table linens or household fabrics.

25 **SECTION 1818cm.** 77.996 (5) of the statutes is created to read:

1           77.996 (5) "Formal wear rental firm" means a facility that rents formal wear  
2 to the general public and dry cleans only the formal wear that it rents to the general  
3 public.

4           **SECTION 1818d.** 77.9961 (1) of the statutes is amended to read:

5           77.9961 (1) No person may operate a dry cleaning facility in this state unless  
6 the person completes and submits to the department a form that the department  
7 prescribes and pays to the department a fee for each dry cleaning facility that the  
8 person operates. The fee is shall be paid in instalments, as provided in sub. (2), and  
9 each instalment is equal to 1.8% of the previous year's gross receipts from the  
10 previous 3 months from dry cleaning apparel and household fabrics, but not from  
11 formal wear the facility rents to the general public.

12           **SECTION 1818f.** 77.9961 (2) of the statutes is amended to read:

13           77.9961 (2) Persons who owe a fee under this section shall pay it in instalments  
14 on or before April 25, July 25, October 25 and January 15 25. The department shall  
15 issue a license to each person who pays the fee January 25 instalment and the  
16 previous 3 instalments and submits the form under this section. The license is valid  
17 through December 31 of for the year during in which the fee January 25 instalment  
18 is due. If a dry cleaning facility is sold, the seller may transfer the license to the  
19 buyer. Each holder of a license under this section shall display it prominently in the  
20 facility to which it applies.

21           **SECTION 1818g.** 77.9961 (4) of the statutes is renumbered 77.9961 (4) (a).

22           **SECTION 1818h.** 77.9961 (4) (b) of the statutes is created to read:

23           77.9961 (4) (b) Any person who operates a dry cleaning facility and who pays  
24 an instalment under sub. (2) after the instalment is due shall pay to the department

1 a penalty of \$5 for each day from the date that the instalment is due to the date that  
2 the instalment is paid.

3 **SECTION 1818L.** 77.9964 (4) of the statutes is created to read:

4 77.9964 (4) The department shall reimburse the owner or operator of a formal  
5 wear rental firm an amount equal to the sum of any fees paid by the owner or operator  
6 under s. 77.9961 (1) prior to the effective date of this subsection .... [revisor inserts  
7 date].

8 **SECTION 1818Lb.** 79.10 (11) (b) of the statutes, as affected by 1999 Wisconsin  
9 Act 5, is amended to read:

10 79.10 (11) (b) Before October 16, the department of administration shall  
11 determine the total funds available for distribution under the lottery and gaming  
12 credit in the following year and shall inform the joint committee on finance of that  
13 total. Total funds available for distribution shall be all moneys projected to be  
14 transferred to the lottery fund under ss. 20.455 (2) (g) and 20.505 (8) (am), (g) and  
15 (jm) and all existing and projected lottery proceeds and interest for the fiscal year of  
16 the distribution, less the amount estimated to be expended ~~under ss. 20.455 (2) (r),~~  
17 ~~20.566 (2) (r) and s. 20.835 (2) (q) and (3) (r)~~ and less the required reserve under s.  
18 20.003 (5). The joint committee on finance may revise the total amount to be  
19 distributed if it does so at a meeting that takes place before November 1. If the joint  
20 committee on finance does not schedule a meeting to take place before November 1,  
21 the total determined by the department of administration shall be the total amount  
22 estimated to be distributed under the lottery and gaming credit in the following year.

23 **SECTION 1818Lc.** 79.10 (11) (b) of the statutes, as affected by 1999 Wisconsin  
24 Act .... (this act), is repealed and recreated to read:



1           79.10 (11) (b) Before October 16, the department of administration shall  
2 determine the total funds available for distribution under the lottery and gaming  
3 credit in the following year and shall inform the joint committee on finance of that  
4 total. Total funds available for distribution shall be all moneys projected to be  
5 transferred to the lottery fund under ss. 20.455 (2) (g) and 20.505 (8) (am), (g) and  
6 (jm) and all existing and projected lottery proceeds and interest for the fiscal year of  
7 the distribution, less the amount estimated to be expended under ss. 20.455 (2) (r),  
8 20.566 (2) (r) and 20.835 (2) (q) and (3) (r) and less the required reserve under s.  
9 20.003 (5). The joint committee on finance may revise the total amount to be  
10 distributed if it does so at a meeting that takes place before November 1. If the joint  
11 committee on finance does not schedule a meeting to take place before November 1,  
12 the total determined by the department of administration shall be the total amount  
13 estimated to be distributed under the lottery and gaming credit in the following year.

14           **SECTION 1818Ld.** 79.13 (1) of the statutes, as created by 1999 Wisconsin Act  
15 5, is amended to read:

16           79.13 (1) In the 1999–2000 fiscal year, the amount that is estimated to be  
17 expended from the appropriation under s. 20.835 (2) ~~(q)~~ (dn) is \$15,000,000.

18           **SECTION 1818Lf.** 79.13 (2) of the statutes, as created by 1999 Wisconsin Act 5,  
19 is renumbered 79.13 (2) (a) and amended to read:

20           79.13 (2) (a) In the 2000–01 fiscal year, ~~and in each fiscal year thereafter,~~ the  
21 amount that is estimated to be expended from the appropriation under s. 20.835 (2)  
22 ~~(q)~~ (dn) is \$15,000,000, plus the amount that is estimated to be expended from the  
23 appropriation under s. 20.835 (2) ~~(q)~~ (dn) in the previous fiscal year and less the  
24 actual amount that is expended from the appropriation under s. 20.835 (2) ~~(q)~~ (dn)  
25 in the previous fiscal year.

1           **SECTION 1818Lg.** 79.13 (2) (b) of the statutes is created to read:

2           79.13 (2) (b) In the 2001–02 fiscal year, the amount that is estimated to be  
3 expended from the appropriation under s. 20.835 (2) (q) is \$15,000,000, plus the  
4 amount that is estimated to be expended from the appropriation under s. 20.835 (2)  
5 (dn) in the previous fiscal year and less the actual amount that is expended from the  
6 appropriation under s. 20.835 (2) (dn) in the previous fiscal year.

7           **SECTION 1818Lh.** 79.13 (2) (c) of the statutes is created to read:

8           79.13 (2) (c) In the 2002–03 fiscal year, and in each fiscal year thereafter, the  
9 amount that is estimated to be expended from the appropriation under s. 20.835 (2)  
10 (q) is \$15,000,000, plus the amount that is estimated to be expended from the  
11 appropriation under s. 20.835 (2) (q) in the previous fiscal year and less the actual  
12 amount that is expended from the appropriation under s. 20.835 (2) (q) in the  
13 previous fiscal year.

14           **SECTION 1818Lq.** 79.05 (2) (c) of the statutes is amended to read:

15           79.05 (2) (c) Its municipal budget, exclusive of principal and interest on  
16 long-term debt and exclusive of payments of the recycling fee under s. 289.645, for  
17 the year of the statement under s. 79.015 increased over its municipal budget as  
18 adjusted under sub. (6), exclusive of principal and interest on long-term debt and  
19 exclusive of payments of the recycling fee under s. 289.645, for the year before that  
20 year by less than the sum of the inflation factor and the valuation factor, rounded to  
21 the nearest 0.10%.

22           **SECTION 1818Lk.** 79.01 (1) of the statutes is amended to read:

23           79.01 (1) There is established an account in the general fund entitled the  
24 “Expenditure Restraint Program Account”. There shall be appropriated to that  
25 account \$25,000,000 in 1991, in 1992 and in 1993, \$42,000,000 in 1994 and,

1     \$48,000,000 in each year beginning in 1995 and ending in 1999 and \$57,000,000 in  
2     the year 2000 and in each year thereafter.

3             **SECTION 1818Ln.** 79.03 (3c) (f) of the statutes is amended to read:

4             79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars.  
5     (c) to (e) exceed the total amount to be distributed under this subsection, the amount  
6     paid to each eligible municipality shall be paid on a prorated basis. The total amount  
7     to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning  
8     in 1996 and ending in 1999 and \$11,875,000 in the year 2000 and in each year  
9     thereafter.

10            **SECTION 1818Lp.** 79.03 (4) of the statutes is amended to read:

11            79.03 (4) ~~In 1991, the total amount to be distributed under ss. 79.03, 79.04 and~~  
12     ~~79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be~~  
13     ~~distributed under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1) (d) is \$885,961,300.~~  
14     ~~In 1993, the total amount to be distributed under ss. 79.03, 79.04 and 79.06 from s.~~  
15     ~~20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this~~  
16     ~~section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to~~  
17     ~~municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent~~  
18     ~~years ending in 1999, the total amounts to be distributed under ss. 79.03, 79.04 and~~  
19     ~~79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to~~  
20     ~~counties. In the year 2000 and subsequent years, the total amounts to be distributed~~  
21     ~~under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1) (d) are \$776,707,600 to~~  
22     ~~municipalities and \$172,361,400 to counties.~~

23            **SECTION 1818Ls.** 79.058 (3) (b) of the statutes is amended to read:

24            79.058 (3) (b) In Beginning in 1995 and subsequent years ending in 1999,  
25     \$20,159,000.

1           **SECTION 1818Lt.** 79.058 (3) (c) of the statutes is created to read:

2           79.058 (3) (c) In the year 2000 and subsequent years, \$20,763,800.

3           **SECTION 1818Lm.** 79.10 (10) (bn) of the statutes is created to read:

4           79.10 (10) (bn) If a person who owns and uses property as specified under sub.  
5 (1) (dm) as of the certification date under par. (a), transfers the property after the  
6 certification date, the transferee may apply for the credit under sub. (9) (bm) on a  
7 form prescribed by the department of revenue. The transferee shall attest that, to  
8 the transferee's knowledge, the transferor used the property in the manner specified  
9 under sub. (1) (dm) as of the certification date under par. (a). A claim that is made  
10 under this paragraph is valid for the year in which the property is transferred.

11           **SECTION 1818mn.** 84.01 (30) (g) of the statutes is created to read:

12           84.01 (30) (g) 1. In this paragraph, "park-and-ride facility" means a facility  
13 with a parking lot and, within a reasonable walking distance, a station or transfer  
14 point where commuters access a mass transit system.

15           2. If the department determines that such a provision advances the public  
16 interest, a provision exempting the private entity from the restrictions under ss.  
17 84.25 (11) and 86.19 (1), and specifying any requirements that the department  
18 determines will practicably advance the purposes of ss. 84.25 (11) and 86.19 (1). This  
19 subdivision applies only to park-and-ride facilities.

20           **SECTION 1818w.** 84.013 (3) (ra) of the statutes is created to read:

21           84.013 (3) (ra) STH 23 between STH 67 and USH 41 in Sheboygan and Fond  
22 du Lac counties.

23           **SECTION 1818p.** 84.01 (31) of the statutes is created to read:

24           84.01 (31) STATE HIGHWAY REHABILITATION FUNDS. The department may not use  
25 funds from the appropriations under s. 20.395 (3) (cq) to (cx) for the maintenance or

1 replacement of curb and pavement or other markings, or for the operation,  
2 maintenance or replacement of highway signs, traffic signals or highway lighting,  
3 unless the maintenance, replacement or operation is in conjunction with activities  
4 related to a state trunk highway reconditioning, reconstruction or resurfacing  
5 project.

6 **SECTION 1818r.** 84.013 (2) (a) of the statutes is amended to read:

7 84.013 (2) (a) ~~Major~~ Subject to s. 86.255, major highway projects shall be  
8 funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866  
9 (2) (ur) to (uu).

10 **SECTION 1818t.** 84.013 (2) (b) of the statutes is amended to read:

11 84.013 (2) (b) ~~Reconditioning~~ Subject to s. 86.255, reconditioning,  
12 reconstruction and resurfacing of highways shall be funded from the appropriations  
13 under s. 20.395 (3) (cq) to (cx).

14 **SECTION 1819.** 84.013 (3) (zb) of the statutes is created to read:

15 84.013 (3) (zb) USH 41 extending from 1.5 miles south of Frog Pond Road in  
16 Oconto County to 1.3 miles north of Schacht Road in Marinette County.

17 **SECTION 1819c.** 84.013 (4) (a) of the statutes is amended to read:

18 84.013 (4) (a) ~~In~~ Subject to s. 13.489 (1m), in preparation for future major  
19 highway projects, the department may perform preliminary engineering and design  
20 work and studies for possible major highway projects not listed under sub. (3), but  
21 no major highway may be constructed unless the project is listed under sub. (3) or  
22 approved under sub. (6).

23 **SECTION 1819d.** 84.013 (4) (b) of the statutes is amended to read:

24 84.013 (4) (b) The department may not, within any 6-year period, construct a  
25 highway project consisting of separate contiguous projects which do not individually

1 qualify as major highway projects but which in their entirety would constitute a  
2 major highway project without first submitting the project to the transportation  
3 projects commission for its recommendations and report and without specific  
4 authorization under sub. (3), except as provided in par. (c) and sub. (6).

5 **SECTION 1819e.** 84.013 (4) (c) of the statutes is created to read:

6 84.013 (4) (c) The department may construct highway projects involving STH  
7 59 between STH 164 on the eastern edge of the city of Waukesha and Calhoun Road  
8 in Waukesha County and STH 59 from Calhoun Road to the Waukesha County line  
9 in Waukesha County without first submitting the projects to the transportation  
10 projects commission for its recommendations and report and without specific  
11 authorization under sub. (3).

12 **SECTION 1819gg.** 84.03 (9) (a) of the statutes is amended to read:

13 84.03 (9) (a) ~~That~~ Subject to s. 86.255, that part of the appropriation made by  
14 s. 20.395 (3), not required for the other purposes therein provided, may be used by  
15 the department for the improvement and traffic service of the state trunk highway  
16 system and connecting highways, for the purchase and operation of equipment,  
17 making surveys for locating local road materials, testing of materials, and for other  
18 purposes provided in this section, and to match or supplement federal aid for the  
19 construction, reconstruction or improvement of the federal aid highway system,  
20 secondary or feeder roads, the elimination of hazards at railroad grade crossings and  
21 for any other highway purpose for which the state may match or supplement federal  
22 aid funds pursuant to any act of congress. Where such funds are used for the  
23 improvement of the state trunk highway system or connecting highways or to match  
24 or supplement federal aid they shall be expended in accordance with s. 84.06 and any  
25 applicable act of congress. Any funds expended pursuant to this paragraph shall be

1 expended by the department on such projects within the provisions of this  
2 paragraph, and executed in such manner as the department shall from time to time  
3 determine will best meet the needs of travel and best promote the general welfare.  
4 Such funds may be used for improvements, within the provisions of this paragraph,  
5 independent of or in conjunction with other funds available for such improvements.  
6 The Subject to s. 86.255, the requirements of any federal highway act, or regulations  
7 issued thereunder, may be met from such appropriation.

8 **SECTION 1819gm.** 84.065 (4) of the statutes is amended to read:

9 84.065 (4) FUNDS. The Subject to s. 86.255, the department may make loans  
10 under this section from the appropriations under s. 20.395 (3) (bv) and (cv). The total  
11 outstanding balance of loans under this section may not exceed \$500,000.

12 **SECTION 1819g.** 84.02 (14) of the statutes is created to read:

13 84.02 (14) I 39 INTERCHANGE. If a waiver from the federal department of  
14 transportation is required for the construction of an interchange at the intersection  
15 of I 39 and Kowalski Road in Marathon County, and if the state department of  
16 transportation determines that construction of the interchange will have no adverse  
17 impact on safety in the vicinity of the intersection, the state department of  
18 transportation shall request a waiver to permit construction of the interchange. If  
19 a waiver is granted, or if the state department of transportation determines both that  
20 a waiver is not required and that such construction will have no adverse impact on  
21 safety in the vicinity of the intersection, the department of transportation shall  
22 design the interchange specified in this subsection and allocate funds from the  
23 appropriations under s. 20.395 (3) (cq) to (cx) sufficient to construct the interchange.

24 **SECTION 1819j.** 84.014 of the statutes is created to read:

1           **84.014 Intelligent transportation systems.** (1) In this section, “intelligent  
2 transportation system” means a specialized computer or other technical system,  
3 including roadway detector loops, closed circuit television, variable message signs,  
4 ramp meters or an integrated traffic signal system, that is used for the purpose of  
5 traffic flow measurement and management, congestion avoidance, incident  
6 management, travel time information or other similar purposes.

7           (2) The department may fund the installation, maintenance and replacement  
8 of intelligent transportation systems. After June 30, 2000, the department may  
9 encumber funds for intelligent transportation systems only from the appropriation  
10 accounts under s. 20.395 (3) (gq) to (gx) unless the intelligent transportation system  
11 is physically integrated with and installed as part of a highway project that includes  
12 construction or improvement in addition to the intelligent transportation system.

13           **SECTION 1819m.** 84.1044 of the statutes is created to read:

14           **84.1044 John R. Plewa Memorial Lake Parkway.** The department shall  
15 designate and mark I 794 and STH 794 in Milwaukee County commencing from the  
16 Daniel Webster Hoan Memorial Bridge and proceeding southerly to the intersection  
17 with East Layton Avenue as the “John R. Plewa Memorial Lake Parkway” in  
18 recognition and appreciation of the life of John R. Plewa and his public service as a  
19 member of the Wisconsin legislature for more than 20 years.

20           **SECTION 1820.** 84.106 of the statutes is created to read:

21           **84.106 Scenic byways program.** (1) DESIGNATION. The department shall  
22 develop, implement and administer a program to designate highways, as defined in  
23 s. 340.01 (22), or portions of highways in this state that have outstanding scenic,  
24 historic, cultural, natural, recreational or archeological qualities as scenic byways.  
25 The department may seek designation by the federal government of a highway



1 designated as a scenic byway under this section as a national scenic byway or as an  
2 All-American Road.

3 (2) RULES. The department shall promulgate rules under this section  
4 consistent with 23 USC 162 and regulations established under that section.

5 **SECTION 1820k.** 84.11 (5n) of the statutes is created to read:

6 84.11 (5n) DESIGN-BUILD CONTRACTS. (a) In this subsection, “design-build  
7 contract” means a contract for a project under which the engineering, design and  
8 construction services are provided by a single entity.

9 (b) Notwithstanding any other provision of this section and ss. 84.01 (13) and  
10 84.06 (2), the department may enter into a design-build contract for the design and  
11 construction of a bridge for which funding is provided under s. 84.11 (5), 1998 stats.,  
12 and for which no contract for construction is awarded before May 1, 1999. The  
13 department may enter into a contract under this paragraph only if all of the following  
14 conditions are met:

15 1. The design-build contract is awarded through a competitive selection  
16 process that utilizes, at a minimum, contractor qualifications, quality, completion  
17 time and cost as award criteria. In order to be eligible to participate in the selection  
18 process, the contractor must be prequalified by the department as a design  
19 consultant and as a contractor.

20 2. The design-build contract is approved by the secretary of the federal  
21 department of transportation under an experimental program described under  
22 section 1307 (d) of P.L. 105-178 pursuant to the authority granted under section 1307  
23 (e) of P.L. 105-178.

24 3. The design-build contract is approved by the governor.

1 (c) No later than 5 years after the effective date of this paragraph .... [revisor  
2 inserts date], the department shall submit a report to the governor, and to the  
3 legislature under s. 13.172 (2), describing the effectiveness of the design-build  
4 process contracting procedures under this subsection.

5 **SECTION 1820L.** 84.11 (5r) of the statutes is created to read:

6 84.11 (5r) MILWAUKEE 6TH STREET VIADUCT COST SHARING. Notwithstanding sub.  
7 (5m), the costs for any project governed by an agreement that is in effect before June  
8 30, 1993, for which funding is provided under s. 84.11 (5), 1993 stats., and for which  
9 no contract for construction is awarded before May 1, 1999, shall be paid as specified  
10 in an agreement entered into on or after April 20, 1999, by the city and county in  
11 which the bridge is wholly located and this state.

12 **SECTION 1820m.** 84.185 (10) of the statutes is created to read:

13 84.185 (10) PRIORITY OF BROWNFIELDS. The department shall promote the  
14 program under this section as required under s. 85.61.

15 **SECTION 1820mg.** 84.20 of the statutes is amended to read:

16 **84.20 State repair and maintenance of highways and streets.** Damage  
17 to any county trunk or town highway or city or village street caused by reason of its  
18 use as a detour designated by the department or for hauling materials incident to the  
19 maintenance, repair or construction by the department of any state trunk highway  
20 or street over which a state trunk highway is routed, shall be repaired by the  
21 department. Such highway or street shall also be maintained by the department  
22 during such use. ~~The Subject to s. 86.255, the cost of such repairs and maintenance~~  
23 shall be paid from funds appropriated and available to the department for the  
24 maintenance and improvement of state trunk highways and connecting highways  
25 under s. 20.395 (3).

1           **SECTION 1820n.** 84.25 (11) of the statutes is amended to read:

2           84.25 (11) COMMERCIAL ENTERPRISES. No commercial enterprise, except a  
3 vending facility which is licensed by the department of workforce development and  
4 operated by blind or visually impaired persons, or a commercial enterprise exempted  
5 from this subsection by an agreement under s. 84.01 (30) (g), shall be authorized or  
6 conducted within or on property acquired for or designated as a controlled-access  
7 highway.

8           **SECTION 1821.** 84.30 (2m) of the statutes is created to read:

9           84.30 (2m) CONDITIONAL USES AND SPECIAL EXCEPTIONS NOT CONSIDERED. No uses  
10 of real property that are authorized by special zoning permission, including uses by  
11 conditional use, special exception, zoning variance or conditional permit, may be  
12 considered when determining whether the area is a business area.

13           **SECTION 1822.** 84.30 (3) (c) (intro.) of the statutes is amended to read:

14           84.30 (3) (c) (intro.) Signs advertising activities conducted on the property on  
15 which they are located if such on-property signs comply with applicable federal law  
16 and the June 1961 agreement between the department and the federal highway  
17 administrator relative to control of advertising adjacent to interstate highways.  
18 ~~Additionally, any such sign located outside the incorporated area of a city or village~~  
19 ~~shall comply with the following criteria~~ No on-property sign may be erected in a  
20 location where it constitutes a traffic hazard. If the department issues permits for  
21 outdoor advertising signs, the department is not required to issue permits for  
22 on-property signs that conform to the requirements of this paragraph. On-property  
23 signs may be illuminated, subject to the following restrictions:

24           **SECTION 1823.** 84.30 (3) (c) 1. to 3. of the statutes are repealed and recreated  
25 to read:

1           84.30 (3) (c) 1. Signs which contain, include or are illuminated by any flashing,  
2 intermittent or moving light or lights are prohibited, except electronic signs  
3 permitted by rule of the department.

4           2. Signs which are not effectively shielded as to prevent beams or rays of light  
5 from being directed at any portion of the traveled ways of the interstate or  
6 federal-aid primary highway and which are of such intensity or brilliance as to cause  
7 glare or to impair the vision of the driver of any motor vehicle, or which otherwise  
8 interfere with any driver's operation of a motor vehicle, are prohibited.

9           3. No sign may be so illuminated that it interferes with the effectiveness of or  
10 obscures an official traffic sign, device or signal.

11           **SECTION 1824.** 84.30 (3) (c) 5. of the statutes is repealed.

12           **SECTION 1824f.** 84.30 (10m) of the statutes is created to read:

13           **84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT.** The department may  
14 promulgate a rule requiring persons specified in the rule to pay annual permit fees  
15 for signs. If the department establishes an annual permit fee under this subsection,  
16 failure to pay the fee within 2 months after the date on which payment is due is  
17 evidence that the sign has been abandoned for the purposes of s. TRANS 201.10 (2)  
18 (f), Wis. Adm. Code.

19           **SECTION 1824fm.** 84.31 (8) (b) of the statutes is amended to read:

20           **84.31 (8) (b)** The department and another state agency may enter into  
21 agreements for the purpose of assigning to the other state agency the responsibility  
22 for the administration of this section and rules adopted under this section. To the  
23 extent responsibility for administration is assigned to the other agency under such  
24 agreements, the other state agency shall have the same powers and duties conferred  
25 on the department under this section. The department shall reimburse the other

1 state agency from the appropriation under s. 20.395 (3) (cq) and (cx) for all expenses,  
2 including administrative expenses, incurred by the other state agency in connection  
3 with the screening, relocation, removal or disposal of junkyards under the authority  
4 assigned to the other state agency, except that no moneys may be reimbursed for the  
5 acquisition of land or interests in land contrary to s. 86.255.

6 **SECTION 1825.** 84.59 (2) of the statutes is amended to read:

7 84.59 (2) The department may, under s. ~~18.56 (5) and (9) (j)~~ 18.561 or 18.562,  
8 deposit in a separate and distinct fund outside the state treasury, in an account  
9 maintained by a trustee, revenues derived under s. 341.25. The revenues deposited  
10 are the trustee's revenues in accordance with the agreement between this state and  
11 the trustee or in accordance with the resolution pledging the revenues to the  
12 repayment of revenue obligations issued under this section.

13 **SECTION 1826.** 84.59 (6) of the statutes is amended to read:

14 84.59 (6) ~~Revenue obligations may be contracted by the~~ The building  
15 commission may contract revenue obligations when it reasonably appears to the  
16 building commission that all obligations incurred under this section can be fully paid  
17 from moneys received or anticipated and pledged to be received on a timely basis.  
18 Revenue ~~Except as provided in this subsection, the principal amount of revenue~~  
19 ~~obligations issued under this section shall may not exceed \$1,348,058,900 in~~  
20 ~~principal amount, excluding obligations issued to refund outstanding revenue~~  
21 ~~obligations. Not more than \$1,255,499,900 of the \$1,348,058,900 may~~  
22 \$1,447,085,500 and may be used for transportation facilities under s. 84.01 (28) and  
23 major highway projects under ss. 84.06 and 84.09. In addition to the foregoing limit  
24 on principal amount, the building commission may contract revenue obligations  
25 under this section as the building commission determines is desirable to refund

1 outstanding revenue obligations contracted under this section and to pay expenses  
2 associated with revenue obligations contracted under this section.

3 **SECTION 1830.** 85.024 (2) of the statutes is amended to read:

4 85.024 (2) The department shall administer a bicycle and pedestrian facilities  
5 program to award grants of assistance to political subdivisions for the planning,  
6 development or construction of bicycle and pedestrian facilities. ~~Annually, the~~ The  
7 department shall award from the appropriation under s. 20.395 (2) ~~(nx)~~ (ox) grants  
8 to political subdivisions under this section. A political subdivision that is awarded  
9 a grant under this section shall contribute matching funds equal to at least 25% of  
10 the amount awarded under this section. ~~The department shall select grant~~  
11 ~~recipients annually beginning in 1994 from applications submitted to the~~  
12 ~~department on or before April 1 of each year~~ The total amount of the grants awarded  
13 under this subsection and ss. 85.026 (2) (b) and 85.243 (2) (am) and projects approved  
14 under s. 85.245 (1m) for the planning, design or construction of bicycle and  
15 pedestrian facilities may not exceed \$9,755,000 in the fiscal year in which the grants  
16 are awarded or the projects are approved. If the department determines that a grant  
17 was awarded under this subsection for a project on which construction will not be  
18 completed within a reasonable time after the grant is awarded, the department may  
19 withdraw that grant and the amount of the grant withdrawn may not be counted  
20 under this subsection.

21 **SECTION 1830gb.** 85.026 (2) of the statutes is renumbered 85.026 (2) (a) and  
22 amended to read:

23 85.026 (2) (a) The Subject to s. 85.61, the department may administer a  
24 program to award grants of assistance to any political subdivision or state agency,  
25 as defined in s. 20.001 (1), for transportation enhancement activities consistent with

1 federal regulations promulgated under 23 USC 133 (b) (8). The Except as provided  
2 in par. (b), the grants shall be awarded from the appropriations under s. 20.395 (2)  
3 (nv) and (nx).

4 **SECTION 1830gc.** 85.026 (2) (b) of the statutes is created to read:

5 85.026 (2) (b) Grants awarded under this section for the planning, design and  
6 construction of bicycle and pedestrian facilities shall be only awarded from the  
7 appropriation under s. 20.395 (2) (ox). The total amount of the grants awarded under  
8 this paragraph and ss. 85.024 and 85.243 (2) (am) and projects approved under s.  
9 85.245 (1m) for the planning, design or construction of bicycle and pedestrian  
10 facilities may not exceed \$9,755,000 in the fiscal year in which the grants are  
11 awarded or the projects are approved. If the department determines that a grant was  
12 awarded under this paragraph for a project on which construction will not be  
13 completed within a reasonable time after the grant is awarded, the department may  
14 withdraw that grant and the amount of the grant withdrawn may not be counted  
15 under this paragraph.

16 **SECTION 1830gm.** 85.037 of the statutes is amended to read:

17 **85.037 Certification of fees collected.** Annually, no later than October 1,  
18 the secretary of transportation shall certify to the secretary of administration the  
19 amount of fees collected under ~~s.~~ ss. 101.9208 (1) (dm) and 342.14 (3m) during the  
20 previous fiscal year, for the purpose of determining the amounts to be transferred  
21 under s. 20.855 (4) (f) during the current fiscal year.

22 **SECTION 1830gb.** 85.026 (3) of the statutes is created to read:

23 85.026 (3) PROCEDURE. The department may not approve a grant under sub.  
24 (2) until after enactment of the biennial budget act for the biennium during which  
25 the grant will be awarded. The total amount of grants awarded under sub. (2) and

1 paid from the appropriations under s. 20.395 (2) (nv) and (nx) may not exceed the  
2 amounts appropriated under s. 20.395 (2) (nv) and (nx) for the purposes of  
3 transportation enhancement activities for the biennium during which the grants are  
4 awarded. If the department determines that a grant was awarded under sub. (2) for  
5 a project on which construction will not be completed within a reasonable time after  
6 the grant is awarded, the department may withdraw that grant and the amount of  
7 the grant so withdrawn may not be counted under this subsection.

8 **SECTION 1830h.** 85.05 of the statutes is amended to read:

9 **85.05 Evaluation of proposed major highway projects.** The department  
10 by rule shall establish a procedure for numerically evaluating projects considered for  
11 enumeration under s. 84.013 (3) as a major highway project. The evaluation  
12 procedure may include any criteria that the department considers relevant. The  
13 rules shall establish a minimum score that a project shall meet or exceed when  
14 evaluated under the procedure established under this section before the department  
15 may recommend the project to the transportation projects commission for  
16 consideration under s. 13.489 (4).

17 **SECTION 1830j.** 85.055 of the statutes is created to read:

18 **85.055 Passenger railroad station improvements.** (1) In this section,  
19 “Local governmental unit” means a city, village, town or county or an agency or  
20 subdivision of a city, village, town or county.

21 (2) The department shall administer a passenger railroad station  
22 improvement grant program. From the appropriation under s. 20.395 (2) (ct), the  
23 department shall award grants to local governmental units or private entities for the  
24 construction or rehabilitation of passenger railroad stations along existing or  
25 proposed rail passenger routes. The amount of a grant awarded under this section



1 shall be limited to an amount equal to 33% of the cost of the project or \$60,000,  
2 whichever is less.

3 (3) The department may not award a grant under this section to a public entity  
4 unless the governing body of the city, town, village or county has adopted a resolution  
5 supporting the proposed project.

6 (4) The department shall promulgate rules to administer the program.

7 **SECTION 1830p.** 85.07 (7) of the statutes is renumbered 85.07 (7) (a).

8 **SECTION 1830q.** 85.07 (7) (b) of the statutes is created to read:

9 85.07 (7) (b) When evaluating and selecting proposed hazard elimination  
10 projects to be funded using federal funds available under 23 USC 152, the  
11 department shall consider the reduction in motor vehicle accidents that will result  
12 from the proposed projects, except that, if a proposed project will reduce the response  
13 time of emergency vehicles, the department shall consider both the reduction in  
14 motor vehicle accidents that will result from the proposed project and the public  
15 safety benefits that will result from a reduction in the response time of emergency  
16 vehicles.

17 **SECTION 1832.** 85.12 (3) of the statutes is created to read:

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

21 **SECTION 1834.** 85.20 (1) (g) of the statutes is amended to read:

22 85.20 (1) (g) "Operating expenses" mean costs accruing to an urban mass  
23 transit system by virtue of its operations, including costs to subsidize fares paid by  
24 disabled persons for transportation within the urban area of the eligible applicant,  
25 and, for eligible applicants receiving aid under sub. (4m) (a) 7. or 8., maintenance.

↑  
*underscore*

*underscored spaces before open quote*

1

“Operating expenses” do not include costs accruing to an urban mass transit system from services provided by a publicly owned urban mass transit system under a contract awarded on the basis of competitive bids unless the urban mass transit system’s bid used the fully allocated cost methodology described in sub. (8).

4

For a publicly owned system, operating expenses do not include profit, return on investment or depreciation as costs. If a local public body contracts for the services of a privately owned system on the basis of competitive bids, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance, profit and return on investment. If a local public body contracts for the services of a privately owned system on the basis of negotiated procurement, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance. In an urban area which is served exclusively by shared-ride taxicab systems, operating expenses may include costs to subsidize reasonable fares paid by all users for transportation within the urban area of the eligible applicant.

*plain period*

17

**SECTION 1834m.** 85.20 (1) (h) of the statutes is amended to read:

18

85.20 (1) (h) “Operating revenues” mean income accruing to an urban mass transit system by virtue of its operations, but do not include income accruing from operations under a contract awarded on the basis of competitive bids to a publicly owned urban mass transit system that did not use the fully allocated cost methodology described in sub. (8).

23

**SECTION 1836m.** 85.20 (4m) (a) (intro.) of the statutes is amended to read:

24

85.20 (4m) (a) (intro.) ~~An amount shall be allocated~~ The department shall pay annually to the eligible applicant described in subd. 6. cm. the amount of aid specified

25

1 in subd. 6. cm. The department shall pay annually to the eligible applicant described  
2 in subd. 6. d. the amount of aid specified in subd. 6. d. The department shall allocate  
3 an amount to each eligible applicant described in subd. 7. or 8. to ensure that the sum  
4 of state and federal aids for the projected operating expenses of each eligible  
5 applicant's urban mass transit system is equal to a uniform percentage, established  
6 by the department, of the projected operating expenses of the mass transit system  
7 for the calendar year. For calendar year 1999, the operating expenses used to  
8 establish the uniform percentage shall be the projected operating expenses of an  
9 urban mass transit system. Subject to sub. (4r), for calendar year 2000 and  
10 thereafter the operating expenses used to establish the uniform percentage shall be  
11 the operating expenses incurred during the 2nd calendar year preceding the  
12 calendar year for which aid is paid under this section. The department shall make  
13 allocations as follows:

14 **SECTION 1837.** 85.20 (4m) (a) 1., 2., 3., 4. and 5. of the statutes are repealed.

15 **SECTION 1837m.** 85.20 (4m) (a) 6. a. of the statutes is amended to read:

16 85.20 (4m) (a) 6. a. From the appropriation under s. 20.395 (1) (hq), the uniform  
17 percentage for each eligible applicant in an urban area served by an urban mass  
18 transit system with annual operating expenses in excess of \$20,000,000. This subd.  
19 6. a. does not apply to aid payable for calendar year 2000 or thereafter.

20 **SECTION 1838.** 85.20 (4m) (a) 6. b. of the statutes is amended to read:

21 85.20 (4m) (a) 6. b. For the purpose of making allocations under subd. 6. a., the  
22 amounts amount for aids are \$60,984,900 in calendar year 1998 and is \$63,119,300  
23 in calendar year 1999 and thereafter. These amounts, This amount, to the extent  
24 practicable, shall be used to determine the uniform percentage in the particular

1 calendar year 1999. This subd. 6. b. does not apply to aid payable for calendar year  
2 2000 or thereafter.

3 **SECTION 1839mm.** 85.20 (4m) (a) 6. cm. of the statutes is created to read:

4 85.20 (4m) (a) 6. cm. Beginning with aid payable for calendar year 2000, from  
5 the appropriation under s. 20.395 (1) (ht), the department shall pay \$53,555,600 to  
6 the eligible applicant that pays the local contribution required under par. (b) 1. for  
7 an urban mass transit system that has annual operating expenses in excess of  
8 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is  
9 served by more than one urban mass transit system, the eligible applicant may  
10 allocate the aid between the urban mass transit systems in any manner the eligible  
11 applicant considers desirable.

12 **SECTION 1839mr.** 85.20 (4m) (a) 6. d. of the statutes is created to read:

13 85.20 (4m) (a) 6. d. Beginning with aid payable for calendar year 2000, from  
14 the appropriation under s. 20.395 (1) (hu), the department shall pay \$14,297,600 to  
15 the eligible applicant that pays the local contribution required under par. (b) 1. for  
16 an urban mass transit system that has annual operating expenses in excess of  
17 \$20,000,000 but less than \$80,000,000. If the eligible applicant that receives aid  
18 under this subd. 6. d. is served by more than one urban mass transit system, the  
19 eligible applicant may allocate the aid between the urban mass transit systems in  
20 any manner the eligible applicant considers desirable.

21 **SECTION 1841.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

22 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the  
23 amounts for aids are ~~\$17,799,600 in calendar year 1998~~ and \$18,422,500 in calendar  
24 year 1999 and \$19,804,200 in calendar year 2000 and thereafter. These amounts,

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

3 **SECTION 1844.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

4 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
5 amounts for aids are ~~\$4,807,600 in calendar year 1998~~ and \$4,975,900 in calendar  
6 year 1999 and \$5,349,100 in calendar year 2000 and thereafter. These amounts, to  
7 the extent practicable, shall be used to determine the uniform percentage in the  
8 particular calendar year.

9 **SECTION 1847m.** 85.20 (4r) of the statutes is created to read:

10 85.20 (4r) EXPANSION OF SERVICE. An eligible applicant that receives aid under  
11 sub. (4m) (a) 7. or 8. shall notify the department if the eligible applicant anticipates  
12 receiving new or expanded services provided by an urban mass transit system in a  
13 manner that will increase operating expenses. The eligible applicant shall provide  
14 the notice during the calendar year preceding the calendar year in which the new or  
15 expanded services will first be provided. The notice shall include an estimate of the  
16 projected annual operating expenses of the new or expanded services. The  
17 department may modify the projected annual operating expenses to an amount that  
18 the department considers reasonable. The department shall adjust the projected  
19 annual operating expenses for inflation and, for each calendar year for which actual  
20 operating costs of the new or expanded services are not known, shall add the adjusted  
21 projected annual operating expenses to the operating expenses used to determine the  
22 uniform percentage under sub. (4m) (a) (intro.).

23 **SECTION 1847q.** 85.20 (4s) of the statutes, as affected by 1997 Wisconsin Act  
24 27, is amended to read:

1           85.20 (4s) PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed  
2 between the department and eligible applicants under this section shall provide that  
3 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the  
4 state's fiscal year shall be provided from the following fiscal year's appropriation  
5 under s. 20.395 (1) (hq), (hr) ~~or~~, (hs), (ht) or (hu).

6           **SECTION 1848.** 85.20 (6) (c) of the statutes is created to read:

7           85.20 (6) (c) Disclose to the department the amount of federal aid over which  
8 the eligible applicant has spending discretion and that the eligible applicant intends  
9 to apply towards operating expenses for a calendar year. This paragraph applies only  
10 to an eligible applicant that receives aid under sub. (4m) (a) 7. or 8.

11           **SECTION 1849d.** 85.20 (6m) of the statutes is created to read:

12           85.20 (6m) LOCAL SEGREGATED ACCOUNT REQUIRED. (a) Notwithstanding sub.  
13 (4m), the department may not pay state aid under this section to an eligible applicant  
14 unless the eligible applicant does all of the following:

15           1. Establishes and administers a separate segregated account from which  
16 moneys may be used only for purposes related to a mass transit system.

17           2. Deposits in the account established under subd. 1. all of the following:

18           a. All moneys received from this state and from the federal government for a  
19 mass transit system.

20           b. All local moneys required by this state, or by the federal government, to  
21 match moneys described under subd. 2. a. as a condition of receiving or expending  
22 those state or federal moneys.

23           c. All local moneys allocated for a mass transit system by the eligible applicant.

24           d. All moneys received from a local revenue source that is dedicated to a mass  
25 transit system.

1 (b) If an eligible applicant does not meet the requirements under par. (a) at the  
2 time that aid should be paid under this section, the department shall withhold the  
3 aid payment until the eligible applicant meets the requirements under par. (a).  
4 When the eligible applicant meets the requirements under par. (a), the department  
5 shall pay the aid withheld under this paragraph, without interest, except that, if the  
6 eligible applicant fails to meet the requirements under par. (a) within 180 days after  
7 the time that the aid should be paid, that aid is forfeited and may not be paid to that  
8 eligible applicant. Aid that is forfeited under this paragraph shall be counted under  
9 this section as if the aid had been paid.

10 (c) The department, in consultation with the representatives appointed under  
11 s. 86.303 (5) (am), shall promulgate rules implementing this subsection. The  
12 department may not require any eligible applicant to do any of the following:

13 1. Pay expenses related to law enforcement using moneys from an account  
14 established under this subsection.

15 2. Maintain separate checking accounts to implement this subsection, if the  
16 eligible applicant implements this subsection by segregating revenues and  
17 expenditures described in this subsection in the eligible applicant's bookkeeping  
18 system.

19 **SECTION 1849g.** 85.20 (7) (c) of the statutes is created to read:

20 85.20 (7) (c) Beginning with contracts for aid payable for calendar year 2000,  
21 the department may not enter into a contract for payment of state aids under sub.  
22 (4m) unless the rules promulgated under this subsection are in effect and unless the  
23 contract requires the urban mass transit system to comply with those rules as a  
24 condition of receiving aid under sub. (4m).

25 **SECTION 1849gm.** 85.20 (8) of the statutes is created to read:

1           85.20 (8) FULLY ALLOCATED COST BIDDING. If a local public body solicits bids to  
2 contract for services, the bids of a publicly owned urban mass transit system shall  
3 use a fully allocated cost methodology established by the department by rule. The  
4 fully allocated cost methodology shall do all of the following:

5           (a) Be based on generally accepted accounting principles.

6           (b) Consider all shared costs and direct costs of the mass transit system that  
7 are related to and support the service being considered. A publicly owned urban  
8 mass transit system's costs include all subsidies provided to the system, including  
9 operating subsidies, capital grants and the use of public facilities.

10          (c) Assign each cost of a publicly owned urban mass transit system to one of the  
11 following categories:

12           1. Costs that depend on the number of vehicle hours operated, including  
13 operators' salaries and fringe benefits.

14           2. Costs that depend on the number of vehicle miles traveled, including fuel  
15 costs, maintenance costs and maintenance personnel salaries and fringe benefits.

16           3. Costs that depend on the maximum number of vehicles that are in service  
17 during the day, including administrative and capital costs.

18           **SECTION 1849gm.** 85.205 of the statutes is created to read:

19           **85.205 Prohibited expenditures for light rail.** Notwithstanding ss.  
20 85.022, 85.062 and 85.063, the department may not encumber or expend any federal  
21 funds received under P.L. 102-240, section 1045, or P.L. 105-277, section 373, or  
22 state funds for any purpose related to a light rail mass transit system. This section  
23 does not apply to any light rail mass transit system that is being constructed on the  
24 effective date of this section .... [revisor inserts date]. This section does not apply to  
25 any funds expended or activity related to a mass transit system that is done under



1 the memorandum of agreement concerning USH 12 between Middleton and Lake  
2 Delton, Wisconsin, that was executed by the governor, the secretary of  
3 transportation, the secretary of natural resources, the county executive of Dane  
4 County, the administrative coordinator of Sauk County, and others, and that became  
5 effective on April 22, 1999. This section does not apply after June 30, 2001.

6 **SECTION 1850.** 85.22 (2) (am) (intro.) of the statutes is amended to read:

7 85.22 (2) (am) (intro.) “Eligible applicant” means any applicant that meets  
8 eligibility requirements for federal assistance under 49 USC ~~1612 (b) (2)~~ 5310(a) and  
9 is one of the following:

10 **SECTION 1851.** 85.22 (4) of the statutes is renumbered 85.22 (4) (a) (intro.) and  
11 amended to read:

12 85.22 (4) (a) (intro.) Commencing with the highest ranked application and to  
13 the extent that state moneys are available, the department shall offer to each eligible  
14 applicant an amount of state aid such that the sum of federal and state aid received  
15 by an applicant does not exceed ~~80%~~ any of the following:

16 1. The percentage, specified by the department by rule, of the estimated capital  
17 project costs.

18 (b) State aids available under this section shall not be available for operating  
19 purposes.

20 **SECTION 1852.** 85.22 (4) (a) 2. of the statutes is created to read:

21 85.22 (4) (a) 2. For the specific type or category of capital equipment for which  
22 aid is paid, the percentage of the estimated capital costs that are eligible for federal  
23 aid.

24 **SECTION 1852g.** 85.243 (2) (am) of the statutes is created to read:

1           85.243 (2) (am) Grants awarded under this section for the planning, design or  
2 construction of bicycle and pedestrian facilities shall be only awarded from the  
3 appropriation under s. 20.395 (2) (ox). The total amount of the grants awarded under  
4 this paragraph and ss. 85.024 and 85.026 (2) (b) and projects approved under s.  
5 85.245 (1m) for the planning, design or construction of bicycle and pedestrian  
6 facilities may not exceed \$9,755,000 in the fiscal year in which the grants are  
7 awarded or the projects are approved. If the department determines that a grant was  
8 awarded under this paragraph for a project on which construction will not be  
9 completed within a reasonable time after the grant is awarded, the department may  
10 withdraw that grant and the amount of the grant withdrawn may not be counted  
11 under this paragraph.

12           **SECTION 1852j.** 85.245 (1) of the statutes is amended to read:

13           85.245 (1) The department may administer a program for the distribution of  
14 federal funds for congestion mitigation and air quality improvement projects made  
15 available to the state under 23 USC 149. The Except as provided in sub. (1m), the  
16 cost of any project shall be funded from the appropriations under s. 20.395 (2) (kv)  
17 and (kx).

18           **SECTION 1852k.** 85.245 (1m) of the statutes is created to read:

19           85.245 (1m) The cost of any project funded under this section for the planning,  
20 design or construction of a bicycle and pedestrian facility shall be only funded from  
21 the appropriation under s. 20.395 (2) (ox). The total amount of any project approved  
22 under this subsection and the amount of grants awarded under ss. 85.024, 85.026 (2)  
23 (b) and 85.243 (2) (am) for the planning, design or construction of bicycle and  
24 pedestrian facilities may not exceed \$9,755,000 in the fiscal year in which the  
25 projects are approved or the grants are awarded. If the department determines that

1 a project was approved under this subsection on which construction will not be  
2 completed within a reasonable time after the project is approved, the department  
3 may withdraw its approval of that project and the cost of the project for which  
4 approval was withdrawn may not be counted under this subsection.

5 **SECTION 1852f.** 85.243 (2) (a) of the statutes is amended to read:

6 85.243 (2) (a) The Subject to par. (ar), the department shall administer a  
7 surface transportation discretionary grants program to promote the development  
8 and implementation of surface transportation projects that foster the diverse  
9 transportation needs of the people of this state. Annually, the department may make  
10 grants to eligible applicants for surface transportation projects that promote  
11 nonhighway use or that otherwise supplement existing transportation activities. A  
12 grant may not exceed 80% of the total cost of a project. The department shall give  
13 priority to funding projects that foster alternatives to single-occupancy automobile  
14 trips. In deciding whether to award a grant under this section, the department may  
15 consider whether other funding sources are available for the proposed project.

16 **SECTION 1852gd.** 85.243 (2) (ar) of the statutes is created to read:

17 85.243 (2) (ar) The department may not approve a grant under par. (a) until  
18 after enactment of the biennial budget act for the biennium during which the grant  
19 will be awarded. The total amount of grants awarded under par. (a) and paid from  
20 the appropriations under s. 20.395 (2) (jq), (jv) and (jx) may not exceed the amounts  
21 appropriated under s. 20.395 (2) (jq), (jv) and (jx) for the biennium during which the  
22 grants are awarded. If the department determines that a grant was awarded under  
23 par. (a) for a project on which construction will not be completed within a reasonable  
24 time after the grant is awarded, the department may withdraw that grant and the  
25 amount of the grant so withdrawn may not be counted under this paragraph.

1           **SECTION 1852m.** 85.32 of the statutes is created to read:

2           **85.32 Statewide trauma care system transfer.** Beginning July 1, 2000,  
3 and annually thereafter, the secretary shall transfer \$80,000 from the appropriation  
4 under s. 20.395 (5) (dq) to the appropriation under s. 20.435 (1) (kx) for the purposes  
5 of the statewide trauma care system under s. 146.56.

6           **SECTION 1853.** 85.50 of the statutes is repealed.

7           **SECTION 1854.** 85.515 of the statutes, as created by 1997 Wisconsin Act 84, is  
8 amended to read:

9           **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary  
10 determines that the changes to the department's computerized information systems  
11 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000  
12 2001, the secretary shall publish a notice in the Wisconsin Administrative Register  
13 that states the date on which the changes to the department's computerized  
14 information system will begin operating, and that the clearly states which portion  
15 of revisions to the operator's license suspension and revocation law made by 1997  
16 Wisconsin Act 84 will become effective on that date.

17           **SECTION 1854m.** 85.52 (3) (a) of the statutes is amended to read:

18           85.52 (3) (a) The Subject to s. 85.61, the department shall administer a  
19 transportation infrastructure loan program to make loans, and to provide other  
20 assistance, to eligible applicants for highway projects or transit capital projects. The  
21 department of transportation may not make a loan or provide other assistance under  
22 the program unless the secretary of administration approves of the loan or other  
23 assistance and determines that the amounts in the fund, together with anticipated  
24 receipts, will be sufficient to fully pay principal and interest costs incurred on the  
25 revenue obligations issued under sub. (5). Loans or other assistance under the

1 program for highway projects shall be credited to the highway account. Loans or  
2 other assistance under the program for transit capital projects shall be credited to  
3 the transit account.

4 **SECTION 1855.** 85.52 (5) (c) of the statutes is amended to read:

5 85.52 (5) (c) The department of administration may, under s. ~~18.56 (5) and (9)~~  
6 ~~(j) 18.561 or 18.562~~, deposit in a separate and distinct fund in the state treasury or  
7 in an account maintained by a trustee outside the state treasury, any portion of the  
8 revenues derived under s. 25.405 (2). The revenues deposited with a trustee outside  
9 the state treasury are the trustee's revenues in accordance with the agreement  
10 between this state and the trustee or in accordance with the resolution pledging the  
11 revenues to the repayment of revenue obligations issued under this subsection.

12 **SECTION 1855g.** 85.53 (3) of the statutes is amended to read:

13 85.53 (3) Grants under this section shall be paid from the appropriation under  
14 s. 20.395 (5) (jr) The amount of a grant may not exceed 80% of the amount expended  
15 by an eligible applicant for services related to the program. ~~The total amount of~~  
16 ~~grants awarded under this section may not exceed \$500,000.~~

17 **SECTION 1855L.** 85.61 of the statutes is created to read:

18 **85.61 Programs to assist brownfields redevelopment.** The department  
19 shall promote the following programs in a manner that ensures that the programs  
20 assist the restoration of the environment and the redevelopment of brownfields, as  
21 defined in s. 560.60 (1v), to the greatest extent possible:

22 (1) Activities funded from the appropriation under s. 20.395 (2) (fv) or (fx).

23 (2) Transportation facilities economic assistance and development under s.

24 84.185.

1 (3) The transportation enhancement activities program under s. 85.026, if the  
2 department administers such a program.

3 (4) The transportation infrastructure loan program under s. 85.52.

4 **SECTION 1855p.** 86.19 (1) of the statutes is amended to read:

5 86.19 (1) Except as provided in sub. (1m) or s. 84.01 (30) (g), no sign shall be  
6 placed within the limits of any street or highway except such as are necessary for the  
7 guidance or warning of traffic or as provided by ss. 60.23 (17m) and 66.046. The  
8 authorities charged with the maintenance of streets or highways shall cause the  
9 removal therefrom and the disposal of all other signs.

10 **SECTION 1855r.** 86.19 (1r) of the statutes is created to read:

11 (1r) The department shall maintain the directional sign existing on the  
12 effective date of this subsection ... [revisor inserts date], that is located along I 43 for  
13 America's Black Holocaust Museum in Milwaukee County. The department may not  
14 charge any fee related to the sign maintained under this subsection.

15 **SECTION 1855rm.** 86.255 of the statutes is created to read:

16 **86.255 Limitation on moneys used to purchase land remote from**  
17 **highway project.** (1) Notwithstanding ss. 84.09 and 86.25, beginning with  
18 purchase contracts executed on the effective date of this subsection ... [revisor  
19 inserts date], and with relocation orders initially filed under ch. 32 on the effective  
20 date of this subsection ... [revisor inserts date], the department may not encumber  
21 or expend any moneys from the appropriations under s. 20.395 (3) for purposes  
22 related to the purchase of land, easements, or development rights in land, unless the  
23 land or interest in land is purchased in association with a highway improvement  
24 project and the land or interest in land is located within one-quarter mile of the  
25 centerline or proposed centerline of the highway.

1           (2) Subsection (1) does not apply to any of the following:

2           (a) The purchase of any land that is acquired as compensatory mitigation for  
3 another wetland, as defined in s. 23.32 (1), that will suffer an adverse impact by  
4 degradation or destruction as part of a highway project.

5           (b) The purchase of any land, easements, or development rights in land, under  
6 an agreement executed in the name of the department before the effective date of this  
7 paragraph .... [revisor inserts date], or under a relocation order filed under ch. 32  
8 before the effective date of this paragraph .... [revisor inserts date].

9           **SECTION 1855rm.** 86.195 (2) (ag) 16m. of the statutes is created to read:

10           86.195 (2) (ag) 16m. STH 172 from I 43 southeast of Green Bay to USH 41 at  
11 Ashwaubenon.

12           **SECTION 1856.** 86.30 (2) (a) 1. of the statutes is amended to read:

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

19           **SECTION 1857.** 86.30 (2) (a) 3. f. of the statutes is repealed.

20           **SECTION 1858.** 86.30 (2) (a) 3. g. of the statutes is amended to read:

21           86.30 (2) (a) 3. g. In calendar year years 1998 and thereafter 1999, \$1,596.

22           **SECTION 1859.** 86.30 (2) (a) 3. h. of the statutes is created to read:

23           86.30 (2) (a) 3. h. In calendar year 2000 and thereafter, \$1,704.

24           **SECTION 1862.** 86.30 (9) (b) of the statutes is amended to read:

1           86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
2           the amounts for aids to counties are ~~\$70,644,200 in calendar year 1997 and~~  
3           ~~\$78,744,300 in calendar year years 1998 and 1999, and \$84,059,500 in calendar year~~  
4           ~~2000 and thereafter. These amounts, to the extent practicable, shall be used to~~  
5           ~~determine the statewide county average cost-sharing percentage in the particular~~  
6           ~~calendar year.~~

*plain text ↑*

7           **SECTION 1863.** 86.30 (9) (c) of the statutes is amended to read:

8           86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
9           the amounts for aids to municipalities are ~~\$222,255,300 in calendar year 1997 and~~  
10          ~~\$247,739,100 in calendar year years 1998 and 1999, and \$264,461,500 in calendar~~  
11          ~~year 2000 and thereafter. These amounts, to the extent practicable, shall be used to~~  
12          determine the statewide municipal average cost-sharing percentage in the  
13          particular calendar year.

14          **SECTION 1863m.** 86.30 (10) of the statutes is created to read:

**INSERT 1166-14**

15          **SECTION 1863md.** 86.30 (11) of the statutes is created to read:

16          **86.30 (11) LOCAL SEGREGATED ACCOUNT REQUIRED.** (a) Notwithstanding sub. (2),  
17          the department may not pay state aid under this section to a municipality or county  
18          unless the municipality or county does all of the following:

19               1. Establishes and administers a separate segregated account from which  
20               moneys may be used only for purposes related to local highways.

21               2. Deposits in the account established under subd. 1. all of the following:

22                   a. All moneys received from this state and from the federal government for local  
23               highway purposes.



1 ✓ \*b1785/1.6\* 777. Page 975, line 18: delete "\$84,303,700 in calendar year  
2 2001 and".

3 ✓ \*b1785/1.7\* 778. Page 975, line 24: delete "\$262,603,400" and substitute  
4 "and \$264,461,500".

5 ✓ \*b1785/1.8\* 779. Page 975, line 25: delete "\$265,229,400 in calendar year  
6 2001 and".

7 \*b1785/1.9\* 780. Page 976, line 4: delete lines 4 to 23, and substitute:

8 (8) ~~86.30~~ (10) AID PAYMENTS FOR CALENDAR YEAR 2001. (a) 1. For calendar year 2001,  
9 the department shall determine the percentage change between the amount of  
10 moneys appropriated for distribution under this section to counties for calendar year  
11 2001 and the amount of moneys appropriated for distribution under this section to  
12 counties for calendar year 2000.

13 2. Notwithstanding sub. (2) (a), (b) and (d) and s. 86.303 (5) (e), (f), (h) and (i),  
14 the amount of aid payable to each county in calendar year 2001 shall be the amount  
15 paid to that county for calendar year 2000, plus an amount equal to the percentage  
16 determined under subd. 1. of the amount paid to the county for calendar year 2000.

17 (b) 1. For calendar year 2001, the department shall determine the percentage  
18 change between the amount of moneys appropriated for distribution under this  
19 section to municipalities for calendar year 2001 and the amount of moneys  
20 appropriated for distribution under this section to municipalities for calendar year  
21 2000.

22 2. Notwithstanding sub. (2) (a), (b) and (d) and s. 86.303 (5) (e), (f), (h) and (i),  
23 the amount of aid payable to each municipality in calendar year 2001 shall be the  
24 amount paid to that municipality for calendar year 2000, plus an amount equal to



1 the percentage determined under subd. 1. of the amount paid to the municipality for  
2 calendar year 2000.

3 \*b1851/1.2\* **781.** Page 976, line 23: after that line insert:  
4 \*b1851/1.2\* "SECTION 1863md. 86.30 (11) of the statutes is created to read:  
5 86.30 (11) LOCAL SEGREGATED ACCOUNT REQUIRED. (a) Notwithstanding sub. (2),  
6 the department may not pay state aid under this section to a municipality or county  
7 unless the municipality or county does all of the following:  
8 1. Establishes and administers a separate segregated account from which  
9 moneys may be used only for purposes related to local highways.  
10 2. Deposits in the account established under subd. 1. all of the following:  
11 a. All moneys received from this state and from the federal government for local  
12 highway purposes.  
13 b. All local moneys required by this state, or by the federal government, to  
14 match moneys described under subd. 2. a. as a condition of receiving or expending  
15 those state or federal moneys.  
16 c. All local moneys allocated for local highway purposes by the local governing  
17 body.  
18 d. All moneys received from a local revenue source that is dedicated to local  
19 highways.  
20 (b) If a municipality or county does not meet the requirements under par. (a)  
21 at the time that aid should be paid under this section, the department shall withhold  
22 the aid payment until the municipality or county meets the requirements under par.  
23 (a). When the municipality or county meets the requirements under par. (a), the  
24 department shall pay the aid withheld under this paragraph, without interest,

1           b. All local moneys required by this state, or by the federal government, to  
2 match moneys described under subd. 2. a. as a condition of receiving or expending  
3 those state or federal moneys.

4           c. All local moneys allocated for local highway purposes by the local governing  
5 body.

6           d. All moneys received from a local revenue source that is dedicated to local  
7 highways.

8           (b) If a municipality or county does not meet the requirements under par. (a)  
9 at the time that aid should be paid under this section, the department shall withhold  
10 the aid payment until the municipality or county meets the requirements under par.

11           (a). When the municipality or county meets the requirements under par. (a), the  
12 department shall pay the aid withheld under this paragraph, without interest,  
13 except that, if the municipality or county fails to meet the requirements under par.  
14 (a) within 180 days after the time that the aid should be paid, that aid is forfeited and  
15 may not be paid to that municipality or county. Aid that is forfeited under this  
16 paragraph shall be counted under sub. (2) as if the aid had been paid.

17           (c) The department, in consultation with the representatives appointed under  
18 s. 86.303 (5) (am), shall promulgate rules implementing this subsection. The  
19 department may not require any eligible applicant to do any of the following:

20           1. Pay expenses related to law enforcement using moneys from an account  
21 established under this subsection.

22           2. Maintain separate checking accounts to implement this subsection, if the  
23 eligible applicant implements this subsection by segregating revenues and  
24 expenditures described in this subsection in the eligible applicant's bookkeeping  
25 system.