

1 **79.044 Expenditure restraint supplemental aid. (1) DEFINITIONS.** In this
2 section:

3 (a) “Full value” has the meaning given in s. 79.05 (1) (a).

4 (b) “Inflation factor” has the meaning given in s. 79.05 (1) (am).

5 (c) “Municipal budget” has the meaning given in s. 79.05 (1) (b).

6 (d) “Property tax levy rate” has the meaning given in s. 79.05 (1) (c).

7 (e) “Valuation factor” has the meaning given in s. 79.05 (1) (d).

8 **(2) ELIGIBILITY.** A municipality is eligible for a payment under sub. (3) if it
9 fulfills all of the following requirements:

10 (a) It is eligible for a payment under s. 79.043.

11 (b) Its property tax levy rate for 2002 is greater than 8 mills.

12 (c) Its municipal budget, exclusive of principal and interest on long-term debt
13 and exclusive of revenue sharing payments under s. 66.0305 and recycling fee
14 payments under s. 289.645, for 2002 increased over its municipal budget, exclusive
15 of principal and interest on long-term debt and exclusive of revenue sharing
16 payments under s. 66.0305 and recycling fee payments under s. 289.645, for 2001 by
17 less than the sum of the inflation factor and the valuation factor, both as used to
18 determine eligibility for a payment under s. 79.05 in 2003, rounded to the nearest
19 0.10%.

20 **(3) PAYMENTS.** Except as provided under s. 79.02 (3) (e), in 2004 and in 2005,
21 each municipality that qualifies under sub. (2) shall receive a payment calculated as
22 follows:

23 (a) Subtract 8 mills from the municipality’s property tax levy rate for 2002.

24 (b) Multiply the amount under par. (a) by the municipality’s 2001 full value.

1 (c) Divide the amount under par. (b) by the total of the amounts under par. (b)
2 for all municipalities that qualify.

3 (d) Multiply the amount under par. (c) by \$10,000,000.

4 (4) MINIMUM PAYMENT. (a) If the combined payments to any municipality under
5 sub. (3) and s. 79.043, excluding any reduction under s. 79.02 (3) (e), in any year is
6 less than 90% of the combined payments to the municipality under ss. 79.03 and
7 79.06 in 2003, excluding any reductions under s. 79.02 (3) (c) 3. and excluding
8 payments under s. 79.04, the municipality has an aids deficiency. The amount of the
9 aids deficiency is the amount by which 90% of the combined payments to the
10 municipality under ss. 79.03 and 79.06 in 2003, excluding any reductions under s.
11 79.02 (3) (c) 3. and excluding payments under s. 79.04, exceeds the combined
12 payments under sub. (3) and s. 79.043, excluding any reduction under s. 79.02 (3) (e),
13 to the municipality in the current year.

14 (b) A municipality that has an aids deficiency shall receive a payment from the
15 amounts withheld under sub. (5) equal to its aids deficiency for that year.

16 (5) MAXIMUM PAYMENT. (a) In this subsection, “maximum allowable increase”
17 in any year means a percentage such that the sum for all municipalities in the year
18 of the excess of the combined payments under sub. (3) and s. 79.043, excluding any
19 reduction under s. 79.02 (3) (e), over the payments as limited by the maximum
20 allowable increase, is equal to the sum of the aids deficiencies under sub. (4) in that
21 year.

22 (b) If the combined payments to any municipality under sub. (3) and s. 79.043,
23 excluding any reduction under s. 79.02 (3) (e), in any year exceed the combined
24 payments to the municipality under ss. 79.03 and 79.06 in 2003, excluding any
25 reductions under s. 79.02 (3) (c) 3. and excluding payments under s. 79.04, by more

1 than the maximum allowable increase, the excess shall be withheld to fund the
2 minimum payments in that year under sub. (4) (b).

3 (6) DISTRIBUTIONS. (a) Beginning in 2004 and ending with the distribution in
4 2005, the total amount to be distributed each year to municipalities under sub. (4)
5 from the municipal aid account is \$10,000,000.

6 (b) Beginning in 2006, no municipality may receive a payment under this
7 section.

8 **SECTION 1669f.** 79.045 of the statutes is created to read:

9 **79.045 Small municipalities state aid. (1) DEFINITIONS.** In this section:

10 (a) “Actual per capita conservation, development, and library cost” has the
11 meaning given in s. 79.043 (1) (a).

12 (b) “Actual per capita public safety cost” has the meaning given in s. 79.043 (1)
13 (b).

14 (c) Notwithstanding s. 79.005 (2), “population” means the number of persons
15 residing in a municipality, as determined by the department of administration under
16 s. 16.96.

17 (2) ELIGIBILITY. In 2004 and in 2005, a municipality is eligible for a payment
18 under this section if the municipality is incorporated and had a population in 2002
19 of less than 2,500; the municipality is unincorporated and had a population in 2002
20 of less than 5,000; or the sum of the municipality’s actual per capita public safety cost
21 for 2001 and the municipality’s actual per capita conservation, development, and
22 library cost for 2001 is less than \$50.

23 (3) PAYMENTS. Except as provided under s. 79.02 (3) (e), each municipality that
24 is eligible to receive a payment under this section shall receive a payment in 2004
25 and in 2005 that is equal to the combined payments to the municipality under ss.

1 79.03 and 79.06 in 2003, excluding any reductions under s. 79.02 (3) (c) 3. and
2 excluding payments under s. 79.04, multiplied by a percentage that results in the
3 distribution of the entire funding level.

4 (4) DISTRIBUTIONS. (a) Beginning in 2004 and ending with the distribution in
5 2005, the total amount to be distributed each year to municipalities under sub. (3)
6 from the municipal aid account is \$125,145,000.

7 (b) Beginning in 2006, no municipality may receive a payment under this
8 section.

9 SECTION 1669g. 79.046 of the statutes is created to read:

10 79.046 Municipal aid distribution. Except as provided under s. 79.02 (3)
11 (e), beginning in 2006, the amount to be distributed to municipalities is
12 \$703,102,200.

13 SECTION 1670. 79.058 (3) (e) of the statutes is amended to read:

14 79.058 (3) (e) In 2003, \$21,181,100, less the reductions under s. 79.02 (3) (c) 3.

15 SECTION 1670b. 79.10 (7r) of the statutes is repealed.

16 SECTION 1670d. 79.10 (10) (a) of the statutes is amended to read:

17 79.10 (10) (a) Beginning with property taxes levied in 1999, the owner of a
18 principal dwelling may claim the credit under sub. (9) (bm) by applying for the credit
19 on a form prescribed by the department of revenue. A claimant shall attest that, as
20 of the certification date, the claimant is an owner of property and that such property
21 is used by the owner in the manner specified under sub. (1) (dm). The certification
22 date is January 1 of the year in which the property taxes are levied. The claimant
23 shall file the application for the lottery and gaming credit with the treasurer of the
24 county in which the property is located or, if the property is located in a city that
25 collects taxes under s. 74.87, with the treasurer of the city in which the property is

1 located. Subject to review by the department of revenue, a treasurer who receives
2 a completed application shall direct that the property described in the application be
3 identified on the next tax roll as property for which the owner is entitled to receive
4 a lottery and gaming credit. A claim that is made under this paragraph is valid for
5 5 years as long as the property is eligible for the credit under sub. (9) (bm).

6 **SECTION 1670dm.** 79.10 (10) (b) of the statutes is amended to read:

7 79.10 (10) (b) A person who becomes eligible for a credit under sub. (9) (bm) may
8 claim the credit by filing an application, on a form prescribed by the department of
9 revenue, with the treasurer of the county in which the property is located or, if the
10 property is located in a city that collects taxes under s. 74.87, with the treasurer of
11 the city in which the property is located. Claims made under this paragraph ~~become~~
12 ~~invalid when claims made under par. (a) become invalid~~ are valid for as long as the
13 property is eligible for the credit under sub. (9) (bm).

14 **SECTION 1670dp.** 79.10 (10) (bm) of the statutes is amended to read:

15 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but
16 whose property tax bill does not reflect the credit may claim the credit by applying
17 to the treasurer of the taxation district in which the property is located for the credit
18 under par. (a) by January 31 following the issuance of the person's property tax bill.
19 The treasurer shall compute the amount of the credit; subtract the amount of the
20 credit from the person's property tax bill; notify the person of the reduced amount of
21 the property taxes due; issue a refund to the person if the person has paid the
22 property taxes in full; and enter the person's property on the next tax roll as property
23 that qualifies for a lottery and gaming credit. Claims made under this subdivision
24 ~~become invalid when claims made under par. (a) become invalid~~ are valid for as long
25 as the property is eligible for the credit under sub. (9) (bm).

1 2. A person who may apply for a credit under subd. 1. but who does not timely
2 apply for the credit under subd. 1. may apply to the department of revenue no later
3 than October 1 following the issuance of the person's property tax bill. Subject to
4 review by the department, the department shall compute the amount of the credit;
5 issue a check to the person in the amount of the credit; and notify the treasurer of
6 the county in which the person's property is located or the treasurer of the taxation
7 district in which the person's property is located, if the taxation district collects taxes
8 under s. 74.87. The treasurer shall enter the person's property on the next tax roll
9 as property that qualifies for a lottery and gaming credit. Claims made under this
10 subdivision ~~become invalid when claims made under par. (a) become invalid~~ are valid
11 for as long as the property is eligible for the credit under sub. (9) (bm).

12 **SECTION 1670dr.** 79.10 (10) (bn) of the statutes is amended to read:

13 79.10 (10) (bn) 1. If a person who owns and uses property as specified under
14 sub. (1) (dm), as of the certification date under par. (a), transfers the property after
15 the certification date, the transferee may apply to the treasurer of the county in
16 which the property is located or, if the property is located in a city that collects taxes
17 under s. 74.87, to the treasurer of the city in which the property is located for the
18 credit under sub. (9) (bm) on a form prescribed by the department of revenue. The
19 transferee shall attest that, to the transferee's knowledge, the transferor used the
20 property in the manner specified under sub. (1) (dm) as of the certification date under
21 par. (a). A claim that is made under this subdivision is valid for ~~the year in which~~
22 ~~the property is transferred~~ as long as the property is eligible for the credit under sub.
23 (9) (bm).

24 2. A person who is eligible for a credit under subd. 1. but whose property tax
25 bill does not reflect the credit may claim the credit by applying to the treasurer of the

1 taxation district in which the property is located for the credit by January 31
2 following the issuance of the person's property tax bill. Claims made after January
3 31, but no later than October 1 following the issuance of the person's property tax bill,
4 shall be made to the department of revenue. Paragraph (bm), as it applies to
5 processing claims made under that paragraph, applies to processing claims made
6 under this subdivision, ~~except that a claim that is made under this subdivision is~~
7 ~~valid for the year in which the person took possession of the transferred property~~
8 ~~under subd. 1.~~

9 **SECTION 1670dt.** 79.10 (10) (f) of the statutes is created to read:

10 79.10 (10) (f) 1. Each county and city that administers the credit under sub. (9)
11 (bm) shall implement a procedure to periodically verify the eligibility of properties
12 for which a credit is claimed. In 2004, and every 5th year thereafter, each county and
13 city that administers the credit under sub. (9) (bm) shall file a report with the
14 department of revenue, in the manner and at the time prescribed by the department
15 of revenue, that describes the procedures that the county or city uses to verify the
16 credits claimed under this subsection and evaluates the efficacy of such procedures.

17 2. On or before January 31, 2005, and every 5th year thereafter, the department
18 of revenue shall submit a report to the joint committee on finance that summarizes
19 the procedures described in the reports filed under subd. 1. A report submitted under
20 this subdivision shall include a recommendation as to whether the process for
21 certifying credits claimed under this subsection should continue unchanged or be
22 modified to increase compliance with the constitution.

23 **SECTION 1670f.** 79.10 (11) (b) of the statutes is amended to read:

24 79.10 (11) (b) Before October 16, the department of administration shall
25 determine the total funds available for distribution under the lottery and gaming

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

12 **SECTION 1670m.** 84.013 (2) (a) of the statutes is amended to read:

13 84.013 (2) (a) Subject to ss. 84.555 and 86.255, major highway projects shall
14 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and
15 20.866 (2) (ur) to ~~(uum)~~ (uur).

16 **SECTION 1671.** 84.013 (2) (b) of the statutes is amended to read:

17 84.013 (2) (b) Except as provided in ss. 84.014, 84.03 (3), and 84.555, and
18 subject to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall
19 be funded from the appropriations under ~~s. ss.~~ ss. 20.395 (3) (cq) to (cx) and 20.866 (2)
20 (uut).

21 **SECTION 1671d.** 84.013 (3) (zd) of the statutes is created to read:

22 84.013 (3) (zd) USH 14 from approximately 2 miles west of Westby to 1.5 miles
23 south of Viroqua in Vernon County.

24 **SECTION 1671h.** 84.013 (3) (zh) of the statutes is created to read:

1 84.013 (3) (zh) USH 18 from Main Street in the city of Prairie du Chien to STH
2 60 in the town of Bridgeport in Crawford County.

3 **SECTION 1671p.** 84.013 (3) (zp) of the statutes is created to read:

4 84.013 (3) (zp) USH 41 from 0.5 miles south of STH 26 to 0.5 miles north of
5 Breezewood Lane in the city of Neenah in Winnebago County.

6 **SECTION 1671t.** 84.013 (3) (zt) of the statutes is created to read:

7 84.013 (3) (zt) USH 41 from Orange Lane in the town of Lawrence, one mile
8 south of CTH “F” to CTH “M” in Brown County.

9 **SECTION 1672c.** 84.014 (3m) of the statutes is created to read:

10 84.014 (3m) (a) Beginning in fiscal year 2003–04, and in each fiscal year
11 thereafter until the end of fiscal year 2010–11, from the amounts appropriated under
12 s. 20.395 (3) (cr) or (cy) or both, the department shall allocate a total of at least
13 \$49,350,000 in each fiscal year, or the total unencumbered balance of both
14 appropriations at the beginning of the fiscal year for each fiscal year, whichever is
15 less, for southeast Wisconsin freeway rehabilitation projects other than the
16 Marquette interchange reconstruction project. The department shall allocate the
17 full amount under this paragraph in each fiscal year, and any amount allocated
18 under this paragraph that remains unencumbered at the end of the fiscal year shall
19 be added to the allocation under this paragraph for the subsequent fiscal year, and
20 shall not otherwise affect the subsequent fiscal year’s allocation under this
21 paragraph.

22 (b) Notwithstanding par. (a), the department may, in any fiscal year, reallocate
23 funds for purposes of the Marquette interchange reconstruction project that were,
24 for the same fiscal year, previously allocated under par. (a) for southeast Wisconsin

1 freeway rehabilitation projects other than the Marquette interchange
2 reconstruction project if all of the following apply:

3 1. The department did not reduce under this paragraph, in the preceding fiscal
4 year, the allocation under par. (a) for southeast Wisconsin freeway rehabilitation
5 projects other than the Marquette interchange reconstruction project.

6 2. The department has submitted to the joint committee on finance a request
7 to reallocate funds under this paragraph and the request is approved, or modified
8 and approved, under par. (d).

9 (c) If funds are reallocated in any fiscal year under par. (b), in the subsequent
10 fiscal year, the department shall, from funds that otherwise would have been
11 allocated to the Marquette interchange reconstruction project, increase the
12 allocation under par. (a) for the subsequent fiscal year for southeast Wisconsin
13 freeway rehabilitation projects other than the Marquette interchange
14 reconstruction project by an amount equal to the amount reallocated to the
15 Marquette interchange reconstruction project under par. (b) in the preceding fiscal
16 year.

17 (d) If the department submits a request under par. (b) 2., and the
18 cochairpersons of the joint committee on finance do not notify the department within
19 14 working days after the date of the submittal that the committee has scheduled a
20 meeting for the purpose of reviewing the request, the request is considered approved
21 for purposes of par. (b) 2. and the department may take the action specified in the
22 request. If, within 14 working days after the date of the submittal, the
23 cochairpersons of the committee notify the department that the committee has
24 scheduled a meeting for the purpose of reviewing the request, the department may

1 not take the action specified in the request until it is approved by the committee, as
2 submitted or as modified.

3 **SECTION 1672g.** 84.014 (4) of the statutes is renumbered 84.014 (4) (a).

4 **SECTION 1672h.** 84.014 (4) (b) of the statutes is created to read:

5 84.014 (4) (b) If the Marquette interchange reconstruction project is funded
6 under s. 84.555 (1m) with the proceeds of general obligation bonds issued under s.
7 20.866 (2) (uum), in each fiscal year in which bond obligations are outstanding, the
8 department shall, to the maximum extent possible, transfer funds allocated for the
9 Marquette interchange reconstruction project under s. 20.395 (3) (cr) to the
10 appropriation account under s. 20.395 (6) (at) for the payment, in that fiscal year, of
11 principal and interest costs incurred in financing the project with bonds issued under
12 s. 20.866 (2) (uum).

13 **SECTION 1672i.** 84.014 (4) (c) of the statutes is created to read:

14 84.014 (4) (c) Beginning in fiscal year 2003–04, and in each fiscal year
15 thereafter until the end of fiscal year 2010–11, the department may submit to the
16 joint committee on finance a request to transfer funds, other than federal funds
17 specifically allotted by act of Congress for the Marquette interchange reconstruction
18 project, that are allocated under s. 20.395 (3) (cy) to the Marquette interchange
19 reconstruction project or that are appropriated under s. 20.395 (3) (cy) and
20 unallocated, from the appropriation account under s. 20.395 (3) (cy) to the
21 appropriation account under s. 20.395 (3) (bx) or (cx), and to transfer an equal
22 amount of segregated revenue funds from the appropriation account under s. 20.395
23 (3) (bq) or (cq) to the appropriation account under s. 20.395 (6) (at), for the payment
24 of principal and interest costs incurred in financing the Marquette interchange
25 reconstruction project by the issuance of bonds under s. 20.866 (2) (uum). If the

1 department submits a request under this paragraph and the cochairpersons of the
2 joint committee on finance do not notify the department within 14 working days after
3 the date of the submittal that the committee has scheduled a meeting for the purpose
4 of reviewing the request, the department may take the action specified in the
5 request. If, within 14 working days after the date of the submittal, the
6 cochairpersons of the committee notify the department that the committee has
7 scheduled a meeting for the purpose of reviewing the request, the department may
8 not take the action specified in the request until it is approved by the committee, as
9 submitted or as modified.

10 **SECTION 1674.** 84.03 (3) (title), (a) and (b) of the statutes are amended to read:

11 84.03 (3) (title) WEST CANAL STREET RECONSTRUCTION AND EXTENSION PROJECT.

12 (a) Subject to par. (b), the department shall, from the appropriations under s. 20.395
13 (3) (cr) and (cy), award a grant of \$5,000,000 from the amounts allocated for the
14 Marquette interchange reconstruction project under 2001 Wisconsin Act 16, section
15 9152 (5w), shall award a grant of \$2,500,000 under s. 86.31 (3s), and shall award
16 grants totaling \$2,500,000 from the appropriation under s. 20.395 (3) (ck), to the city
17 of Milwaukee for reconstruction of West Canal Street and extension of West Canal
18 Street to USH 41 at Miller Park in the city of Milwaukee to serve as a transportation
19 corridor for the purpose of mitigating traffic associated with the reconstruction of the
20 Marquette interchange.

21 (b) No grant may be awarded under par. (a) or s. 86.31 (3s) unless the city of
22 Milwaukee contributes \$10,000,000 toward the West Canal Street reconstruction
23 and extension project.

24 **SECTION 1675.** 84.04 (3) of the statutes is repealed.

25 **SECTION 1681.** 84.07 (5) of the statutes is repealed.

1 **SECTION 1682d.** 84.075 (1) of the statutes is amended to read:

2 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
3 contracts under s. 84.06, and in contracting with private contractors and agencies
4 under s. 84.07, the department of transportation shall attempt to ensure that 5% of
5 the total amount expended in each fiscal year is paid to contractors, subcontractors,
6 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1 that~~
7 are minority businesses certified by the department of commerce under s. 560.036
8 (2). In attempting to meet this goal, the department of transportation may award
9 any contract to a minority business that submits a qualified responsible bid that is
10 no more than 5% higher than the low bid.

11 **SECTION 1682m.** 84.075 (2) of the statutes is amended to read:

12 84.075 (2) The contractor shall report to the department of transportation any
13 amount of the contract paid to subcontractors and vendors ~~which~~ that are minority
14 businesses certified by the department of commerce under s. 560.036 (2).

15 **SECTION 1683d.** 84.075 (3) of the statutes is amended to read:

16 84.075 (3) The department of transportation shall at least semiannually, or
17 more often if required by the department of administration, report to the department
18 of administration the total amount of money it has paid to contractors,
19 subcontractors, and vendors ~~which~~ that are minority businesses under ss. 84.01 (13),
20 84.06, 84.067, and 84.07 and the number of contacts with minority businesses in
21 connection with proposed purchases and contracts. In its reports, the department
22 of transportation shall include only amounts paid to businesses certified by the
23 department of commerce under s. 560.036 (2) as minority businesses.

24 **SECTION 1683m.** 84.076 (1) (c) of the statutes is amended to read:

1 84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~
2 ~~(e) 1~~ means a business that is certified by the department of commerce under s.
3 560.036 (2).

4 **SECTION 1684.** 84.09 (5) of the statutes is amended to read:

5 84.09 (5) Subject to the approval of the governor, the department may sell at
6 public or private sale property of whatever nature owned by the state and under the
7 jurisdiction of the department when the department determines that the property
8 is no longer necessary for the state’s use for highway purposes and, if real property,
9 the real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). The
10 department shall present to the governor a full and complete report of the property
11 to be sold, the reason for the sale, and the minimum price for which the same should
12 be sold, together with an application for the governor’s approval of the sale. The
13 governor shall thereupon make such investigation as he or she may deem necessary
14 and approve or disapprove the application. Upon such approval and receipt of the
15 full purchase price, the department shall by appropriate deed or other instrument
16 transfer the property to the purchaser. The approval of the governor is not required
17 for public or private sale of property having a fair market value at the time of sale
18 of not more than \$3,000, for the transfer of surplus state real property to the
19 department of administration under s. ~~16.375~~ 560.9810 or for the transfer of surplus
20 state personal property to the department of tourism under sub. (5s). The funds
21 derived from sales under this subsection shall be deposited in the transportation
22 fund, and the expense incurred by the department in connection with the sale shall
23 be paid from such fund.

24 **SECTION 1685.** 84.09 (5r) of the statutes is amended to read:

1 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
2 the department may, subject to the approval of the governor, donate real property
3 that is adjacent to the veterans memorial site located at The Highground in Clark
4 County and owned by the state and under the jurisdiction of the department to the
5 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
6 memorial site located at The Highground in Clark County for the purpose of a
7 memorial hall specified in s. 70.11 (9). The department may donate property under
8 this subsection only when the department determines that the property is no longer
9 necessary for the state's use for highway purposes and is not the subject of a petition
10 under s. ~~16.375~~ 560.9810 (2) and is transferred with a restriction that the donee may
11 not subsequently transfer the real property to any person except to this state, which
12 shall not be charged for any improvements thereon. Such restriction shall be
13 recorded in the office of the register of deeds in the county in which the property is
14 located. The department shall present to the governor a full and complete report of
15 the property to be donated, the reason for the donation, and the minimum price for
16 which the property could likely be sold under sub. (5), together with an application
17 for the governor's approval of the donation. The governor shall thereupon make such
18 investigation as he or she considers necessary and approve or disapprove the
19 application. Upon such approval, the department shall by appropriate deed or other
20 instrument transfer the property to the donee. The approval of the governor is not
21 required for donation of property having a fair market value at the time of donation
22 of not more than \$3,000. Any expense incurred by the department in connection with
23 the donation shall be paid from the transportation fund.

24 **SECTION 1686.** 84.11 (4) of the statutes is amended to read:

1 84.11 (4) FINDING, DETERMINATION, AND ORDER. After such hearing the
2 department shall make such investigation as it considers necessary in order to make
3 a decision in the matter. If the department finds that the construction is necessary
4 it shall determine the location of the project and whether the project is eligible for
5 construction under this section. The department shall also determine the character
6 and kind of bridge most suitable for such location and estimate separately the cost
7 of the bridge portion and the entire project. The department shall make its finding,
8 determination, and order, in writing, and file a certified copy thereof with the clerk
9 of each county, city, village, and town in which any portion of the bridge project will
10 be located and also with the secretary of state and the ~~state treasurer~~ secretary of
11 administration. The determination of the location of the project made by the
12 department and set forth in its finding, determination, and order, shall be conclusive
13 as to such location and shall constitute full authority for laying out new streets or
14 highways or for any relocations of highways made necessary for the construction of
15 the project and for acquirement of any lands necessary for such streets or highways,
16 relocation or construction. The estimate of cost made by the department shall be
17 conclusive insofar as cost may determine eligibility of construction under this
18 section.

19 **SECTION 1687.** 84.12 (4) of the statutes is amended to read:

20 84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the
21 construction is necessary, and that provision has been made or will be made by the
22 adjoining state or its subdivisions to bear its or their portions of the cost of the project,
23 the department, in cooperation with the state highway department of the adjoining
24 state, shall determine the location thereof, the character and kind of bridge and other
25 construction most suitable at such location, estimate the cost of the project, and

1 determine the respective portions of the estimated cost to be paid by each state and
2 its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the
3 department shall further determine the respective portions of the cost to be paid by
4 this state and by its subdivisions which are required to pay portions of the cost. The
5 department, after such hearing, investigation, and negotiations, shall make its
6 finding, determination, and order in writing and file a certified copy thereof with the
7 clerk of each county, city, village, or town in this state in which any part of the bridge
8 project will be located, with the secretary of state, and the ~~state treasurer~~ secretary
9 of administration and with the state highway department of the adjoining state. The
10 determination of the location set forth in the finding, determination, and order of the
11 department shall be conclusive as to such location and shall constitute full authority
12 for laying out new streets or highways or for any relocations of the highways made
13 necessary for the construction of the project and for acquiring lands necessary for
14 such streets or highways, relocation or construction.

15 **SECTION 1694f.** 84.555 (1m) of the statutes is created to read:

16 84.555 (1m) Notwithstanding sub. (1) and ss. 84.51 and 84.59, the Marquette
17 interchange reconstruction project under s. 84.014 may be funded with the proceeds
18 of general obligation bonds issued under s. 20.866 (2) (uum) if all of the following
19 conditions are satisfied:

20 (a) Funds allocated under s. 20.395 (3) (cr) and (cy), other than funds
21 transferred under s. 84.014 (4) (b) or (c), for the Marquette interchange
22 reconstruction project for the fiscal year in which the bonds are issued are not
23 sufficient to meet expenditure obligations for the project in that fiscal year and the
24 bond issuance results in an amount of bond proceeds in that fiscal year that does not
25 exceed the difference between the expenditure obligations for the project in that

1 fiscal year and the amount of funds allocated under s. 20.395 (3) (cr) and (cy), other
2 than funds transferred under s. 84.014 (4) (b) or (c), for the project for that fiscal year.

3 (b) No payment of principal and interest on the bonds is required after June
4 30, 2009.

5 (c) The department has expended or encumbered all funds allocated under s.
6 20.395 (3) (cr) and (cy), other than funds transferred under s. 84.014 (4) (b) or (c), for
7 the Marquette interchange reconstruction project for the fiscal year in which the
8 bonds are issued, has maximized the use of any other state or federal funds available
9 for the project in that fiscal year, and has exhausted other viable options for funding
10 expenditure obligations for the project in that fiscal year by means other than the
11 issuance of bonds under s. 20.866 (2) (uum).

12 **SECTION 1696.** 84.59 (2) of the statutes is renumbered 84.59 (2) (a).

13 **SECTION 1697.** 84.59 (2) (b) of the statutes is created to read:

14 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and
15 distinct special fund outside the state treasury, in an account maintained by a
16 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),
17 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),
18 and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), (4), and
19 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265
20 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3),
21 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r). The revenues
22 deposited are the trustee's revenues in accordance with the agreement between this
23 state and the trustee or in accordance with the resolution pledging the revenues to
24 the repayment of revenue obligations issued under this section. Revenue obligations
25 issued for the purposes specified in sub. (1) and for the repayment of which revenues

1 are deposited under this paragraph are special fund obligations, as defined in s.
2 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

3 **SECTION 1698.** 84.59 (3) of the statutes is amended to read:

4 84.59 (3) The secretary may pledge revenues received or to be received in the
5 any fund established in under sub. (2) to secure revenue obligations issued under this
6 section. The pledge shall provide for the transfer to this state of all pledged revenues,
7 including any interest earned on the revenues, which are in excess of the amounts
8 required to be paid under s. 20.395 (6) (as). The pledge shall provide that the
9 transfers be made at least twice yearly, that the transferred amounts be deposited
10 in the transportation fund and that the transferred amounts are free of any prior
11 pledge.

12 **SECTION 1699.** 84.59 (6) of the statutes is amended to read:

13 84.59 (6) The building commission may contract revenue obligations when it
14 reasonably appears to the building commission that all obligations incurred under
15 this section can be fully paid from moneys received or anticipated and pledged to be
16 received on a timely basis. Except as provided in this subsection, the principal
17 amount of revenue obligations issued under this section may not exceed
18 ~~\$1,753,067,500~~ \$2,095,583,900, excluding any obligations that have been defeased
19 under a cash optimization program administered by the building commission, to be
20 used for transportation facilities under s. 84.01 (28) and major highway projects for
21 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
22 amount, the building commission may contract revenue obligations under this
23 section as the building commission determines is desirable to refund outstanding
24 revenue obligations contracted under this section and to pay expenses associated
25 with revenue obligations contracted under this section.

1 **SECTION 1699q.** 84.595 of the statutes is created to read:

2 **84.595 General obligation bonding for major highway and**
3 **rehabilitation projects.** (1) Notwithstanding ss. 84.51, 84.53, 84.555, and 84.59,
4 major highway projects, as defined under s. 84.013 (1) (a), for the purposes of ss. 84.06
5 and 84.09, may be funded with the proceeds of general obligation bonds issued under
6 s. 20.866 (2) (uur).

7 (2) Notwithstanding ss. 84.51, 84.53, 84.555, and 84.59, state highway
8 rehabilitation projects for the purposes specified in s. 20.395 (3) (cq), may be funded
9 with the proceeds of general obligation bonds issued under s. 20.866 (2) (uut).

10 **SECTION 1701m.** 85.027 of the statutes is created to read:

11 **85.027 Traffic marking enhancement grants.** (1) ADMINISTRATION. Subject
12 to 2003 Wisconsin Act ... (this act), section 9153 (4q), the department shall
13 administer a program to provide grants to local units of government for the
14 installation of traffic marking enhancements with the intent of improving visibility
15 for elderly drivers and pedestrians. The enhancements may include pavement
16 markings for center lines, lane lines, edge lines, lane-use arrows, and cross walks
17 that are brighter or more reflective than the markings that are typically used, traffic
18 signs with enhanced reflectivity and with larger letters than are typically used,
19 redundant street name signs in advance of intersections, and overhead mounted
20 street name signs at major intersections.

21 (2) GRANTS. (a) A local unit of government that is awarded a grant under this
22 section shall contribute matching funds equal to at least 25% of the total estimated
23 cost of the project for which moneys are awarded under this section.

24 (b) The department shall award grants annually to at least one project in each
25 of the following:

1 1. An urban area.

2 2. A suburban area.

3 3. A rural area.

4 (c) The department shall consider the following in awarding a grant for a
5 proposed project:

6 1. The crash history of the proposed project area.

7 2. The prevalence of older drivers and pedestrians in the area of the proposed
8 project.

9 3. The extent to which the proposed improvements would produce
10 demonstrable benefits.

11 4. Whether a project is proposed cooperatively by more than one local unit of
12 government and coordinates improvements on highways in more than one
13 jurisdiction. The department shall favor cooperative projects.

14 5. The geographic distribution of all of the projects that are awarded grants.
15 The department shall distribute projects throughout the state.

16 (d) The department shall award grants under this section from the
17 appropriation under s. 20.395 (2) (ev).

18 **SECTION 1702.** 85.062 (1) (c) of the statutes is created to read:

19 85.062 (1) (c) Initial construction or expansion of a commuter rail transit
20 system. In this paragraph, “commuter rail” has the meaning given in s. 85.064 (1)
21 (a).

22 **SECTION 1703.** 85.064 of the statutes is created to read:

23 **85.064 Commuter rail transit system development.** (1) In this section:

24 (a) “Commuter rail” means rail passenger service, operating primarily on a
25 dedicated right-of-way on existing railroad tracks used for rail freight service or

1 intercity rail passenger service between and within metropolitan and suburban
2 areas, connecting these areas with large business or urban centers in this state or
3 another. Commuter rail usually operates during peak travel times with limited stops
4 and in conjunction with other transit modes as part of a regional transit system.
5 “Commuter rail” does not include rail passenger service provided by a light rail
6 transit system.

7 (b) “Political subdivision” means any city, village, town, county, transit
8 commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301,
9 or regional transportation authority organized under s. 59.58 (6) within this state.

10 (2) (a) The department shall administer a commuter rail transit system
11 development grant program. From the appropriations under s. 20.395 (2) (ct), (cu),
12 and (cx), the department may award grants to political subdivisions for preliminary
13 engineering related to the development or extension of commuter rail transit
14 systems in this state.

15 (b) Upon completion of a planning study to the satisfaction of the department,
16 any political subdivision may apply to the department for a grant for the purpose
17 specified in par. (a). No grant may be awarded under this section for a project unless
18 the project meets the eligibility criteria established by the department under sub. (3).

19 (c) The amount of a grant awarded under this section shall be limited to an
20 amount equal to 50% of the portion of the project cost in excess of the federal aid
21 funding for the project or 25% of the total project cost, whichever is less.

22 (3) The department shall prescribe the form, nature, and extent of information
23 that shall be contained in applications for grants under this section and shall
24 establish criteria for evaluating applications and determining eligibility for the
25 award of grants under this section.

1 (4) No grant may be awarded under this section for any project related to the
2 planning, initial construction, or expansion of a light rail transit system.

3 **SECTION 1704.** 85.09 (2) (a) of the statutes is amended to read:

4 85.09 (2) (a) The department of transportation shall have the first right to
5 acquire, for present or future transportational or recreational purposes, any
6 property used in operating a railroad or railway, including land and rails, ties,
7 switches, trestles, bridges, and the like located ~~thereon, which~~ on that property, that
8 has been abandoned. The department of transportation may, in connection with
9 abandoned rail property, assign this right to a state agency, the board of regents of
10 the University of Wisconsin System, any county or municipality, or any transit
11 commission. Acquisition by the department of transportation may be by gift,
12 purchase, or condemnation in accordance with the procedure under s. 32.05. In
13 addition to its property management authority under s. 85.15, the department of
14 transportation may lease and collect rents and fees for any use of rail property
15 pending discharge of the department's duty to convey property that is not necessary
16 for a public purpose. ~~In exercising its property management authority, the~~
17 ~~department of transportation, to the greatest extent practicable, shall encourage and~~
18 ~~utilize the Wisconsin conservation corps for appropriate projects.~~ No person owning
19 abandoned rail property, including any person to whom ownership reverts upon
20 abandonment, may convey or dispose of any abandoned rail property without first
21 obtaining a written release from the department of transportation indicating that
22 the first right of acquisition under this subsection will not be exercised or assigned.
23 No railroad or railway may convey any rail property prior to abandonment if the rail
24 property is part of a rail line shown on the railroad's system map as in the process
25 of abandonment, expected to be abandoned, or under study for possible

1 abandonment unless the conveyance or disposal is for the purpose of providing
2 continued rail service under another company or agency. Any conveyance made
3 without obtaining such release is void. The first right of acquisition of the
4 department of transportation under this subsection does not apply to any rail
5 property declared by the department to be abandoned before January 1, 1977. The
6 department of transportation may acquire any abandoned rail property under this
7 section regardless of the date of its abandonment.

8 **SECTION 1705.** 85.09 (4i) of the statutes is amended to read:

9 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
10 private sale rail property acquired under sub. (4) when the department determines
11 that the rail property is not necessary for a public purpose and, if real property, the
12 real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). Upon
13 receipt of the full purchase price, the department shall, by appropriate deed or other
14 instrument, transfer the rail property to the purchaser. The funds derived from sales
15 under this subsection shall be deposited in the transportation fund, and the expense
16 incurred by the department in connection with the sale shall be paid from the
17 appropriation under s. 20.395 (2) (bq).

18 **SECTION 1706.** 85.12 (3) of the statutes is amended to read:

19 85.12 (3) The department may contract with any local governmental unit, as
20 defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services
21 under this section.

22 **SECTION 1707.** 85.14 (1) (b) of the statutes is amended to read:

23 85.14 (1) (b) Except for charges associated with a contract under par. (c), the
24 department shall pay to the ~~state treasurer~~ secretary of administration the amount

1 of charges associated with the use of credit cards under par. (a) that are assessed to
2 the department.

3 **SECTION 1708.** 85.14 (2) of the statutes is amended to read:

4 85.14 (2) The department shall certify to the ~~state treasurer~~ secretary of
5 administration the amount of charges associated with the use of credit cards that is
6 assessed to the department on deposits accepted under s. 345.26 (3) (a) by state
7 traffic patrol officers and state motor vehicle inspectors, and the ~~state treasurer~~
8 secretary of administration shall pay the charges from moneys under s. 59.25 (3) (j)
9 and (k) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 20.907 (5)
10 (e) 12e.

11 **SECTION 1709.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

12 85.20 (4m) (a) 6. cm. ~~For aid payable for calendar years 2000 and 2001, from~~
13 ~~the appropriation under s. 20.395 (1) (ht), the department shall pay \$53,555,600 to~~
14 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~
15 ~~an urban mass transit system that has annual operating expenses in excess of~~
16 ~~\$80,000,000. For aid payable for calendar year 2002, from the appropriation under~~
17 ~~s. 20.395 (1) (ht), the department shall pay \$55,697,800 to the eligible applicant that~~
18 ~~pays the local contribution required under par. (b) 1. for an urban mass transit~~
19 ~~system that has annual operating expenses in excess of \$80,000,000. ~~Beginning with~~~~
20 For aid payable for calendar year 2003 and for each calendar year thereafter, from
21 the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to
22 the eligible applicant that pays the local contribution required under par. (b) 1. for
23 an urban mass transit system that has annual operating expenses in excess of
24 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is
25 served by more than one urban mass transit system, the eligible applicant may

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

3 **SECTION 1710.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

4 85.20 (4m) (a) 6. d. ~~For aid payable for calendar years 2000 and 2001, from the~~
5 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$14,297,600 to the~~
6 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~
7 ~~urban mass transit system that has annual operating expenses in excess of~~
8 ~~\$20,000,000 but less than \$80,000,000. For aid payable for calendar year 2002, from~~
9 ~~the appropriation under s. 20.395 (1) (hu), the department shall pay \$14,869,500 to~~
10 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~
11 ~~an urban mass transit system that has annual operating expenses in excess of~~
12 ~~\$20,000,000 but less than \$80,000,000. Beginning with~~ For aid payable for calendar
13 year 2003 and for each calendar year thereafter, from the appropriation under s.
14 20.395 (1) (hu), the department shall pay \$15,166,900 to the eligible applicant that
15 pays the local contribution required under par. (b) 1. for an urban mass transit
16 system that has annual operating expenses in excess of \$20,000,000 but less than
17 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. d. is served
18 by more than one urban mass transit system, the eligible applicant may allocate the
19 aid between the urban mass transit systems in any manner the eligible applicant
20 considers desirable.

21 **SECTION 1711.** 85.20 (4m) (a) 7. a. of the statutes is amended to read:

22 85.20 (4m) (a) 7. a. ~~From the appropriation under s. 20.395 (1) (hr), for aid~~
23 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~
24 ~~served by an urban mass transit system operating within an urbanized area having~~
25 ~~a population as shown in the 1990 federal decennial census of at least 50,000 or~~

1 ~~receiving federal mass transit aid for such area, and not specified in subd. 6.~~ From
2 the appropriation under s. 20.395 (1) (hr), beginning with aid payable for calendar
3 year 2002 and for each calendar year thereafter, the uniform percentage for each
4 eligible applicant served by an urban mass transit system operating within an
5 urbanized area having a population as shown in the 2000 federal decennial census
6 of at least 50,000 or receiving federal mass transit aid for such area, and not specified
7 in subd. 6.

8 **SECTION 1712.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

9 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
10 amounts for aids are ~~\$19,804,200 in calendar years 2000 and 2001,~~ \$20,596,400 in
11 calendar year 2002, and ~~\$21,008,300~~ \$21,008,300 in calendar year 2003, and
12 \$21,757,600 in calendar year 2004 and in each calendar year thereafter. These
13 amounts, to the extent practicable, shall be used to determine the uniform
14 percentage in the particular calendar year.

15 **SECTION 1713.** 85.20 (4m) (a) 8. a. of the statutes is amended to read:

16 85.20 (4m) (a) 8. a. ~~From the appropriation under s. 20.395 (1) (hs), for aid~~
17 ~~payable for calendar year 2001, the uniform percentage for each eligible applicant~~
18 ~~served by an urban mass transit system operating within an area having a~~
19 ~~population as shown in the 1990 federal decennial census of less than 50,000 or~~
20 ~~receiving federal mass transit aid for such area.~~ From the appropriation under s.
21 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each
22 calendar year thereafter, the uniform percentage for each eligible applicant served
23 by an urban mass transit system operating within an area having a population as
24 shown in the 2000 federal decennial census of less than 50,000 or receiving federal
25 mass transit aid for such area.

1 **SECTION 1714.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

2 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
3 amounts for aids are ~~\$5,349,100 in calendar years 2000 and 2001~~, \$5,563,100 in
4 calendar year 2002, and ~~\$5,674,400~~ \$5,674,400 in calendar year 2003, and
5 \$4,925,100 in calendar year 2004 and in each calendar year thereafter. These
6 amounts, to the extent practicable, shall be used to determine the uniform
7 percentage in the particular calendar year.

8 **SECTION 1715.** 85.55 of the statutes is amended to read:

9 **85.55 Safe-ride grant program.** The department may award grants to any
10 county or municipality or to any nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~
11 66.0129 (6) (b), to cover the costs of transporting persons suspected of having a
12 prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises
13 licensed under ch. 125 to sell alcohol beverages to their places of residence. The
14 amount of a grant under this section may not exceed 50% of the costs necessary to
15 provide the service. The liability of a provider of a safe-ride program to persons
16 transported under the program is limited to the amounts required for an automobile
17 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid
18 from the appropriation under s. 20.395 (5) (ek).

19 **SECTION 1719.** 86.30 (2) (a) 1. of the statutes is amended to read:

20 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm), ~~sub. (10)~~ and s.
21 86.303, the amount of transportation aids payable by the department to each county
22 shall be the aids amount calculated under subd. 2. and to each municipality shall be
23 the aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts
24 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
25 to that municipality shall be paid under subd. 2.

1 **SECTION 1720.** 86.30 (2) (a) 3. of the statutes is amended to read:

2 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
3 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$1,704~~
4 ~~in calendar year 2001~~, \$1,755 in calendar year 2002, and \$1,825 in calendar year
5 2003 and thereafter.

6 **SECTION 1721.** 86.30 (9) (b) of the statutes is amended to read:

7 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
8 the amounts for aids to counties are ~~\$84,059,500 in calendar years 2000 and 2001~~,
9 \$86,581,300 in calendar year 2002, and \$90,044,600 in calendar year 2003 and
10 thereafter. These amounts, to the extent practicable, shall be used to determine the
11 statewide county average cost-sharing percentage in the particular calendar year.

12 **SECTION 1722.** 86.30 (9) (c) of the statutes is amended to read:

13 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
14 the amounts for aids to municipalities are ~~\$264,461,500 in calendar years 2000 and~~
15 ~~2001~~, \$272,395,300 in calendar year 2002, and \$283,291,100 in calendar year 2003
16 and thereafter. These amounts, to the extent practicable, shall be used to determine
17 the statewide municipal average cost-sharing percentage in the particular calendar
18 year.

19 **SECTION 1723.** 86.30 (10) of the statutes is repealed.

20 **SECTION 1723m.** 86.31 (2) (e) of the statutes is amended to read:

21 86.31 (2) (e) The department of transportation may not require as a condition
22 of reimbursement that the design and construction of any improvement with eligible
23 costs totaling ~~\$50,000~~ \$65,000 or less be certified by a registered professional
24 engineer.

25 **SECTION 1724.** 86.31 (3s) of the statutes is amended to read:

1 86.31 (3s) WEST CANAL STREET RECONSTRUCTION AND EXTENSION.

2 Notwithstanding limitations on the amount and use of aids provided under this
3 section, or on eligibility requirements for receiving aids under this section, and
4 subject to s. 84.03 (3) (b), the department shall award a grant of \$2,500,000 to the city
5 of Milwaukee for the ~~purpose~~ purposes specified under s. 84.03 (3) (a).
6 Notwithstanding subs. (3) (b), (3g), (3m), and (3r), payment of the grant under this
7 subsection shall be made from the appropriation under s. 20.395 (2) (fr) before
8 making any other allocation of funds under subs. (3) (b), (3g), (3m), and (3r), and the
9 allocation of funds under subs. (3) (b), (3g), (3m), and (3r) shall be reduced
10 proportionately to reflect the amount of the grant made under this subsection. This
11 subsection does not apply after December 31, 2005.

12 **SECTION 1725.** 87.07 (4) of the statutes is amended to read:

13 87.07 (4) BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts
14 collectible, as thus found by the department, exceeds the estimated cost of
15 construction of the improvement, the department shall order that the work of
16 constructing such improvement proceed. If such aggregate amount collectible is less
17 than the estimated cost of such improvement, the department shall enter an order
18 dismissing the petition, unless the difference between said aggregate amounts be
19 deposited in cash with the ~~state treasurer~~ secretary of administration within one
20 year. Such deposit may be made by any person or any public or private corporation.
21 Upon the making of such deposit, the department shall enter a further order that the
22 work of constructing the improvement proceed.

23 **SECTION 1726.** 87.11 (2) of the statutes is amended to read:

24 87.11 (2) But should the total cost, as ascertained and certified by the flood
25 control board after the letting of the contracts, in the manner hereinabove set forth,

1 exceed the total amount found by the department to be collectible under s. 87.09, all
2 contracts for the construction of the work shall be null and void. At the expiration
3 of one year after such certification, any moneys held by the ~~state treasurer~~ secretary
4 of administration on account of the project shall be refunded to the persons by whom
5 they were paid to ~~such treasurer~~ the secretary of administration; and funds in the
6 hands of the flood control board shall be refunded to the public corporation by which
7 they were paid to such board; any funds held by any town, village, or city, having been
8 collected by special assessments against property benefited, shall be refunded to the
9 owners of such property; any funds raised by any public corporation by the issuance
10 of bonds on account of such proposed improvements shall constitute a fund for the
11 retirement or payment of such bonds; and any fund held by any public corporation,
12 having been raised otherwise than by special assessments or bond issues, shall be
13 available for the general purposes of such public corporation. Provided, however,
14 that if within one year after the last mentioned certification of the flood control board
15 there shall be deposited with the treasurer of said board a sum equal to the difference
16 between the aggregate cost of constructing the improvement as estimated by the
17 department and the aggregate cost thereof as determined and certified by the flood
18 control board after the letting of the contracts, said board shall proceed to relet the
19 contracts for the construction of the improvement and to complete the same unless
20 the aggregate of such new contract prices, together with the department's estimate
21 of the cost of acquiring lands and of overhead expenses and of the first 18 months'
22 operation and maintenance, shall again exceed the amount found by the department
23 to be collectible under s. 87.09. The deposit herein referred to may be made by any
24 person or any public or private corporation.

25 **SECTION 1727.** 87.13 of the statutes is amended to read:

1 **87.13 Disbursements by board.** All sums which shall be deposited with the
2 ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of
3 the improvement shall be paid by said ~~treasurer~~ the secretary of administration to
4 the flood control board upon requisitions from said board. If any moneys, other than
5 those for operation and maintenance during the first 18 months, remain unexpended
6 in the hands of the flood control board or subject to their requisition after the
7 completion of the construction of the improvement, and if the funds for construction
8 of the improvement shall have been in part raised through voluntary contributions
9 under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion
10 thereof as the funds remaining in the hands of the board or subject to its requisition
11 will pay, shall be returned to the persons or corporations who made such voluntary
12 contributions, in proportion to the amounts contributed by them.

13 **SECTION 1731.** 91.19 (6s) (a) (intro.) of the statutes is amended to read:

14 91.19 (6s) (a) (intro.) The department may release from a farmland
15 preservation agreement any land acquired or to be acquired by ~~a local unit of~~
16 ~~government~~ a school board or the governing body of a municipality, as defined in s.
17 ~~106.215 (1) (e)~~ 281.59 (1) (c), for public improvements or structures, including
18 highway improvements, if all of the following occur:

19 **SECTION 1731ec.** 91.19 (7) of the statutes is amended to read:

20 91.19 (7) ~~Whenever~~ Subject to sub. (14), whenever a farmland preservation
21 agreement is relinquished under sub. (2) or (6t) or all or part of the land is released
22 from a farmland preservation agreement under sub. (2) or (6p) or a transition area
23 agreement is relinquished under sub. (2) or, subject to subs. (12) and (13), a transition
24 area agreement is relinquished under sub. (1) or (1m), the department shall cause
25 to be prepared and recorded a lien against the property formerly subject to the

1 agreement for the total amount of all credits received by all owners of such lands
2 under subch. IX of ch. 71 during the last 10 years that the land was eligible for such
3 credit, plus interest at the rate of 9.3% per year compounded annually on the credits
4 received from the time the credits were received until the lien is paid for farmland
5 preservation agreements relinquished under sub. (6t) and 6% per year compounded
6 annually on the credits received from the time the credits were received until the lien
7 is paid for other agreements. No interest shall be compounded for any period during
8 which the farmland is subject to a subsequent farmland preservation agreement or
9 transition area agreement or is zoned for exclusive agricultural use under an
10 ordinance certified under subch. V.

11 **SECTION 1731eg.** 91.19 (8) of the statutes is amended to read:

12 91.19 (8) Subject to subs. (12) ~~and~~, (13), and (14), upon the relinquishment of
13 a farmland preservation agreement under sub. (1) or (1m), the department shall
14 cause to be prepared and recorded a lien against the property formerly subject to the
15 farmland preservation agreement for the total amount of the credits received by all
16 owners thereof under subch. IX of ch. 71 during the last 10 years that the land was
17 eligible for such credit, plus 6% interest per year compounded from the time of
18 relinquishment. No interest shall be compounded for any period during which the
19 farmland is subject to a subsequent farmland preservation agreement or transition
20 area agreement or is zoned for exclusive agricultural use under an ordinance
21 certified under subch. V.

22 **SECTION 1731ek.** 91.19 (14) of the statutes is created to read:

23 91.19 (14) No lien under this section may be recorded after the effective date
24 of this subsection [revisor inserts date].

25 **SECTION 1731em.** 91.25 of the statutes is created to read:

1 **91.25 Phaseout of agreements.** The department may not enter into, or
2 extend, an agreement under this subchapter after the effective date of this section
3 [revisor inserts date].

4 **SECTION 1731g.** 91.37 (1) to (5) of the statutes are amended to read:

5 **91.37 (1)** If Subject to sub. (7), if the owner withdraws during the term of an
6 agreement under this subchapter, the lien shall apply to the amount of all credit
7 under subch. IX of ch. 71 received for the period the land was subject to the
8 agreement plus 6% interest per year compounded annually from the time the credit
9 was received until it is paid.

10 **(2)** If Subject to sub. (7), if at the end of an agreement under this subchapter,
11 the owner does not apply for a renewal under s. 91.39 or an agreement under subch.
12 II, the lien shall apply, without interest, to the credit received under subch. IX of ch.
13 71 for the last 2 years the land was eligible for such credit if the land is not subject
14 to a certified exclusive agricultural use zoning ordinance under subch. V and either
15 the county in which the land is located has not adopted a certified agricultural
16 preservation plan, or, if such a plan is adopted, the farmland would not be eligible
17 for an agreement under the terms of the plan.

18 **(3)** If Subject to sub. (7), if at the end of an agreement under this subchapter,
19 the owner does not apply for a renewal under s. 91.39 or an agreement under subch.
20 II, although the land is eligible for an agreement under subch. II and is not subject
21 to a certified exclusive agricultural use zoning ordinance under subch. V, the lien
22 shall apply to all credit received during the period the land was subject to an
23 agreement under this subchapter, plus 6% interest per year compounded from the
24 time of expiration.

1 (4) If Subject to sub. (7), if at the end of an agreement under this subchapter,
2 the farmland is not eligible for an agreement under subch. II because s. 91.11 (2), (3)
3 or (4) is applicable, the lien shall apply, without interest, to the credit received under
4 subch. IX of ch. 71 for the last 2 years the land was eligible for such credit. If after
5 the expiration of an agreement the land or any portion of the land is zoned for
6 exclusive agricultural use under an ordinance certified under subch. V, all or any
7 portion of a lien filed under this subsection against such land shall be discharged.
8 The discharge of a lien under this subsection does not affect the calculation of any
9 subsequent lien under s. 91.77 (2).

10 (5) If Subject to sub. (7), if at the end of an agreement under this subchapter,
11 the owner does not apply for a renewal under s. 91.39 or an agreement under subch.
12 II and only a portion of the land subject to the agreement is eligible for an agreement
13 under subch. II, the lien shall be calculated under sub. (2) or (4) on that part of the
14 land which is ineligible and under sub. (3) on that part which is eligible.

15 **SECTION 1731gm.** 91.37 (7) of the statutes is created to read:

16 91.37 (7) No lien under this section may be recorded after the effective date of
17 this subsection [revisor inserts date].

18 **SECTION 1731j.** 91.71 of the statutes is amended to read:

19 **91.71 Purpose.** The purpose of this subchapter is to specify the minimum
20 requirements for zoning ordinances designating certain lands for exclusively
21 agricultural use, ~~allowing the owners of such lands to claim the farmland~~
22 ~~preservation credit permitted under subch. IX of ch. 71.~~

23 **SECTION 1731L.** 91.77 (2) of the statutes is amended to read:

24 91.77 (2) Land which is rezoned under this section shall be subject to the lien
25 provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the land

1 rezoned, except that no lien under this subsection may be recorded after the effective
2 date of this subsection ... [revisor inserts date]. If the rezoning occurs solely as a
3 result of action initiated by a governmental unit, any lien required under s. 91.19 (8)
4 to (10) shall be paid by the governmental unit initiating the action.

5 **SECTION 1731n.** 91.79 of the statutes is amended to read:

6 **91.79 Conditional uses; lien.** Any land zoned under this subchapter which
7 is granted a special exception or conditional use permit for a use which is not an
8 agricultural use shall be subject to the lien provided under s. 91.19 (8) to (10) for the
9 amount of tax credits paid on the land granted such a permit, except that no lien
10 under this section may be recorded after the effective date of this section ... [revisor
11 inserts date].

12 **SECTION 1739g.** 93.23 (1) (a) 1. (intro.) of the statutes is amended to read:

13 93.23 (1) (a) 1. (intro.) To each county, and any organized agricultural society,
14 association, or board in the state that complies with the requirements of this section,
15 ~~95% of the first \$8,000 actually paid in net premiums and 70% of all net premiums~~
16 ~~paid in excess of \$8,000~~ 50% of the amount actually paid in net premiums in the
17 junior division at its annual fair upon livestock, articles of production, educational
18 exhibits, agricultural implements and tools, domestic manufactures, mechanical
19 implements, and productions, but not more than \$10,000 per fair, subject to all of the
20 following:

21 **SECTION 1740.** 93.31 of the statutes is amended to read:

22 **93.31 Livestock breeders association.** The secretary of the Wisconsin
23 livestock breeders association shall on and after July 1 of each year make a report
24 to the department, signed by the president, treasurer, and secretary of the
25 association, setting forth in detail the receipts and disbursements of the association

1 for the preceding fiscal year in such form and detail together with such other
2 information as the department may require. On receipt of such reports, if the
3 department is satisfied that the business of the association has been efficiently
4 conducted during the preceding fiscal year and in the interest of and for the
5 promotion of the special agricultural interests of the state and for the purpose for
6 which the association was organized and if the final statement shows that all the
7 receipts together with the state aid have been accounted for and disbursed for the
8 proper and necessary purposes of the association, and in accordance with the laws
9 of the state, then the department shall file a certificate with the department
10 secretary of administration and ~~it shall draw its warrant and the state treasurer~~ he
11 or she shall pay to the treasurer of the association the amount of the appropriations
12 made available for the association by s. 20.115 (4) (a) for the conduct of junior
13 livestock shows and other livestock educational programs. The association may
14 upon application to the state purchasing agent, upon such terms as he or she may
15 require, obtain printing for the association under the state contract.

16 **SECTION 1741.** 93.55 (2) of the statutes is amended to read:

17 93.55 (2) COLLECTION GRANTS. The department may award a grant to a county
18 for a chemical and container collection program. A grant under this subsection shall
19 fund all or a part of the cost of a program. Costs eligible for funding include the cost
20 of establishing a collection site for chemicals and chemical containers, the cost of
21 transporting chemical containers to a dealer or distributor for refill and reuse or to
22 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the
23 proper use and handling and disposal or recycling of chemicals and chemical
24 containers. Grants shall be paid from the appropriation under s. 20.115 (7) (v) (va).

25 **SECTION 1742.** 93.70 of the statutes is renumbered 93.70 (1).

1 **SECTION 1743.** 93.70 (2) of the statutes is created to read:

2 93.70 (2) The department may not make a payment under sub. (1) to a person
3 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
4 unless the person provides to the department a payment agreement that has been
5 approved by the county child support agency under s. 59.53 (5) and that is consistent
6 with rules promulgated under s. 49.858 (2) (a).

7 **SECTION 1745.** 94.64 (4) (a) 5. of the statutes is amended to read:

8 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 63 cents per
9 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
10 ~~1999~~, unless the department establishes a lower surcharge under s. 94.73 (15).

11 **SECTION 1745d.** 94.64 (4) (c) 4. of the statutes is amended to read:

12 94.64 (4) (c) 4. The department shall deposit the fee under par. (a) 4. in the
13 ~~environmental~~ agricultural management fund ~~for environmental management.~~

14 **SECTION 1745i.** 94.65 (6) (a) 4. of the statutes is amended to read:

15 94.65 (6) (a) 4. Annually by March 31, pay to the department a groundwater
16 fee of 10 cents for each ton of soil or plant additive distributed, as described in the
17 tonnage report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons
18 or less. ~~All groundwater fees shall be credited to the environmental fund for~~
19 ~~environmental management.~~

20 **SECTION 1745L.** 94.65 (6) (c) of the statutes is amended to read:

21 94.65 (6) (c) The department shall deposit fees collected under pars. (a) 1. and
22 4. and (b) and subs. (2) (a) and (3) (b) in the agricultural management fund.

23 **SECTION 1746.** 94.681 (1) (cm) of the statutes is created to read:

24 94.681 (1) (cm) “Payment period” means the 12 months ending on September
25 30 of the calendar year for which a license is sought under s. 94.68.

1 **SECTION 1747.** 94.681 (2) of the statutes is repealed and recreated to read:

2 **94.681 (2) ANNUAL LICENSE FEE.** An applicant for a license under s. 94.68 shall
3 pay an annual license fee for each pesticide product that the applicant sells or
4 distributes for use in this state. The amount of the fee is based on sales of pesticide
5 products during the payment period. An applicant shall pay an estimated fee before
6 the start of each license year as provided in sub. (3s) (a) and shall make a fee
7 adjustment payment before the end of the license year if required under sub. (3s) (b).
8 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

9 (a) For each household pesticide product:

10 1. If the applicant sells less than \$25,000 of the product during the payment
11 period for use in this state, \$265.

12 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
13 during the payment period for use in this state, \$750.

14 3. If the applicant sells at least \$75,000 of the product during the payment
15 period for use in this state, \$1,500.

16 (b) For each industrial pesticide product:

17 1. If the applicant sells less than \$25,000 of the product during the payment
18 period for use in this state, \$315.

19 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
20 during the payment period for use in this state, \$860.

21 3. If the applicant sells at least \$75,000 of that product during the payment
22 period for use in this state, \$3,060.

23 (c) For each nonhousehold pesticide product:

24 1. If the applicant sells less than \$25,000 of that product during the payment
25 period for use in this state, \$320.

1 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
2 during the payment period for use in this state, \$890.

3 3. If the applicant sells at least \$75,000 of the product during the payment
4 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
5 product during the payment period for use in this state.

6 **SECTION 1748.** 94.681 (3) of the statutes is amended to read:

7 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
8 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
9 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
10 each nonhousehold pesticide product that the applicant sells or distributes for use
11 in this state. The amount of the surcharge is based on sales of nonhousehold
12 pesticide products during the payment period. An applicant shall pay an estimated
13 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
14 make a surcharge adjustment payment before the end of the license year if required
15 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
16 the surcharge is as follows:

17 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
18 ~~preceding year payment period~~ for use in this state, \$5.

19 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
20 product during the ~~preceding year payment period~~ for use in this state, \$170.

21 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
22 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross
23 revenues from sales of the product during the ~~preceding year payment period~~ for use
24 in this state.

25 **SECTION 1749.** 94.681 (3m) of the statutes is amended to read:

1 94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a
2 license under s. 94.68 shall pay an environmental cleanup surcharge for each
3 pesticide product that is not a household pesticide and is solely labeled for use on
4 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
5 distributes in this state. The amount of the surcharge is based on sales of pesticide
6 products that are not household pesticides and are solely labeled for use on wood and
7 contain pentachlorophenol or coal tar creosote during the payment period. An
8 applicant shall pay an estimated surcharge before the start of each license year as
9 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
10 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
11 amount of the surcharge is as follows:

12 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
13 preceding year payment period for use in this state, \$5.

14 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
15 product during the preceding year payment period for use in this state, \$170.

16 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
17 preceding year payment period for use in this state, an amount equal to 1.1% of gross
18 revenues from sales of the product during the preceding year payment period for use
19 in this state.

20 **SECTION 1750.** 94.681 (3s) of the statutes is created to read:

21 94.681 (3s) PAYMENT OF FEES AND SURCHARGES. (a) Before the start of a license
22 year, an applicant shall estimate the gross revenues that the applicant will receive
23 from sales of each pesticide product during the payment period that ends during the
24 year for which a license is sought under s. 94.68 and shall pay the amounts under
25 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to

1 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
2 that the applicant will receive from sales of that pesticide product during the
3 payment period in which the licensee begins to sell the pesticide product and shall
4 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

5 (b) Before the end of a license year, a licensee shall report to the department
6 the gross revenues that the licensee received from sales of each pesticide product
7 during the payment period that ended during the license year, as required under s.
8 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
9 the amounts actually due under subs. (2), (3), and (3m) as follows:

10 1. If the amount due based on actual sales is greater than the amount paid
11 based on estimated sales, the licensee shall pay the additional amount due.

12 2. If the amount due based on actual sales is less than the amount paid based
13 on estimated sales, the licensee may request the department to reimburse the
14 licensee for the amount of the overpayment.

15 3. If the amount due based on actual sales equals the amount paid based on
16 estimated sales, no action is required.

17 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
18 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
19 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
20 subdivision is in addition to any late filing fee under s. 93.21 (5).

21 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
22 par. (a) are based on estimates of gross revenues from sales for each pesticide product
23 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
24 product during the preceding year.

25 **SECTION 1750c.** 94.681 (4) of the statutes is amended to read:

1 94.681 (4) PRIMARY PRODUCERS; WELL COMPENSATION FEE. A primary producer
2 applying for a license under s. 94.68 shall pay a well compensation primary producer
3 fee of \$150.

4 **SECTION 1750e.** 94.681 (7) (a) (intro.) of the statutes is renumbered 94.681 (7)
5 (a) and amended to read:

6 94.681 (7) (a) *License fees.* The department shall deposit all license fees
7 collected under subs. (2), (5) and (6) (a) 3. in the agrichemical management fund
8 except as follows:

9 **SECTION 1750f.** 94.681 (7) (a) 1. of the statutes is repealed.

10 **SECTION 1750g.** 94.681 (7) (a) 2. of the statutes is repealed.

11 **SECTION 1750j.** 94.681 (7) (bm) of the statutes is amended to read:

12 94.681 (7) (bm) *Wood preservatives; cleanups surcharge.* The department shall
13 deposit the surcharges collected under subs. (3m) and (6) (a) 5. in the environmental
14 agrichemical management fund for environmental management.

15 **SECTION 1750L.** 94.681 (7) (c) of the statutes is amended to read:

16 94.681 (7) (c) *Well compensation Primary producer fee.* The department shall
17 deposit the well compensation primary producer fees collected under sub. (4) in the
18 environmental agrichemical management fund for environmental management.

19 **SECTION 1754.** 94.73 (6) (b) of the statutes is amended to read:

20 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
21 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
22 costs incurred for each discharge site that are greater than \$3,000 and less than
23 \$400,000.

24 **SECTION 1755.** 94.73 (6) (c) (intro.) of the statutes is amended to read:

1 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
2 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
3 costs incurred for each discharge site that are greater than \$7,500 and less than
4 \$400,000 if any of the following applies:

5 **SECTION 1755q.** 94.73 (12m) of the statutes is amended to read:

6 94.73 (12m) SAMPLE COLLECTION AND ANALYSIS. For the purpose of investigating
7 a discharge or exercising its authority under this section, the department may collect
8 and analyze samples of plants, soil, surface water, groundwater and other material
9 at a site if the department determines that probable cause exists to believe that a
10 discharge has occurred at the site and determines that sufficient funds are available
11 in the agricultural chemical cleanup fund to pay a claim that may result from the
12 discharge or that there is reason to believe that the discharge poses a significant risk
13 to human health.

14 **SECTION 1756.** 94.73 (15) (a) of the statutes is amended to read:

15 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
16 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
17 (3) (a) 2. below the amounts specified in those provisions. The department shall
18 adjust surcharge amounts as necessary to maintain a balance in the agricultural
19 chemical cleanup fund at the end of each fiscal year of ~~at least \$2,000,000 but not~~
20 ~~more than \$5,000,000~~ \$2,500,000, but may not increase a surcharge amount over the
21 amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703
22 (3) (a) 2., or 94.704 (3) (a) 2.

23 **SECTION 1757.** 97.24 (4) (a) of the statutes is amended to read:

24 97.24 (4) (a) Regulation of the production, processing and distribution of milk
25 and fluid milk products under minimum sanitary requirements which are uniform

1 throughout this state and the United States is essential for the protection of
2 consumers and the economic well-being of the dairy industry, and is therefore a
3 matter of statewide concern; however, nothing in this section shall impair or abridge
4 the power of any municipality or county to regulate milk or fluid milk products under
5 sanitary requirements and standards which are in reasonable accord with those
6 established under this section or the power to impose reasonable license permit and
7 inspection fees which combined shall not exceed the cost of necessary inspection. A
8 municipality or county may not impose any fee for its inspection of milk producers,
9 dairy plant facilities or dairy products which are under the inspection supervision
10 of another governmental unit within or without the state with a valid certification
11 rating made or approved by the department of health and family services. No
12 governmental unit may impose or collect a fee directly from the producer. A license
13 or permit fee not to exceed \$25 annually may be imposed on milk distributors
14 licensed under s. 97.22 and on dairy plants under the inspection supervision of
15 another governmental unit which are engaged in the distribution of milk within a
16 municipality or county.

17 **SECTION 1758.** 97.24 (4) (b) of the statutes is amended to read:

18 97.24 (4) (b) No sanitary requirement or standard established under this
19 section or contained in any ordinance may prohibit the sale of milk or fluid milk
20 products which are produced and processed under laws or rules of any governmental
21 unit, within or without this state, which are substantially equivalent to the
22 requirements of the rules promulgated under this section, and which are enforced
23 with equal effectiveness, as determined by a milk sanitation rating made or
24 approved by the department of health and family services, under rules promulgated
25 under this section.

1 **SECTION 1812.** 100.261 (2) of the statutes is amended to read:

2 100.261 (2) If any deposit is made for a violation to which this section applies,
3 the person making the deposit shall also deposit a sufficient amount to include the
4 consumer protection assessment required under this section. If the deposit is
5 forfeited, the amount of the consumer protection assessment shall be transmitted to
6 the ~~state treasurer~~ secretary of administration under sub. (3). If the deposit is
7 returned, the consumer protection assessment shall also be returned.

8 **SECTION 1813.** 100.261 (3) (a) of the statutes is amended to read:

9 100.261 (3) (a) The clerk of court shall collect and transmit the consumer
10 protection assessment amounts to the county treasurer under s. 59.40 (2) (m). The
11 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
12 administration under s. 59.25 (3) (f) 2.

13 **SECTION 1815.** 100.261 (3) (b) of the statutes is amended to read:

14 100.261 (3) (b) ~~The state treasurer~~ secretary of administration shall deposit the
15 consumer protection assessment amounts in the general fund and shall credit them
16 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
17 (c).

18 **SECTION 1815d.** 100.261 (3) (c) of the statutes is amended to read:

19 100.261 (3) (c) The amount credited to the appropriation account under s.
20 20.115 (1) (jb) may not exceed ~~\$185,000~~ \$375,000 in each fiscal year.

21 **SECTION 1817d.** 100.261 (4) of the statutes is created to read:

22 100.261 (4) (a) For each fiscal year, beginning with fiscal year 2003–04, the
23 department of agriculture, trade and consumer protection shall determine the total
24 amount of all assessments that were not imposed by a court as required under sub.
25 (1) during that fiscal year in court actions that were commenced on or after the

1 effective date of this paragraph [revisor inserts date], by the department of justice
2 under ch. 100. The department of agriculture, trade and consumer protection shall
3 make this determination before the August 1 immediately following the fiscal year.

4 (b) 1. Before the September 1 immediately following the August 1 deadline
5 under par. (a), the secretary of administration shall transfer from any of the
6 department of justice's sum certain, general purpose revenue state operations
7 appropriations, or from any combination of those appropriations, to the
8 appropriation account under s. 20.115 (1) (km) a total amount equal to the amount
9 determined by the department of agriculture, trade and consumer protection under
10 par. (a), subject to subd. 2.

11 2. If the sum of the amounts credited to the appropriation accounts under s.
12 20.115 (1) (jb) and (km) exceeds \$375,000 in any fiscal year, the secretary of
13 administration shall lapse the amount exceeding \$375,000 in that fiscal year from
14 the appropriation account under s. 20.115 (1) (km) to the general fund.

15 **SECTION 1835.** 101.055 (8) (b) of the statutes is amended to read:

16 101.055 (8) (b) ~~A state employee who believes that he or she has been~~
17 ~~discharged or otherwise discriminated against by a public employer in violation of~~
18 ~~par. (ar) may file a complaint with the personnel commission alleging discrimination~~
19 ~~or discharge, within 30 days after the employee received knowledge of the~~
20 ~~discrimination or discharge. A public employee other than a state employee who~~
21 ~~believes that he or she has been discharged or otherwise discriminated against by~~
22 ~~a public employer in violation of par. (ar) may file a complaint with the division of~~
23 ~~equal rights alleging discrimination or discharge, within 30 days after the employee~~
24 ~~received knowledge of the discrimination or discharge.~~

25 **SECTION 1836.** 101.055 (8) (c) of the statutes is amended to read:

1 101.055 (8) (c) Upon receipt of a complaint, the ~~personnel commission or the~~
2 division of equal rights, ~~whichever is applicable,~~ shall, except as provided in s. 230.45
3 (1m), investigate the complaint and determine whether there is probable cause to
4 believe that a violation of par. (ar) has occurred. If the ~~personnel commission or the~~
5 division of equal rights finds probable cause it shall attempt to resolve the complaint
6 by conference, conciliation or persuasion. If the complaint is not resolved, the
7 ~~personnel commission or the~~ division of equal rights shall hold a hearing on the
8 complaint within 60 days after receipt of the complaint unless both parties to the
9 proceeding agree otherwise. Within 30 days after the close of the hearing, the
10 ~~personnel commission or the~~ division of equal rights shall issue its decision. If the
11 ~~personnel commission or the~~ division of equal rights determines that a violation of
12 par. (ar) has occurred, it shall order appropriate relief for the employee, including
13 restoration of the employee to his or her former position with back pay, and shall
14 order any action necessary to ensure that no further discrimination occurs. If the
15 ~~personnel commission or the~~ division of equal rights determines that there has been
16 no violation of par. (ar), it shall issue an order dismissing the complaint.

17 **SECTION 1837.** 101.055 (8) (d) of the statutes is amended to read:

18 101.055 (8) (d) Orders of the ~~personnel commission and the~~ division of equal
19 rights under this subsection are subject to judicial review under ch. 227.

20 **SECTION 1839.** 101.143 (9m) (g) 2. of the statutes is amended to read:

21 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
22 exceed ~~\$342,000,000~~ \$436,000,000 in principal amount, excluding any obligations
23 that have been defeased under a cash optimization program administered by the
24 building commission. In addition to this limit on principal amount, the building
25 commission may contract revenue obligations under this subsection as the building

1 commission determines is desirable to fund or refund outstanding revenue
2 obligations, to pay issuance or administrative expenses, to make deposits to reserve
3 funds, or to pay accrued or capitalized interest.

4 **SECTION 1841.** 101.563 (2) (a) of the statutes is amended to read:

5 101.563 (2) (a) *Payments from calendar year 2000 dues.* Notwithstanding s.
6 101.573 (3) (a), the department shall pay every city, village, and town that is entitled
7 to payment under sub. (1) (a) the amount to which that city, village, or town would
8 have been entitled to receive on or before August 1, 2001, had the city, village, or town
9 been eligible to receive a payment on that date. The department shall calculate the
10 amount due under this paragraph as if every city, village, and town maintaining a
11 fire department was eligible to receive a payment on that date. By the date on which
12 the department provides a certification or recertification to the ~~state treasurer~~
13 secretary of administration under par. (b) 1., the department shall certify to the ~~state~~
14 ~~treasurer~~ secretary of administration the amount to be paid to each city, village, and
15 town under this paragraph. On or before August 1, 2002, the ~~state treasurer~~
16 secretary of administration shall pay the amount certified by the department under
17 this paragraph to each such city, village, and town. The ~~state treasurer~~ secretary of
18 administration may combine any payment due under this paragraph with any
19 amount due to be paid on or before August 1, 2002, to the same city, village, or town
20 under par. (b) 1.

21 **SECTION 1842.** 101.563 (2) (b) 1. of the statutes is amended to read:

22 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
23 s. ~~101.575~~ 101.573 (3) (a), by the 30th day following July 30, 2002, the department
24 shall compile the fire department dues paid by all insurers under s. 601.93 and the
25 dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s.

1 101.573 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%,
2 and certify to the ~~state treasurer~~ secretary of administration the proper amount to
3 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town
4 entitled to a proportionate share of fire department dues as provided under sub. (1)
5 (b) and s. 101.575. If the department has previously certified an amount to the ~~state~~
6 ~~treasurer~~ secretary of administration under s. ~~101.57~~ 101.573 (3) (a) during calendar
7 year 2002, the department shall recertify the amount in the manner provided under
8 this subdivision. On or before August 1, 2002, the ~~state treasurer~~ secretary of
9 administration shall pay the amounts certified or recertified by the department
10 under this subdivision to each city, village, and town entitled to a proportionate share
11 of fire department dues as provided under sub. (1) and s. 101.575. The ~~state~~
12 ~~treasurer~~ secretary of administration may combine any payment due under this
13 subdivision with any amount due to be paid on or before August 1, 2002, to the same
14 city, village, or town under par. (a).

15 **SECTION 1843.** 101.563 (2) (b) 2. of the statutes is amended to read:

16 101.563 (2) (b) 2. ‘Payments from dues for calendar years 2002 to 2004.’
17 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this
18 subdivision, on or before May 1 in each year, the department shall compile the fire
19 department dues paid by all insurers under s. 601.93 and the dues paid by the state
20 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold
21 0.5% and certify to the ~~state treasurer~~ secretary of administration the proper amount
22 to be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town
23 entitled to a proportionate share of fire department dues as provided under sub. (1)
24 (b) and s. 101.575. Annually, on or before August 1, the ~~state treasurer~~ secretary of
25 administration shall pay the amounts certified by the department to each such city,

1 village, and town. This paragraph applies only to payment of a proportionate share
2 of fire department dues collected for calendar years 2002 to 2004.

3 **SECTION 1844.** 101.563 (2) (b) 3. of the statutes is amended to read:

4 101.563 (2) (b) 3. The amounts withheld under subs. 1. and 2. shall be
5 disbursed to correct errors of the department or the commissioner of insurance. The
6 department shall certify to the ~~state treasurer~~ secretary of administration the
7 amount that must be disbursed to correct an error and the ~~state treasurer~~ secretary
8 of administration shall pay the amount to the specified city, village, or town. The
9 balance of the amount withheld in a calendar year under subs. ~~subd.~~ subd. 1. or 2., as
10 applicable, which is not disbursed under this subdivision shall be included in the
11 total compiled by the department under subd. 2. for the next calendar year, except
12 that amounts withheld under subd. 2. from fire department dues collected for
13 calendar year 2004 that are not disbursed under this subdivision shall be included
14 in the total compiled by the department under s. 101.573 (3) (a) for the next calendar
15 year. If errors in payments exceed the amount withheld, adjustments shall be made
16 in the distribution for the next year.

17 **SECTION 1845.** 101.573 (1) of the statutes is amended to read:

18 101.573 (1) The department shall include in the compilation and certification
19 of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund
20 for the insurance of any public property, other than state property. The department
21 shall notify the ~~state treasurer~~ secretary of administration of the amount certified
22 under this subsection and the ~~state treasurer~~ secretary of administration shall
23 charge the amount to the state fire fund.

24 **SECTION 1846.** 101.573 (3) (a) of the statutes is amended to read:

1 101.573 (3) (a) On or before May 1 in each year, the department shall compile
2 the fire department dues paid by all insurers under s. 601.93 and the dues paid by
3 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%
4 and certify to the ~~state treasurer~~ secretary of administration the proper amount to
5 be paid from the appropriation under s. 20.143 (3) (L) to each city, village, or town
6 entitled to fire department dues under s. 101.575. Annually, on or before August 1,
7 the ~~state treasurer~~ secretary of administration shall pay the amounts certified by the
8 department to the cities, villages and towns eligible under s. 101.575.

9 **SECTION 1847.** 101.573 (3) (b) of the statutes is amended to read:

10 101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct
11 errors of the department or the commissioner of insurance or for payments to cities,
12 villages, or towns which are first determined to be eligible for payments under par.
13 (a) after May 1. The department shall certify to the ~~state treasurer~~ secretary of
14 administration, as near as is practical, the amount which would have been payable
15 to the municipality if payment had been properly disbursed under par. (a) on or prior
16 to May 1, except the amount payable to any municipality first eligible after May 1
17 shall be reduced by 1.5% for each month or portion of a month which expires after
18 May 1 and prior to the eligibility determination. The ~~state treasurer~~ secretary of
19 administration shall pay the amount certified to the city, village, or town. The
20 balance of the amount withheld in a calendar year under par. (a) which is not
21 disbursed under this paragraph shall be included in the total compiled by the
22 department under par. (a) for the next calendar year. If errors in payments exceed
23 the amount set aside for error payments, adjustments shall be made in the
24 distribution for the next year.

25 **SECTION 1848.** 101.573 (4) of the statutes is amended to read:

1 101.573 (4) The department shall transmit to the treasurer of each city, village,
2 and town entitled to fire department dues, a statement of the amount of dues payable
3 to it, and the commissioner of insurance shall furnish to the ~~state treasurer~~ secretary
4 of administration, upon request, a list of the insurers paying dues under s. 601.93
5 and the amount paid by each.

6 **SECTION 1850.** 102.28 (7) (a) of the statutes is amended to read:

7 102.28 (7) (a) If an employer who is currently or was formerly exempted by
8 written order of the department under sub. (2) is unable to pay an award, judgment
9 is rendered in accordance with s. 102.20 against that employer, and execution is
10 levied and returned unsatisfied in whole or in part, payments for the employer's
11 liability shall be made from the fund established under sub. (8). If a currently or
12 formerly exempted employer files for bankruptcy and not less than 60 days after that
13 filing the department has reason to believe that compensation payments due are not
14 being paid, the department in its discretion may make payment for the employer's
15 liability from the fund established under sub. (8). The ~~state treasurer~~ secretary of
16 administration shall proceed to recover such payments from the employer or the
17 employer's receiver or trustee in bankruptcy, and may commence an action or
18 proceeding or file a claim therefor. The attorney general shall appear on behalf of
19 the ~~state treasurer~~ secretary of administration in any such action or proceeding. All
20 moneys recovered in any such action or proceeding shall be paid into the fund
21 established under sub. (8).

22 **SECTION 1851.** 102.63 of the statutes is amended to read:

23 **102.63 Refunds by state.** Whenever the department shall certify to the state
24 ~~treasurer~~ secretary of administration that excess payment has been made under s.
25 102.59 or under s. 102.49 (5) either because of mistake or otherwise, the state

1 ~~treasurer~~ secretary of administration shall within 5 days after receipt of such
2 certificate draw an order against the fund in the state treasury into which such
3 excess was paid, reimbursing such payor of such excess payment, together with
4 interest actually earned thereon if the excess payment has been on deposit for at
5 least 6 months.

6 **SECTION 1853.** 102.85 (4) (c) of the statutes is amended to read:

7 102.85 (4) (c) If any deposit is made for an offense to which this section applies,
8 the person making the deposit shall also deposit a sufficient amount to include the
9 uninsured employer assessment prescribed in this section. If the deposit is forfeited,
10 the amount of the uninsured employer assessment shall be transmitted to the state
11 ~~treasurer~~ secretary of administration under par. (d). If the deposit is returned, the
12 uninsured employer assessment shall also be returned.

13 **SECTION 1854.** 102.85 (4) (d) of the statutes is amended to read:

14 102.85 (4) (d) The clerk of the court shall collect and transmit to the county
15 treasurer the uninsured employer assessment and other amounts required under s.
16 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
17 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
18 secretary of administration shall deposit the amount of the uninsured employer
19 assessment, together with any interest thereon, in the uninsured employers fund as
20 provided in s. 102.80 (1).

21 **SECTION 1855.** 103.10 (12) (a) of the statutes is repealed.

22 **SECTION 1857m.** 103.98 of the statutes is created to read:

23 **103.98 Compulsive gambling grants.** From the appropriation account
24 under s. 20.445 (1) (kv), the department shall distribute \$50,000 in each fiscal year
25 as grants to organizations that assist persons who are African American with

1 compulsive gambling issues and \$50,000 in each fiscal year as grants to
2 organizations that assist persons of Southeast Asian origin with compulsive
3 gambling issues.

4 **SECTION 1858.** 106.01 (11) of the statutes is repealed.

5 **SECTION 1859.** 106.09 (4) of the statutes is repealed.

6 **SECTION 1860.** 106.09 (5) of the statutes is amended to read:

7 106.09 (5) The department is authorized and directed to cooperate with the
8 U.S. employment service in the administration of said ~~act and in carrying out all~~
9 ~~agreements made thereunder~~ its functions.

10 **SECTION 1861.** 106.09 (6) of the statutes is repealed.

11 **SECTION 1862d.** 106.12 (title) of the statutes is repealed.

12 **SECTION 1863d.** 106.12 (1) of the statutes is repealed.

13 **SECTION 1865d.** 106.12 (2) of the statutes is renumbered 106.12 and amended
14 to read:

15 **106.12 Employment and education program administration.** The ~~board~~
16 department shall plan, coordinate, administer, and implement the youth
17 apprenticeship, ~~school-to-work and work-based learning programs~~ program under
18 s. 106.13 (1) and such other employment and education programs as the governor
19 may by executive order assign to the ~~board~~ department. Notwithstanding any
20 limitations placed on the use of state employment and education funds under this
21 section or s. 106.13 or under an executive order assigning an employment and
22 education program to the ~~board~~ department, the ~~board~~ department may issue a
23 general or special order waiving any of those limitations on finding that the waiver
24 will promote the coordination of employment and education services.

25 **SECTION 1866d.** 106.12 (3) of the statutes is repealed.