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SENATE BILL 44

1 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
 2 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
 3 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
 4 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
 5 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
 6 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
 7 municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,
 8 the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835
 9 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the
 10 total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ss. 20.835 (1)
 11 (d) and 20.855 (4) (rb) are \$769,092,800 to municipalities and \$170,671,600 to
 12 counties. In 2003, the total amounts to be distributed under ss. 79.03, 79.04, and
 13 79.06 from s. 20.835 (1) (d), (m), (t), and (u) are \$776,783,700 to municipalities, less
 14 the reductions under s. 79.025 (3) (cm), and \$172,378,300 to counties, less the
 15 reductions under s. 79.025 (3) (cm).

****NOTE: This is reconciled s. 79.03 (4). This SECTION has been affected by drafts
 with the following LRB numbers: LRB-1565/4 and LRB-1567/8.

16 ***-1565/6.2*** SECTION 1661. 79.034 of the statutes is created to read:

17 **79.034 Reductions.** In 2003, after the total amount of the payments to each
 18 county and municipality under ss. 79.03, 79.04, 79.058, and 79.06 has been
 19 determined, the department of revenue shall reduce the total amount of such
 20 payments to each county and municipality by subtracting from such payments an
 21 amount based on the county's or municipality's population, as determined by the
 22 department, so that the total amount of the reduction to all such payments in 2003
 23 is \$10,000,000, except that the reduction applied to any county's or municipality's

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SECTION 1661

1 payments shall not exceed the amount of the payments distributed to the county or
2 municipality under ss. 79.03, 79.04, 79.058, and 79.06 in 2003.

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4 ***b0372/5.13* SECTION 1662b.** 79.035 (title) of the statutes is amended to read:
5 **79.035 (title) County and municipal aid.**

6 ***b0372/5.13* SECTION 1662d.** 79.035 (1) of the statutes is amended to read:
7 79.035 (1) Subject to reductions under s. ~~79.036 (3)~~ 79.02 (3) (e), in 2004 and
8 subsequent years, each county and municipality shall receive a payment from the
9 county and municipal aid account in an amount determined under sub. (2).

10 ***b0372/5.13* SECTION 1663b.** 79.035 (2) (a) 1. of the statutes is amended to
11 read:

12 79.035 (2) (a) 1. ~~For~~ Except as provided under 79.02 (3) (e), for the distribution
13 in 2004, each county and municipality will receive a payment that is equal to the
14 amount of the payments the county or municipality would have received in 2003
15 under ss. 79.03, 79.058, and 79.06, if not for the reductions under s. 79.03 (3) (cm),
16 less the amount of the reduction under subd. 2.

17 ***b0372/5.13* SECTION 1664b.** 79.035 (2) (a) 2. of the statutes is amended to
18 read:

19 79.035 (2) (a) 2. The department of revenue shall reduce the amount of the
20 payments to be distributed to each county and municipality, as determined under
21 subd. 1., by subtracting from such payments an amount based on the county's or
22 municipality's population, as determined by the department, so that the total
23 amount of the reduction to all such payments in 2004 is ~~\$40,000,000~~ \$20,000,000,
24 except that the reduction applied to any county's or municipality's payment shall not

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1 exceed the amount of the payments specified under subd. 1. distributed to the county
2 ~~or municipality~~ in 2003.

3 *b0372/5.13* **SECTION 1666b.** 79.035 (2) (b) of the statutes is amended to read:

4 79.035 (2) (b) For Except as provided under s. 79.02 (3) (e), for the distribution
5 in 2005 and subsequent years, each county ~~and municipality~~ shall receive a payment
6 under this section that is equal to the amount of the payment determined for the
7 county ~~or municipality~~ under par. (a) in 2004 ~~prior to the reductions under s. 79.036.~~

8 *-1564/2.4* **SECTION 1667.** 79.036 of the statutes is repealed.

9 *-1567/9.16* **SECTION 1668.** 79.04 (1) (a) of the statutes is amended to read:

10 79.04 (1) (a) An amount from the shared revenue account or, for the
11 distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by
12 multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village,
13 the first \$125,000,000 of the amount shown in the account, plus leased property, of
14 each public utility except qualified wholesale electric companies, as defined in s.
15 76.28 (1) (gm), on December 31 of the preceding year for either “production plant,
16 exclusive of land” and “general structures”, or “work in progress” for production
17 plants and general structures under construction, in the case of light, heat and power
18 companies, electric cooperatives or municipal electric companies, for all property
19 within a municipality in accordance with the system of accounts established by the
20 public service commission or rural electrification administration, less depreciation
21 thereon as determined by the department of revenue and less the value of treatment
22 plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as
23 determined by the department of revenue plus an amount from the shared revenue
24 account or, for the distribution in 2003, from the appropriation under s. 20.835 (1)
25 (t) determined by multiplying by 3 mills in the case of a town, and 6 mills in the case

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1 of a city or village, of the first \$125,000,000 of the total original cost of production
2 plant, general structures and work-in-progress less depreciation, land and
3 approved waste treatment facilities of each qualified wholesale electric company, as
4 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property
5 within the municipality. The total of amounts, as depreciated, from the accounts of
6 all public utilities for the same production plant is also limited to not more than
7 \$125,000,000. The amount distributable to a municipality in any year shall not
8 exceed \$300 times the population of the municipality.

9 ***-1567/9.17*** **SECTION 1669.** 79.04 (2) (a) of the statutes is amended to read:

10 79.04 (2) (a) Annually, the department of administration, upon certification by
11 the department of revenue, shall distribute from the shared revenue account or, for
12 the distribution in 2003, from the appropriation under s. 20.835 (1) (t) to any county
13 having within its boundaries a production plant or a general structure, including
14 production plants and general structures under construction, used by a light, heat
15 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
16 in s. 66.0813 unless the production plant is owned or operated by a local
17 governmental unit that is located outside of the municipality in which the production
18 plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48,
19 respectively, or by a municipal electric company under s. 66.0825 an amount
20 determined by multiplying by 6 mills in the case of property in a town and by 3 mills
21 in the case of property in a city or village the first \$125,000,000 of the amount shown
22 in the account, plus leased property, of each public utility except qualified wholesale
23 electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding
24 year for either “production plant, exclusive of land” and “general structures”, or
25 “work in progress” for production plants and general structures under construction,

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1 in the case of light, heat and power companies, electric cooperatives or municipal
2 electric companies, for all property within the municipality in accordance with the
3 system of accounts established by the public service commission or rural
4 electrification administration, less depreciation thereon as determined by the
5 department of revenue and less the value of treatment plant and pollution
6 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the
7 department of revenue plus an amount from the shared revenue account or, for the
8 distribution in 2003, from the appropriation under s. 20.835 (1) (t) determined by
9 multiplying by 6 mills in the case of property in a town, and 3 mills in the case of
10 property in a city or village, of the total original cost of production plant, general
11 structures and work-in-progress less depreciation, land and approved waste
12 treatment facilities of each qualified wholesale electric company, as defined in s.
13 76.28 (1) (gm), as reported to the department of revenue of all property within the
14 municipality. The total of amounts, as depreciated, from the accounts of all public
15 utilities for the same production plant is also limited to not more than \$125,000,000.
16 The amount distributable to a county in any year shall not exceed \$100 times the
17 population of the county.

18 *b0372/5.14* **SECTION 1669d.** 79.043 of the statutes is created to read:

19 **79.043 Municipal aid for basic public services. (1) DEFINITIONS.** In this
20 section:

21 (a) “Actual per capita conservation, development, and library cost” means a
22 municipality’s actual expenditures, net of any related revenues, incurred in 2001 for
23 operations and capital outlays related to conservation, development, and library
24 services, as determined by the department of revenue, based on the financial reports
25 required under s. 73.10 (2) and recorded in the governmental and proprietary fund

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1 types, divided by the municipality's 2002 population, except that "actual per capita
2 conservation, development, and library cost" may not be less than zero.

3 (b) "Actual per capita public safety cost" means a municipality's actual
4 expenditures, net of any related revenues, incurred in 2001 for operations and
5 capital outlays related to public safety services, as determined by the department of
6 revenue, based on the financial reports required under s. 73.10 (2) and recorded in
7 the governmental and proprietary fund types, divided by the municipality's 2002
8 population, except that "actual per capita public safety cost" may not be less than
9 zero.

10 (c) "Adjusted per capita conservation, development, and library cost" means the
11 sum of a municipality's primary per capita conservation, development, and library
12 cost and the municipality's secondary per capita conservation, development, and
13 library cost.

14 (d) "Adjusted per capita public safety cost" means the sum of a municipality's
15 primary per capita public safety cost and the municipality's secondary per capita
16 public safety cost.

17 (e) "Aidable costs" means an amount calculated as follows:

18 1. Add a municipality's adjusted per capita public safety cost to the
19 municipality's adjusted per capita conservation, development, and library cost.

20 2. Multiply the result under subd. 1. by the municipality's 2002 population.

21 3. Multiply the result under subd. 2. by the municipality's poverty factor.

22 (f) "Average per capita conservation, development, and library cost" means the
23 total 2001 conservation, development, and library expenditures, net of any related
24 revenues, for all municipalities that are eligible to receive a payment under this
25 section, divided by the total 2002 population for all municipalities that are eligible

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1 to receive a payment under this section and that reported 2001 conservation,
2 development, and library expenditures.

3 (g) “Average per capita public safety cost” means the total 2001 public safety
4 expenditures, net of any related revenues, for all municipalities that are eligible to
5 receive a payment under this section, divided by the total 2002 population for all
6 municipalities that are eligible to receive a payment under this section and that
7 reported 2001 public safety expenditures.

8 (h) “Per capita full value” means the quotient of the 2002 equalized value of the
9 property of a municipality, excluding the incremental value in tax increment
10 districts, divided by the municipality’s population in 2002.

11 (i) Notwithstanding s. 79.005 (2), “population” means the number of persons
12 residing in a municipality, as determined by the department of administration under
13 s. 16.96.

14 (j) “Poverty factor” means:

15 1. For municipalities that had a 2002 population of 50,000 or more, an amount
16 determined by dividing the percentage of the municipality’s population with an
17 income at or below the poverty level, as determined in the 2000 federal decennial
18 census, by a percentage equal to the product of 1.3 multiplied by the percentage of
19 the state’s population with an income at or below the poverty level, as determined
20 in the 2000 federal decennial census, except that a poverty factor determined under
21 this subdivision shall be no less than 1.0 and no more than 1.35.

22 2. For municipalities that had a 2002 population less than 50,000, 1.0.

23 (k) “Primary per capita conservation, development, and library cost” means a
24 municipality’s actual per capita conservation, development, and library cost, not to

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1 exceed an amount equal to one-half of the average per capita conservation,
2 development, and library cost, multiplied by 1.5.

3 (L) “Primary per capita public safety cost” means a municipality’s actual per
4 capita public safety cost, not to exceed an amount equal to one-half of the average
5 per capita public safety cost, multiplied by 1.5.

6 (m) “Secondary per capita conservation, development, and library cost” means
7 a municipality’s actual per capita conservation, development, and library cost in
8 excess of an amount equal to one-half of the average per capita conservation,
9 development, and library cost, but not to exceed an amount equal to the average per
10 capita conservation, development, and library cost, multiplied by 0.5.

11 (n) “Secondary per capita public safety cost” means a municipality’s actual per
12 capita public safety cost in excess of an amount equal to one-half of the average per
13 capita public safety cost, but not to exceed an amount equal to the average per capita
14 public safety cost, multiplied by 0.5.

15 (o) “Sharing factor” means 1.0, minus the quotient of a municipality’s per capita
16 full value divided by the standard value, except that if the quotient of a
17 municipality’s per capita full value divided by the standard value is greater than 1.0,
18 the sharing factor is zero.

19 (p) “Standard value” means the per capita value that results in the distribution
20 of the entire funding level.

21 (2) ELIGIBILITY. Except as provided in sub. (3), in 2004 and in 2005, a
22 municipality is eligible for a payment under this section if the municipality is
23 incorporated and had a population in 2002 of at least 2,500 or the municipality is
24 unincorporated and had a population in 2002 of at least 5,000.

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1 **(3) EXCEPTIONS.** A municipality shall not receive a payment under this section
2 if the sum of the municipality's actual per capita public safety cost for 2001 and the
3 municipality's actual per capita conservation, development, and library cost for 2001
4 is less than \$50.

5 **(4) PAYMENTS.** Except as provided under s. 79.02 (3) (e), each municipality that
6 is eligible to receive a payment under this section shall receive a payment in 2004
7 and in 2005 that is equal to the greater of the municipality's population in 2002
8 multiplied by \$23 or the municipality's aidable costs multiplied by the municipality's
9 sharing factor.

10 **(5) MINIMUM PAYMENT.** (a) If the payment to any municipality under sub. (4),
11 excluding any reduction under s. 79.02 (3) (e), in any year is less than 88.5% of the
12 combined payments to the municipality under ss. 79.03 and 79.06 in 2003, excluding
13 payments under s. 79.04, the municipality has an aids deficiency. The amount of the
14 aids deficiency is the amount by which 88.5% of the combined payments to the
15 municipality under ss. 79.03 and 79.06 in 2003, excluding payments under s. 79.04,
16 exceeds the payment under sub. (4), excluding any reduction under s. 79.02 (3) (e),
17 to the municipality in the current year.

18 (b) A municipality that has an aids deficiency shall receive a payment from the
19 amounts withheld under sub. (6) equal to its aids deficiency for that year.

20 **(6) MAXIMUM PAYMENT.** (a) In this subsection, "maximum allowable increase"
21 in any year means a percentage such that the sum for all municipalities in the year
22 of the excess of payments under sub. (4), excluding any reduction under s. 79.02 (3)
23 (e), over the payments as limited by the maximum allowable increase, is equal to the
24 sum of the aids deficiency under sub. (5) in that year.

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1 (b) If the payment to any municipality under sub. (4), excluding any reduction
2 under s. 79.02 (3) (e), in any year exceeds the combined payments to the municipality
3 under ss. 79.03 and 79.06 in 2003, excluding payments under s. 79.04, by more than
4 the maximum allowable increase, the excess shall be withheld to fund the minimum
5 payments in that year under sub. (5) (b).

6 (7) DISTRIBUTIONS. (a) In 2004, the total amount to be distributed to
7 municipalities under sub. (4) from the municipal aid account and s. 20.835 (1) (t) and
8 (u) is \$567,957,200.

9 (b) In 2005, the total amount to be distributed to municipalities under sub. (4)
10 from the municipal aid account is \$567,957,200.

11 (c) Beginning in 2006, no municipality may receive a payment under this
12 section.

13 *b0372/5.14* SECTION 1669e. 79.044 of the statutes is created to read:

14 **79.044 Expenditure restraint supplemental aid.** (1) DEFINITIONS. In this
15 section:

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

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

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

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

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

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

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

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

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1 (c) Its municipal budget, exclusive of principal and interest on long-term debt
2 and exclusive of revenue sharing payments under s. 66.0305 and recycling fee
3 payments under s. 289.645, for 2002 increased over its municipal budget, exclusive
4 of principal and interest on long-term debt and exclusive of revenue sharing
5 payments under s. 66.0305 and recycling fee payments under s. 289.645, for 2001 by
6 less than the sum of the inflation factor and the valuation factor, both as used to
7 determine eligibility for a payment under s. 79.05 in 2003, rounded to the nearest
8 0.10%.

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

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

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

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

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

17 **(4) MINIMUM PAYMENT.** (a) If the combined payments to any municipality under
18 sub. (3) and s. 79.043, excluding any reduction under s. 79.02 (3) (e), in any year is
19 less than 90% of the combined payments to the municipality under ss. 79.03 and
20 79.06 in 2003, excluding payments under s. 79.04, the municipality has an aids
21 deficiency. The amount of the aids deficiency is the amount by which 90% of the
22 combined payments to the municipality under ss. 79.03 and 79.06 in 2003, excluding
23 payments under s. 79.04, exceeds the combined payments under sub. (3) and s.
24 79.043, excluding any reduction under s. 79.02 (3) (e), to the municipality in the
25 current year.

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

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

9 (b) If the combined payments to any municipality under sub. (3) and s. 79.043,
10 excluding any reduction under s. 79.02 (3) (e), in any year exceed the combined
11 payments to the municipality under ss. 79.03 and 79.06 in 2003, excluding payments
12 under s. 79.04, by more than the maximum allowable increase, the excess shall be
13 withheld to fund the minimum payments in that year under sub. (4) (b).

14 (6) DISTRIBUTIONS. (a) Beginning in 2004 and ending with the distribution in
15 2005, the total amount to be distributed each year to municipalities under sub. (4)
16 from the municipal aid account is \$10,000,000.

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

19 *b0372/5.14* SECTION 1669f. 79.045 of the statutes is created to read:

20 **79.045 Small municipalities state aid.** (1) DEFINITIONS. In this section:

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

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

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

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

10 (3) PAYMENTS. Except as provided under s. 79.02 (3) (e), each municipality that
11 is eligible to receive a payment under this section shall receive a payment in 2004
12 and in 2005 that is equal to the combined payments to the municipality under ss.
13 79.03 and 79.06 in 2003, excluding payments under s. 79.04, multiplied by a
14 percentage that results in the distribution of the entire funding level.

15 (4) DISTRIBUTIONS. (a) Beginning in 2004 and ending with the distribution in
16 2005, the total amount to be distributed each year to municipalities under sub. (3)
17 from the municipal aid account is \$125,145,000.

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

20 *b0372/5.14* SECTION 1669g. 79.046 of the statutes is created to read:

21 **79.046 Municipal aid distribution.** Beginning in 2006, the amount to be
22 distributed to municipalities is \$703,102,200.

23 *-1565/6.6* SECTION 1670. 79.058 (3) (e) of the statutes is amended to read:

24 79.058 (3) (e) In 2003, \$21,181,100, less the reductions under s. 79.02 (3) (cm).

25 *b0189/3.3* SECTION 1670b. 79.10 (7r) of the statutes is repealed.

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SECTION 1670d

1 ***b0189/3.3* SECTION 1670d.** 79.10 (10) (a) of the statutes is amended to read:

2 79.10 (10) (a) Beginning with property taxes levied in 1999, the owner of a
3 principal dwelling may claim the credit under sub. (9) (bm) by applying for the credit
4 on a form prescribed by the department of revenue. A claimant shall attest that, as
5 of the certification date, the claimant is an owner of property and that such property
6 is used by the owner in the manner specified under sub. (1) (dm). The certification
7 date is January 1 of the year in which the property taxes are levied. The claimant
8 shall file the application for the lottery and gaming credit with the treasurer of the
9 county in which the property is located or, if the property is located in a city that
10 collects taxes under s. 74.87, with the treasurer of the city in which the property is
11 located. Subject to review by the department of revenue, a treasurer who receives
12 a completed application shall direct that the property described in the application be
13 identified on the next tax roll as property for which the owner is entitled to receive
14 a lottery and gaming credit. A claim that is made under this paragraph is valid for
15 5 years as long as the property is eligible for the credit under sub. (9) (bm).

16 ***b0189/3.3* SECTION 1670dm.** 79.10 (10) (b) of the statutes is amended to
17 read:

18 79.10 (10) (b) A person who becomes eligible for a credit under sub. (9) (bm) may
19 claim the credit by filing an application, on a form prescribed by the department of
20 revenue, with the treasurer of the county in which the property is located or, if the
21 property is located in a city that collects taxes under s. 74.87, with the treasurer of
22 the city in which the property is located. Claims made under this paragraph ~~become~~
23 ~~invalid when claims made under par. (a) become invalid~~ are valid for as long as the
24 property is eligible for the credit under sub. (9) (bm).

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SECTION 1670dp

1 ***b0189/3.3* SECTION 1670dp.** 79.10 (10) (bm) of the statutes is amended to
2 read:

3 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but
4 whose property tax bill does not reflect the credit may claim the credit by applying
5 to the treasurer of the taxation district in which the property is located for the credit
6 under par. (a) by January 31 following the issuance of the person's property tax bill.
7 The treasurer shall compute the amount of the credit; subtract the amount of the
8 credit from the person's property tax bill; notify the person of the reduced amount of
9 the property taxes due; issue a refund to the person if the person has paid the
10 property taxes in full; and enter the person's property on the next tax roll as property
11 that qualifies for a lottery and gaming credit. Claims made under this subdivision
12 ~~become invalid when claims made under par. (a) become invalid~~ are valid for as long
13 as the property is eligible for the credit under sub. (9) (bm).

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

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1 ***b0189/3.3* SECTION 1670dr.** 79.10 (10) (bn) of the statutes is amended to
2 read:

3 79.10 (10) (bn) 1. If a person who owns and uses property as specified under
4 sub. (1) (dm), as of the certification date under par. (a), transfers the property after
5 the certification date, the transferee may apply to the treasurer of the county in
6 which the property is located or, if the property is located in a city that collects taxes
7 under s. 74.87, to the treasurer of the city in which the property is located for the
8 credit under sub. (9) (bm) on a form prescribed by the department of revenue. The
9 transferee shall attest that, to the transferee's knowledge, the transferor used the
10 property in the manner specified under sub. (1) (dm) as of the certification date under
11 par. (a). A claim that is made under this subdivision is valid for ~~the year in which~~
12 ~~the property is transferred~~ as long as the property is eligible for the credit under sub.
13 (9) (bm).

14 2. A person who is eligible for a credit under subd. 1. but whose property tax
15 bill does not reflect the credit may claim the credit by applying to the treasurer of the
16 taxation district in which the property is located for the credit by January 31
17 following the issuance of the person's property tax bill. Claims made after January
18 31, but no later than October 1 following the issuance of the person's property tax bill,
19 shall be made to the department of revenue. Paragraph (bm), as it applies to
20 processing claims made under that paragraph, applies to processing claims made
21 under this subdivision, ~~except that a claim that is made under this subdivision is~~
22 ~~valid for the year in which the person took possession of the transferred property~~
23 ~~under subd. 1.~~

24 ***b0189/3.3* SECTION 1670dt.** 79.10 (10) (f) of the statutes is created to read:

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

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

14 ***b0189/3.3* SECTION 1670f.** 79.10 (11) (b) of the statutes is amended to read:

15 79.10 (11) (b) Before October 16, the department of administration shall
16 determine the total funds available for distribution under the lottery and gaming
17 credit in the following year and shall inform the joint committee on finance of that
18 total. Total funds available for distribution shall be all moneys projected to be
19 transferred to the lottery fund under ss. 20.455 (2) (g) and 20.505 (8) (am), (g) and
20 (jm) and all existing and projected lottery proceeds and interest for the fiscal year of
21 the distribution, less the amount estimated to be expended under ss. 20.455 (2) (r),
22 20.566 (2) (r), and 20.835 (2) (q) ~~and (3) (r)~~ and less the required reserve under s.
23 20.003 (5). The joint committee on finance may revise the total amount to be
24 distributed if it does so at a meeting that takes place before November 1. If the joint
25 committee on finance does not schedule a meeting to take place before November 1,

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SECTION 1670f

1 the total determined by the department of administration shall be the total amount
2 estimated to be distributed under the lottery and gaming credit in the following year.

3 *b0241/3.4* SECTION 1670m. 84.013 (2) (a) of the statutes is amended to read:

4 84.013 (2) (a) Subject to ss. 84.555 and 86.255, major highway projects shall
5 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and
6 20.866 (2) (ur) to ~~(uum)~~ (uur).

7 *-1837/2.3* SECTION 1671. 84.013 (2) (b) of the statutes is amended to read:

8 84.013 (2) (b) Except as provided in ss. 84.014, 84.03 (3), and 84.555, and
9 subject to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall
10 be funded from the appropriations under ~~s. ss.~~ ss. 20.395 (3) (cq) to (cx) and 20.866 (2)
11 (uut).

12 *b0226/2.1* SECTION 1671d. 84.013 (3) (zd) of the statutes is created to read:

13 84.013 (3) (zd) USH 14 from approximately 2 miles west of Westby to 1.5 miles
14 south of Viroqua in Vernon County.

15 *b0226/2.1* SECTION 1671h. 84.013 (3) (zh) of the statutes is created to read:

16 84.013 (3) (zh) USH 18 from Main Street in the city of Prairie du Chien to STH
17 60 in the town of Bridgeport in Crawford County.

18 *b0226/2.1* SECTION 1671p. 84.013 (3) (zp) of the statutes is created to read:

19 84.013 (3) (zp) USH 41 from 0.5 miles south of STH 26 to 0.5 miles north of
20 Breezewood Lane in the city of Neenah in Winnebago County.

21 *b0226/2.1* SECTION 1671t. 84.013 (3) (zt) of the statutes is created to read:

22 84.013 (3) (zt) USH 41 from Orange Lane in the town of Lawrence, one mile
23 south of CTH "F" to CTH "M" in Brown County.

***NOTE: This is reconciled s. 84.014 (2). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1191 and LRB-1837

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SECTION 1671t

①

2 ***b0251/4.2* SECTION 1672g.** 84.014 (4) of the statutes is renumbered 84.014

3 (4) (a).

4 ***b0251/4.2* 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 ***b0251/4.2* 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

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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 *b0252/3.1* **SECTION 1672c.** 84.014 (3m) of the statutes is created to read:

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

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

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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

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SECTION 1672c

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

3 ***-1250/1.2* SECTION 1674.** 84.03 (3) (title), (a) and (b) of the statutes are
4 amended to read:

5 84.03 (3) (title) WEST CANAL STREET RECONSTRUCTION AND EXTENSION PROJECT.

6 (a) Subject to par. (b), the department shall, from the appropriations under s. 20.395
7 (3) (cr) and (cy), award a grant of \$5,000,000 from the amounts allocated for the
8 Marquette interchange reconstruction project under 2001 Wisconsin Act 16, section
9 9152 (5w), shall award a grant of \$2,500,000 under s. 86.31 (3s), and shall award
10 grants totaling \$2,500,000 from the appropriation under s. 20.395 (3) (ck), to the city
11 of Milwaukee for reconstruction of West Canal Street and extension of West Canal
12 Street to USH 41 at Miller Park in the city of Milwaukee to serve as a transportation
13 corridor for the purpose of mitigating traffic associated with the reconstruction of the
14 Marquette interchange.

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

18 ***-1712/5.27* SECTION 1675.** 84.04 (3) of the statutes is repealed.)

19 ()
20 ***-1712/5.28* SECTION 1681.** 84.07 (5) of the statutes is repealed.

21 ***-1634/7.48* SECTION 1684.** 84.09 (5) of the statutes is amended to read:

22 84.09 (5) Subject to the approval of the governor, the department may sell at
23 public or private sale property of whatever nature owned by the state and under the
24 jurisdiction of the department when the department determines that the property
25 is no longer necessary for the state's use for highway purposes and, if real property,

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1 the real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). The
2 department shall present to the governor a full and complete report of the property
3 to be sold, the reason for the sale, and the minimum price for which the same should
4 be sold, together with an application for the governor's approval of the sale. The
5 governor shall thereupon make such investigation as he or she may deem necessary
6 and approve or disapprove the application. Upon such approval and receipt of the
7 full purchase price, the department shall by appropriate deed or other instrument
8 transfer the property to the purchaser. The approval of the governor is not required
9 for public or private sale of property having a fair market value at the time of sale
10 of not more than \$3,000, for the transfer of surplus state real property to the
11 department of administration under s. ~~16.375~~ 560.9810 or for the transfer of surplus
12 state personal property to the department of tourism under sub. (5s). The funds
13 derived from sales under this subsection shall be deposited in the transportation
14 fund, and the expense incurred by the department in connection with the sale shall
15 be paid from such fund.

16 *~~1634/7.49~~* **SECTION 1685.** 84.09 (5r) of the statutes is amended to read:

17 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
18 the department may, subject to the approval of the governor, donate real property
19 that is adjacent to the veterans memorial site located at The Highground in Clark
20 County and owned by the state and under the jurisdiction of the department to the
21 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
22 memorial site located at The Highground in Clark County for the purpose of a
23 memorial hall specified in s. 70.11 (9). The department may donate property under
24 this subsection only when the department determines that the property is no longer
25 necessary for the state's use for highway purposes and is not the subject of a petition

SENATE BILL 44**SECTION 1685**

1 under s. ~~16.375~~ 560.9810 (2) and is transferred with a restriction that the donee may
2 not subsequently transfer the real property to any person except to this state, which
3 shall not be charged for any improvements thereon. Such restriction shall be
4 recorded in the office of the register of deeds in the county in which the property is
5 located. The department shall present to the governor a full and complete report of
6 the property to be donated, the reason for the donation, and the minimum price for
7 which the property could likely be sold under sub. (5), together with an application
8 for the governor's approval of the donation. The governor shall thereupon make such
9 investigation as he or she considers necessary and approve or disapprove the
10 application. Upon such approval, the department shall by appropriate deed or other
11 instrument transfer the property to the donee. The approval of the governor is not
12 required for donation of property having a fair market value at the time of donation
13 of not more than \$3,000. Any expense incurred by the department in connection with
14 the donation shall be paid from the transportation fund.

15 *~~0529/4.154~~* **SECTION 1686.** 84.11 (4) of the statutes is amended to read:

16 84.11 (4) **FINDING, DETERMINATION, AND ORDER.** After such hearing the
17 department shall make such investigation as it considers necessary in order to make
18 a decision in the matter. If the department finds that the construction is necessary
19 it shall determine the location of the project and whether the project is eligible for
20 construction under this section. The department shall also determine the character
21 and kind of bridge most suitable for such location and estimate separately the cost
22 of the bridge portion and the entire project. The department shall make its finding,
23 determination, and order, in writing, and file a certified copy thereof with the clerk
24 of each county, city, village, and town in which any portion of the bridge project will
25 be located and also with the secretary of state and the ~~state treasurer~~ secretary of

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1 administration. The determination of the location of the project made by the
2 department and set forth in its finding, determination, and order, shall be conclusive
3 as to such location and shall constitute full authority for laying out new streets or
4 highways or for any relocations of highways made necessary for the construction of
5 the project and for acquirement of any lands necessary for such streets or highways,
6 relocation or construction. The estimate of cost made by the department shall be
7 conclusive insofar as cost may determine eligibility of construction under this
8 section.

9 ***-0529/4.155*** SECTION 1687. 84.12 (4) of the statutes is amended to read:

10 84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the
11 construction is necessary, and that provision has been made or will be made by the
12 adjoining state or its subdivisions to bear its or their portions of the cost of the project,
13 the department, in cooperation with the state highway department of the adjoining
14 state, shall determine the location thereof, the character and kind of bridge and other
15 construction most suitable at such location, estimate the cost of the project, and
16 determine the respective portions of the estimated cost to be paid by each state and
17 its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the
18 department shall further determine the respective portions of the cost to be paid by
19 this state and by its subdivisions which are required to pay portions of the cost. The
20 department, after such hearing, investigation, and negotiations, shall make its
21 finding, determination, and order in writing and file a certified copy thereof with the
22 clerk of each county, city, village, or town in this state in which any part of the bridge
23 project will be located, with the secretary of state, and the ~~state treasurer~~ secretary
24 of administration and with the state highway department of the adjoining state. The
25 determination of the location set forth in the finding, determination, and order of the

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1 department shall be conclusive as to such location and shall constitute full authority
2 for laying out new streets or highways or for any relocations of the highways made
3 necessary for the construction of the project and for acquiring lands necessary for
4 such streets or highways, relocation or construction.

5
6 ***b0241/3.7* SECTION 1694m.** 84.557 of the statutes is created to read:

7 **84.557 General obligation bonding for major highway and**
8 **rehabilitation projects.** (1) Notwithstanding ss. 84.51, 84.53, 84.555, and 84.59,
9 major highway projects, as defined under s. 84.013 (1) (a), for the purposes of ss. 84.06
10 and 84.09, may be funded with the proceeds of general obligation bonds issued under
11 s. 20.866 (2) (uur).

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

15 ***b0251/4.3* SECTION 1694p.** 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

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SECTION 1694p

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).

***NOTE: This is reconciled s. 84.59 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1191 and LRB-1887.

12 ***-1772/3.3* SECTION 1696.** 84.59 (2) of the statutes is renumbered 84.59 (2) (a).

13 ***-1772/3.4* 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

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1 the repayment of revenue obligations issued under this section. Revenue obligations
2 issued for the purposes specified in sub. (1) and for the repayment of which revenues
3 are deposited under this paragraph are special fund obligations, as defined in s.
4 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

5 ***-1772/3.5* SECTION 1698.** 84.59 (3) of the statutes is amended to read:

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

14 ***-1191/4.6* SECTION 1699.** 84.59 (6) of the statutes is amended to read:

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

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

****NOTE: This is reconciled s. 84.59 (6). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1191 and LRB-1837.

3 *b0221/4.4* SECTION 1701m. 85.027 of the statutes is created to read:

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

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

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

- 19 1. An urban area.
- 20 2. A suburban area.
- 21 3. A rural area.

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

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- 1 1. The crash history of the proposed project area.
- 2 2. The prevalence of older drivers and pedestrians in the area of the proposed
- 3 project.
- 4 3. The extent to which the proposed improvements would produce
- 5 demonstrable benefits.
- 6 4. Whether a project is proposed cooperatively by more than one local unit of
- 7 government and coordinates improvements on highways in more than one
- 8 jurisdiction. The department shall favor cooperative projects.
- 9 5. The geographic distribution of all of the projects that are awarded grants.
- 10 The department shall distribute projects throughout the state.

11 (d) The department shall award grants under this section from the

12 appropriation under s. 20.395 (2) (fg).

13 *–1189/3.4* **SECTION 1702.** 85.062 (1) (c) of the statutes is created to read:

14 85.062 (1) (c) Initial construction or expansion of a commuter rail transit

15 system. In this paragraph, “commuter rail” has the meaning given in s. 85.064 (1)

16 (a).

17 *–1189/3.5* **SECTION 1703.** 85.064 of the statutes is created to read:

18 **85.064 Commuter rail transit system development.** (1) In this section:

19 (a) “Commuter rail” means rail passenger service, operating primarily on a

20 dedicated right-of-way on existing railroad tracks used for rail freight service or

21 intercity rail passenger service between and within metropolitan and suburban

22 areas, connecting these areas with large business or urban centers in this state or

23 another. Commuter rail usually operates during peak travel times with limited stops

24 and in conjunction with other transit modes as part of a regional transit system.

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1 “Commuter rail” does not include rail passenger service provided by a light rail
2 transit system.

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

6 (2) (a) The department shall administer a commuter rail transit system
7 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
8 and (dx), the department may award grants to political subdivisions for preliminary
9 engineering related to the development or extension of commuter rail transit
10 systems in this state.

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

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

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

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

24 ***-1712/5.29* SECTION 1704.** 85.09 (2) (a) of the statutes is amended to read:

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1 85.09 (2) (a) The department of transportation shall have the first right to
2 acquire, for present or future transportation or recreational purposes, any
3 property used in operating a railroad or railway, including land and rails, ties,
4 switches, trestles, bridges, and the like located ~~thereon, which on that property, that~~
5 has been abandoned. The department of transportation may, in connection with
6 abandoned rail property, assign this right to a state agency, the board of regents of
7 the University of Wisconsin System, any county or municipality, or any transit
8 commission. Acquisition by the department of transportation may be by gift,
9 purchase, or condemnation in accordance with the procedure under s. 32.05. In
10 addition to its property management authority under s. 85.15, the department of
11 transportation may lease and collect rents and fees for any use of rail property
12 pending discharge of the department's duty to convey property that is not necessary
13 for a public purpose. ~~In exercising its property management authority, the~~
14 ~~department of transportation, to the greatest extent practicable, shall encourage and~~
15 ~~utilize the Wisconsin conservation corps for appropriate projects.~~ No person owning
16 abandoned rail property, including any person to whom ownership reverts upon
17 abandonment, may convey or dispose of any abandoned rail property without first
18 obtaining a written release from the department of transportation indicating that
19 the first right of acquisition under this subsection will not be exercised or assigned.
20 No railroad or railway may convey any rail property prior to abandonment if the rail
21 property is part of a rail line shown on the railroad's system map as in the process
22 of abandonment, expected to be abandoned, or under study for possible
23 abandonment unless the conveyance or disposal is for the purpose of providing
24 continued rail service under another company or agency. Any conveyance made
25 without obtaining such release is void. The first right of acquisition of the

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1 department of transportation under this subsection does not apply to any rail
2 property declared by the department to be abandoned before January 1, 1977. The
3 department of transportation may acquire any abandoned rail property under this
4 section regardless of the date of its abandonment.

5 ***-1634/7.50* SECTION 1705.** 85.09 (4i) of the statutes is amended to read:

6 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
7 private sale rail property acquired under sub. (4) when the department determines
8 that the rail property is not necessary for a public purpose and, if real property, the
9 real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). Upon
10 receipt of the full purchase price, the department shall, by appropriate deed or other
11 instrument, transfer the rail property to the purchaser. The funds derived from sales
12 under this subsection shall be deposited in the transportation fund, and the expense
13 incurred by the department in connection with the sale shall be paid from the
14 appropriation under s. 20.395 (2) (bq).

15 ***-1289/7.107* SECTION 1706.** 85.12 (3) of the statutes is amended to read:

16 85.12 (3) The department may contract with any local governmental unit, as
17 defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services
18 under this section.

19 ***-0529/4.156* SECTION 1707.** 85.14 (1) (b) of the statutes is amended to read:

20 85.14 (1) (b) Except for charges associated with a contract under par. (c), the
21 department shall pay to the ~~state treasurer~~ secretary of administration the amount
22 of charges associated with the use of credit cards under par. (a) that are assessed to
23 the department.

24 ***-0529/4.157* SECTION 1708.** 85.14 (2) of the statutes is amended to read:

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SECTION 1708

1 85.14 (2) The department shall certify to the ~~state treasurer~~ secretary of
2 administration the amount of charges associated with the use of credit cards that is
3 assessed to the department on deposits accepted under s. 345.26 (3) (a) by state
4 traffic patrol officers and state motor vehicle inspectors, and the ~~state treasurer~~
5 secretary of administration shall pay the charges from moneys under s. 59.25 (3) (j)
6 and (k) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 20.907 (5)
7 (e) 12e.

8 *~~1198/2.1~~* SECTION 1709. 85.20 (4m) (a) 6. cm. of the statutes is amended to
9 read:

10 85.20 (4m) (a) 6. cm. ~~For aid payable for calendar years 2000 and 2001, from~~
11 ~~the appropriation under s. 20.395 (1) (ht), the department shall pay \$53,555,600 to~~
12 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~
13 ~~an urban mass transit system that has annual operating expenses in excess of~~
14 ~~\$80,000,000. For aid payable for calendar year 2002, from the appropriation under~~
15 ~~s. 20.395 (1) (ht), the department shall pay \$55,697,800 to the eligible applicant that~~
16 ~~pays the local contribution required under par. (b) 1. for an urban mass transit~~
17 ~~system that has annual operating expenses in excess of \$80,000,000. Beginning with~~
18 For aid payable for calendar year 2003 and for each calendar year thereafter, from
19 the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to
20 the eligible applicant that pays the local contribution required under par. (b) 1. for
21 an urban mass transit system that has annual operating expenses in excess of
22 \$80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is
23 served by more than one urban mass transit system, the eligible applicant may
24 allocate the aid between the urban mass transit systems in any manner the eligible
25 applicant considers desirable.

1 ***-1198/2.2*** SECTION 1710. 85.20 (4m) (a) 6. d. of the statutes is amended to
2 read:

3 85.20 (4m) (a) 6. d. ~~For aid payable for calendar years 2000 and 2001, from the~~
4 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$14,297,600 to the~~
5 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~
6 ~~urban mass transit system that has annual operating expenses in excess of~~
7 ~~\$20,000,000 but less than \$80,000,000. For aid payable for calendar year 2002, from~~
8 ~~the appropriation under s. 20.395 (1) (hu), the department shall pay \$14,869,500 to~~
9 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~
10 ~~an urban mass transit system that has annual operating expenses in excess of~~
11 ~~\$20,000,000 but less than \$80,000,000. Beginning with~~ For aid payable for calendar
12 year 2003 and for each calendar year thereafter, from the appropriation under s.
13 20.395 (1) (hu), the department shall pay \$15,166,900 to the eligible applicant that
14 pays the local contribution required under par. (b) 1. for an urban mass transit
15 system that has annual operating expenses in excess of \$20,000,000 but less than
16 \$80,000,000.) If the eligible applicant that receives aid under this subd. 6. d. is
17 served by more than one urban mass transit system, the eligible applicant may
18 allocate the aid between the urban mass transit systems in any manner the eligible
19 applicant considers desirable.

20 ***-1198/2.3*** SECTION 1711. 85.20 (4m) (a) 7. a. of the statutes is amended to
21 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~~

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SECTION 1711

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 ***-1198/2.4*** SECTION 1712. 85.20 (4m) (a) 7. b. of the statutes is amended to
9 read:

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

16 ***-1198/2.5*** SECTION 1713. 85.20 (4m) (a) 8. a. of the statutes is amended to
17 read:

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

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1 shown in the 2000 federal decennial census of less than 50,000 or receiving federal
2 mass transit aid for such area.

3 ***-1198/2.6* SECTION 1714.** 85.20 (4m) (a) 8. b. of the statutes is amended to
4 read:

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

11 ***-1607/P3.9* SECTION 1715.** 85.55 of the statutes is amended to read:

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

22 ***-1196/1.1* SECTION 1719.** 86.30 (2) (a) 1. of the statutes is amended to read:

23 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm), ~~sub. (10)~~ and s.
24 86.303, the amount of transportation aids payable by the department to each county
25 shall be the aids amount calculated under subd. 2. and to each municipality shall be

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1 the aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts
2 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
3 to that municipality shall be paid under subd. 2.

4 ***-1196/1.2* SECTION 1720.** 86.30 (2) (a) 3. of the statutes is amended to read:

5 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
6 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$1,704~~
7 ~~in calendar year 2001~~, \$1,755 in calendar year 2002, and \$1,825 in calendar year
8 2003 and thereafter.

9 ***-1196/1.3* SECTION 1721.** 86.30 (9) (b) of the statutes is amended to read:

10 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
11 the amounts for aids to counties are ~~\$84,059,500 in calendar years 2000 and 2001~~,
12 \$86,581,300 in calendar year 2002, and \$90,044,600 in calendar year 2003 and
13 thereafter. These amounts, to the extent practicable, shall be used to determine the
14 statewide county average cost-sharing percentage in the particular calendar year.

15 ***-1196/1.4* SECTION 1722.** 86.30 (9) (c) of the statutes is amended to read:

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

22 ***-1196/1.5* SECTION 1723.** 86.30 (10) of the statutes is repealed.

23 ***b0222/1.1* SECTION 1723m.** 86.31 (2) (e) of the statutes is amended to read:

24 86.31 (2) (e) The department of transportation may not require as a condition
25 of reimbursement that the design and construction of any improvement with eligible

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1 costs totaling ~~\$50,000~~ \$65,000 or less be certified by a registered professional
2 engineer.

3 ***-1250/1.3* SECTION 1724.** 86.31 (3s) of the statutes is amended to read:

4 86.31 (3s) WEST CANAL STREET RECONSTRUCTION AND EXTENSION.

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

15 ***-0529/4.158* SECTION 1725.** 87.07 (4) of the statutes is amended to read:

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