

1           **SECTION 1891h.** 77.9972 (3) of the statutes is amended to read:

2           77.9972 (3) From the appropriation under s. 20.835 (4) (gh), the department  
3 of revenue shall distribute 97.45% of the fees collected under this subchapter for each  
4 regional transit authority to that the southeastern regional transit authority and  
5 shall indicate to the authority the fees reported by each fee payer in the authority's  
6 jurisdiction, no later than the end of the month following the end of the calendar  
7 quarter in which the amounts were collected. The fees distributed shall be increased  
8 or decreased to reflect subsequent refunds, audit adjustments, and all other  
9 adjustments. Interest paid on refunds of the fee under this subchapter shall be paid  
10 from the appropriation under s. 20.835 (4) (gh) at the rate under s. 77.60 (1) (a). ~~Any~~  
11 ~~regional transit authority that~~ If the southeastern regional transit authority  
12 receives a report along with a payment under this subsection, the southeastern  
13 regional transit authority is subject to the duties of confidentiality to which the  
14 department of revenue is subject under s. 77.61 (5).

15           **SECTION 1891p.** 77.9972 (6) of the statutes is created to read:

16           77.9972 (6) If the department of revenue receives notice of a fee adjustment  
17 under s. 77.9971 (2) (b), the department shall publish the new adjusted fee at least  
18 30 days before the adjustment becomes effective.

19           **SECTION 1891t.** 77.9973 of the statutes is amended to read:

20           **77.9973 Discontinuation.** Retailers and the department of revenue may not  
21 collect fees under this subchapter for ~~any regional transit~~ the southeastern regional  
22 transit authority after the calendar quarter during which the ~~regional transit~~  
23 southeastern regional transit authority ceases to exist, except that the department  
24 may collect from retailers fees that accrued before that calendar quarter and interest



1 and penalties that relate to those fees. If fees are collected, the authority may use  
2 the revenue for any lawful purpose.

3 **SECTION 1893.** 79.01 (2d) of the statutes is amended to read:

4 79.01 (2d) There is established an account in the general fund entitled the  
5 “County and Municipal Aid Account.” Beginning with the distributions in 2011, the  
6 total amount to be distributed each year to counties and municipalities from the  
7 county and municipal aid account is \$824,825,715.

8 **SECTION 1894.** 79.02 (4) of the statutes is created to read:

9 79.02 (4) (a) For the payments in 2010, subject to par. (c) 1., the amount of the  
10 payment to each county from the county and municipal aid account shall be reduced  
11 by an amount determined as follows:

12 1. Multiply the amount paid to all counties in 2009 from the county and  
13 municipal aid account by 0.035.

14 2. Divide the amount determined in subd. 1. by the value of all property in the  
15 state, as determined under s. 70.57.

16 3. Multiply the property value of the county, as determined under s. 70.57, by  
17 the number determined in subd. 2.

18 (b) For the payments in 2010, subject to par. (c) 2., the amount of the payment  
19 to each municipality from the county and municipal aid account shall be reduced by  
20 an amount determined as follows:

21 1. Multiply the amount paid to all municipalities in 2009 from the county and  
22 municipal aid account by 0.035.

23 2. Divide the amount determined in subd. 1. by the value of all property in the  
24 state, as determined under s. 70.57.

1           3. Multiply the property value of the municipality, as determined under s.  
2       70.57, by the number determined in subd. 2.

3           (c) 1. No payment reduction under par. (a) shall exceed an amount equal to 15  
4       percent of the amount a county would have otherwise received under s. 79.035 in  
5       2010. The department of revenue shall adjust, in proportion to the population of all  
6       such counties, the payments of all counties that have reductions of less than 15  
7       percent in order to ensure that no county's payment is reduced by more than 15  
8       percent

9           2. No payment reduction under par. (b) shall exceed an amount equal to 15  
10       percent of the amount a municipality would have otherwise received under s. 79.035  
11       in 2010. The department of revenue shall adjust, in proportion to the population of  
12       all such municipalities, the payments of all municipalities that have reductions of  
13       less than 15 percent in order to ensure that no municipality's payment is reduced by  
14       more than 15 percent.

15           **SECTION 1895.** 79.035 (1) of the statutes is amended to read:

16           79.035 (1) In 2004 and subsequent years, except as provided under s. 79.02 (4),  
17       each county and municipality shall receive a payment from the county and municipal  
18       aid account and, beginning with payments in November 2009, from the  
19       appropriation accounts under s. 20.835 (1) (q) and (r) in an amount determined under  
20       sub. (2).

21           **SECTION 1896.** 79.04 (1) (a) of the statutes is amended to read:

22           79.04 (1) (a) An amount from the shared revenue account or, for the  
23       distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats.,  
24       determined by multiplying by 3 mills in the case of a town, and 6 mills in the case  
25       of a city or village, the first \$125,000,000 of the amount shown in the account, plus

1 leased property, of each public utility except qualified wholesale electric companies,  
2 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production  
3 plant, exclusive of land," "general structures," and "substations," in the case of light,  
4 heat and power companies, electric cooperatives or municipal electric companies, for  
5 all property within a municipality in accordance with the system of accounts  
6 established by the public service commission or rural electrification administration,  
7 less depreciation thereon as determined by the department of revenue and less the  
8 value of treatment plant and pollution abatement equipment, as defined under s.  
9 70.11 (21), as determined by the department of revenue plus an amount from the  
10 shared revenue account or, for the distribution in 2003, from the appropriation under  
11 s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a  
12 town, and 6 mills in the case of a city or village, of the first \$125,000,000 of the total  
13 original cost of production plant, general structures, and substations less  
14 depreciation, land and approved waste treatment facilities of each qualified  
15 wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the  
16 department of revenue of all property within the municipality. The total of amounts,  
17 as depreciated, from the accounts of all public utilities for the same production plant  
18 is also limited to not more than \$125,000,000. The amount distributable to a  
19 municipality under this subsection and sub. (6) in any year shall not exceed \$300  
20 times the population of the municipality, ~~increased annually by \$125 per person~~  
21 ~~beginning in 2009~~ except that, beginning with payments in 2009, the amount  
22 distributable to a municipality under this subsection and sub. (6) in any year shall  
23 not exceed \$425 times the population of the municipality.

24 **SECTION 1897.** 79.04 (2) (a) of the statutes is amended to read:

1           79.04 (2) (a) Annually, except for production plants that begin operation after  
2           December 31, 2003, or begin operation as a repowered production plant after  
3           December 31, 2003, and except as provided in sub. (4m), the department of  
4           administration, upon certification by the department of revenue, shall distribute  
5           from the shared revenue account or, for the distribution in 2003, from the  
6           appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its  
7           boundaries a production plant, general structure, or substation, used by a light, heat  
8           or power company assessed under s. 76.28 (2) or 76.29 (2), except property described  
9           in s. 66.0813 unless the production plant or substation is owned or operated by a local  
10          governmental unit that is located outside of the municipality in which the production  
11          plant or substation is located, or by an electric cooperative assessed under ss. 76.07  
12          and 76.48, respectively, or by a municipal electric company under s. 66.0825 an  
13          amount determined by multiplying by 6 mills in the case of property in a town and  
14          by 3 mills in the case of property in a city or village the first \$125,000,000 of the  
15          amount shown in the account, plus leased property, of each public utility except  
16          qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December  
17          31 of the preceding year for "production plant, exclusive of land," "general  
18          structures," and "substations," in the case of light, heat and power companies,  
19          electric cooperatives or municipal electric companies, for all property within the  
20          municipality in accordance with the system of accounts established by the public  
21          service commission or rural electrification administration, less depreciation thereon  
22          as determined by the department of revenue and less the value of treatment plant  
23          and pollution abatement equipment, as defined under s. 70.11 (21), as determined  
24          by the department of revenue plus an amount from the shared revenue account or,  
25          for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003

1 stats., determined by multiplying by 6 mills in the case of property in a town, and 3  
2 mills in the case of property in a city or village, of the total original cost of production  
3 plant, general structures, and substations less depreciation, land and approved  
4 waste treatment facilities of each qualified wholesale electric company, as defined in  
5 s. 76.28 (1) (gm), as reported to the department of revenue of all property within the  
6 municipality. The total of amounts, as depreciated, from the accounts of all public  
7 utilities for the same production plant is also limited to not more than \$125,000,000.  
8 The amount distributable to a county under this subsection and sub. (6) in any year  
9 shall not exceed \$100 times the population of the county, ~~increased annually by \$25~~  
10 ~~per person beginning in 2009~~ except that, beginning with payments in 2009, the  
11 amount distributable to a county under this subsection and sub. (6) in any year shall  
12 not exceed \$125 times the population of the county.

13 **SECTION 1898.** 79.043 (4) of the statutes is amended to read:

14 79.043 (4) Except as provided under s. 79.02 (3) (e) and (4), beginning in 2004,  
15 and ending in 2010, the total amount to be distributed each year to municipalities  
16 from the aid account appropriation accounts under s. 20.835 (1) (db), (q), and (r) is  
17 \$702,483,300.

18 **SECTION 1899.** 79.043 (5) of the statutes is amended to read:

19 79.043 (5) Except as provided under s. 79.02 (3) (e) and (4), for the ~~distribution~~  
20 distributions beginning in 2005 and subsequent years and ending in 2010, each  
21 county and municipality shall receive a payment under this section and s. 79.035  
22 that is equal to the amount of the payment determined for the county or municipality  
23 under this section and s. 79.035 in 2004.

24 **SECTION 1900.** 79.043 (6) of the statutes is created to read:

1           79.043 (6) For the distribution in 2011 and subsequent years, each county and  
2           municipality shall receive a payment under this section and s. 79.035 that is equal  
3           to the amount of the payment determined for the county or municipality under s.  
4           79.02 (4) in 2010.

5           **SECTION 1900d.** 79.05 (1) (am) of the statutes is amended to read:

6           79.05 (1) (am) "Inflation factor" means a percentage equal to the average  
7           annual percentage change in the U.S. consumer price index for all urban consumers,  
8           U.S. city average, as determined by the U.S. department of labor, for the 12 months  
9           ending on September 30 of the year before the statement under s. 79.015, except that  
10          the percentage under this paragraph shall not be less than 3 percent.

11          **SECTION 1900h.** 79.05 (2) (c) of the statutes, as affected by 2009 Wisconsin Act  
12          11, is amended to read:

13          79.05 (2) (c) Its municipal budget; exclusive of principal and interest on  
14          long-term debt and exclusive of revenue sharing payments under s. 66.0305,  
15          recycling fee payments under s. 289.645, unreimbursed expenses related to an  
16          emergency declared under s. 166.03 (1) (b) 1., and expenditures from moneys  
17          received pursuant to P.L. 111-5; for the year of the statement under s. 79.015  
18          increased over its municipal budget as adjusted under sub. (6); exclusive of principal  
19          and interest on long-term debt and exclusive of revenue sharing payments under s.  
20          66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to  
21          an emergency declared under s. 166.03 (1) (b) 1., and expenditures from moneys  
22          received pursuant to P.L. 111-5; for the year before that year by less than the sum  
23          of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

24          **SECTION 1900k.** 79.07 of the statutes is created to read:

1           **79.07 Expenditures for emergency services.** (1) Except as provided in  
2 sub. (3), beginning in 2010, the amount that each county and municipality spends  
3 each year for emergency services, as defined by the department of revenue to include  
4 only emergency services funded from payments received under ss. 79.035 and  
5 79.043, shall be no less than the amount that the county or municipality spent in  
6 2009 for emergency services, not including one-time expenses and capital  
7 expenditures. Each county and municipality shall report the amount it spent for  
8 emergency services in 2009, and the amount of its one-time expenses and capital  
9 expenditures, to the department of revenue at the time and in the manner prescribed  
10 by the department.

11           (2) The department of revenue may adjust any amount reported under sub. (1)  
12 to more accurately reflect the amount that the county or municipality submitting the  
13 report spent for emergency services and to ensure that excluding one-time expenses  
14 and capital expenditures as provided in sub. (1) does not compromise the level of  
15 service for providing emergency services.

16           (3) A county or municipality may decrease the amount it spends for emergency  
17 services below its 2009 amount, with the department of revenue's approval, if the  
18 decrease in expenditures is a result of operating more efficiently, as determined by  
19 the department. For purposes of this section, any decrease approved under this  
20 subsection shall permanently decrease the base amount of expenses for emergency  
21 services provided in the county or municipality requesting the decrease by the  
22 amount of the decrease.

23           (4) If a county or municipality fails to comply with this section, the department  
24 of revenue may reduce the county's or municipality's payment under ss. 79.035 and  
25 79.043, in an amount determined by the department.



1           **SECTION 1905.** 79.10 (2) (a) of the statutes is amended to read:

2           79.10 (2) (a) On or before December 1 of the year preceding the distribution  
3 under sub. (7m) (a) or (cm), the department of revenue shall notify the clerk of each  
4 town, village and city of the estimated fair market value, as determined under sub.  
5 (11) (c), to be used to calculate the lottery and gaming credit under sub. (5) and of the  
6 amount to be distributed to it under sub. (7m) (a) ~~on the following 4th Monday in July~~  
7 or (cm). The anticipated receipt of such distribution shall not be taken into  
8 consideration in determining the tax rate of the municipality but shall be applied as  
9 tax credits.

10           **SECTION 1906.** 79.10 (2) (b) of the statutes is amended to read:

11           79.10 (2) (b) On or before December 1 of the year preceding the distribution  
12 under sub. (7m) (c) or (cm), the department of revenue shall notify the clerk of each  
13 town, village, and city of the estimated fair market value, as determined under sub.  
14 (11) (d), used to calculate the first dollar credit under sub. (5m) and of the amount  
15 to be distributed to it under sub. (7m) (c) ~~on the following 4th Monday in July~~ or (cm).  
16 The anticipated receipt of such distribution shall not be taken into consideration in  
17 determining the tax rate of the municipality but shall be applied as tax credits.

18           **SECTION 1906d.** 79.10 (4) of the statutes is amended to read:

19           79.10 (4) SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the ~~amount~~  
20 amounts appropriated under s. 20.835 (3) (b) and (qb) shall be distributed to  
21 municipalities in proportion to their share of the sum of average school tax levies for  
22 all municipalities.

23           **SECTION 1907.** 79.10 (7m) (a) 1. of the statutes is amended to read:

1           79.10 (7m) (a) 1. Except as provided in par. (e) (cm), the amount determined  
2 under sub. (4) shall be distributed by the department of administration to the  
3 counties on the 4th Monday in July.

4           **SECTION 1908.** 79.10 (7m) (a) 2. of the statutes is amended to read:

5           79.10 (7m) (a) 2. Except as provided in par. (e) (cm), the county treasurer shall  
6 settle for the amounts distributed under this paragraph on the 4th Monday in July  
7 with each municipality and taxing jurisdiction in the county not later than August  
8 20. Failure to settle timely under this subdivision subjects the county treasurer to  
9 the penalties under s. 74.31.

10          **SECTION 1909.** 79.10 (7m) (b) 1. of the statutes is amended to read:

11          79.10 (7m) (b) 1. Except as provided in par. (e) (cm), the amount determined  
12 under sub. (5) with respect to claims filed for which the municipality has furnished  
13 notice under sub. (1m) by March 1 shall be distributed from the appropriation under  
14 s. 20.835 (3) (q) by the department of administration to the county in which the  
15 municipality is located on the 4th Monday in March.

16          **SECTION 1910.** 79.10 (7m) (b) 2. of the statutes is amended to read:

17          79.10 (7m) (b) 2. Except as provided in par. (e) (cm), the county treasurer shall  
18 settle for the amounts distributed on the 4th Monday in March under this paragraph  
19 with each taxation district and each taxing jurisdiction within the taxation district  
20 not later than April 15. Failure to settle timely under this subdivision subjects the  
21 county treasurer to the penalties under s. 74.31.

22          **SECTION 1911.** 79.10 (7m) (c) 1. of the statutes is amended to read:

23          79.10 (7m) (c) 1. ~~The~~ Except as provided in par. (cm), the amount determined  
24 under sub. (5m) shall be distributed from the appropriation under s. 20.835 (3) (b)  
25 by the department of administration to the counties on the 4th Monday in July.

1           **SECTION 1912.** 79.10 (7m) (c) 2. of the statutes is amended to read:

2           79.10 (7m) (c) 2. ~~The town, village, or city~~ Except as provided in par. (cm), the  
3 county treasurer shall settle for the amounts distributed on the 4th Monday in July  
4 under this paragraph with ~~the appropriate~~ each municipality and taxing jurisdiction  
5 in the county treasurer not later than August 15 20. Failure to settle timely under  
6 this subdivision subjects the ~~town, village, or city~~ county treasurer to the penalties  
7 under s. 74.31. ~~On or before August 20, the county treasurer shall settle with each~~  
8 ~~taxing jurisdiction, including towns, villages, and cities except 1st class cities, in the~~  
9 ~~county.~~

10           **SECTION 1913.** 79.10 (7m) (cm) 1. a. of the statutes is amended to read:

11           79.10 (7m) (cm) 1. a. If, in any year, the total of the amounts determined under  
12 subs. (4) ~~and~~, (5), and (5m) for any municipality is \$3,000,000 or more, the  
13 municipality, with the approval of the majority of the members of the municipality's  
14 governing body, may notify the department of administration to distribute the  
15 amounts directly to the municipality and the department of administration shall  
16 distribute the amounts at the time and in the manner provided under pars. (a) 1. ~~and~~,  
17 (b) 1., and (c) 1.

18           **SECTION 1914.** 79.10 (7m) (cm) 1. b. of the statutes is amended to read:

19           79.10 (7m) (cm) 1. b. The treasurer of the municipality shall settle for the  
20 amounts distributed under ~~par.~~ pars. (a) 1. and (c) 1. on the 4th Monday in July with  
21 the appropriate county treasurer not later than August 15. Failure to settle timely  
22 under this subdivision subjects the treasurer of the municipality to the penalties  
23 under s. 74.31. On or before August 20, the county treasurer shall settle with each  
24 taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the  
25 county.

1           **SECTION 1915.** 79.10 (7m) (cm) 2. a. of the statutes is amended to read:

2           79.10 (7m) (cm) 2. a. The department of administration shall distribute the  
3 amounts determined under subs. (4) ~~and~~, (5), and (5m) directly to any municipality  
4 that enacts an ordinance under s. 74.12 at the time and in the manner provided  
5 under pars. (a) 1. ~~and~~, (b) 1., and (c) 1.

6           **SECTION 1916.** 79.10 (7m) (cm) 2. b. of the statutes is amended to read:

7           79.10 (7m) (cm) 2. b. The treasurer of the municipality shall settle for the  
8 amounts distributed under ~~par.~~ pars. (a) 1. and (c) 1. on the 4th Monday in July with  
9 the appropriate county treasurer not later than August 15. Failure to settle timely  
10 under this subdivision subjects the treasurer of the municipality to the penalties  
11 under s. 74.31. On or before August 20, the county treasurer shall settle with each  
12 taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the  
13 county.

14           **SECTION 1917d.** 79.14 of the statutes is amended to read:

15           **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for  
16 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;  
17 \$469,305,000 beginning in 1997 and ending in 2006; \$593,050,000 in 2007;  
18 \$672,400,000 in 2008; and \$747,400,000 in 2009; and \$732,550,000 in 2010 and in  
19 each year thereafter.

20           **SECTION 1917m.** 79.15 of the statutes is amended to read:

21           **79.15 Improvements credit.** ~~Beginning in 2009, the~~ The total amount paid  
22 each year to municipalities from the appropriation account under s. 20.835 (3) (b) for  
23 the payments under s. 79.10 (5m) is \$75,000,000 in 2009, \$145,000,000 in 2010, and  
24 \$150,000,000 in 2011 and in each year thereafter.

25           **SECTION 1918gp.** 84.01 (33) of the statutes is created to read:

1           84.01 (33) HIGHWAY PROJECT DESIGN INVENTORY. By July 1, 2014, and  
2 continuously thereafter, the department shall maintain an inventory of completed  
3 designs for highway projects such that the estimated costs of the inventory of projects  
4 for each program is not less than 65 percent of the annual amount of funding  
5 provided to each program. The department shall maintain an inventory for each of  
6 the following:

7           (a) Major highway projects under s. 84.013 (2) (a).

8           (b) Reconditioning, reconstruction, and resurfacing projects under s. 84.013 (2)

9           (b).

10          (c) Southeast Wisconsin freeway rehabilitation projects under s. 84.014 (2).

11          **SECTION 1918<sup>9</sup>pb.** 84.01 (35) of the statutes is created to read:

12          84.01 (35) (a) In this subsection:

13           1. "Bikeway" has the meaning given in s. 84.60 (1) (a).

14           2. "Pedestrian way" has the meaning given in s. 346.02 (8) (a).

15          (b) Except as provided in par. (c), and notwithstanding any other provision of  
16 this chapter or ch. 82, 83, or 85, the department shall ensure that bikeways and  
17 pedestrian ways are established in all new highway construction and reconstruction  
18 projects funded in whole or in part from state funds or federal funds appropriated  
19 under s. 20.395 or 20.866.

20          (c) The department shall promulgate rules identifying exceptions to the  
21 requirement under par. (b), but these rules may provide for an exception only if any  
22 of the following apply:

23           1. Bicyclists or pedestrians are prohibited by law from using the highway that  
24 is the subject of the project.

1           2. The cost of establishing bikeways or pedestrian ways would be excessively  
2 disproportionate to the need or probable use of the bikeways or pedestrian ways. For  
3 purposes of this subdivision, cost is excessively disproportionate if it exceeds 20  
4 percent of the total project cost. The rules may not allow an exception under this  
5 subdivision to be applied unless the secretary of transportation, or a designee of the  
6 secretary who has knowledge of the purpose and value of bicycle and pedestrian  
7 accommodations, reviews the applicability of the exception under this subdivision to  
8 the particular project at issue.

9           3. Establishing bikeways or pedestrian ways would have excessive negative  
10 impacts in a constrained environment.

11           4. There is an absence of need for the bikeways or pedestrian ways, as indicated  
12 by sparsity of population, traffic volume, or other factors.

13           5. The community where pedestrian ways are to be located refuses to accept an  
14 agreement to maintain them.

15           **SECTION 1918gq.** 84.01 (34) of the statutes is created to read:

16           84.01 (34) FARMLAND PRESERVATION EXEMPTION. Chapter 91 and ordinances  
17 adopted, rules promulgated, and agreements entered into under that chapter apply  
18 to the department only with respect to buildings, structures, and facilities to be used  
19 for administrative or operating functions, including buildings, land, and equipment  
20 to be used for the motor vehicle emission inspection and maintenance program under  
21 s. 110.20.

22           **SECTION 1918gr.** 84.013 (2) (a) of the statutes is amended to read:

23           84.013 (2) (a) Subject to ss. 84.555 and 86.255, major highway projects shall  
24 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (t) and (4) (jq)  
25 and 20.866 (2) (ur) to (uum) and (uus).

1           **SECTION 1918gt.** 84.013 (2) (b) of the statutes is amended to read:

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

6           **SECTION 1918h.** 84.013 (3m) (f) of the statutes is created to read:

7           84.013 (3m) (f) The department shall construct an interchange on I 90/94/39  
8 at Cuba Valley Road in Dane County if the federal highway administration approves  
9 the location of an interchange at that location and if the department receives a  
10 commitment for funding the full construction cost of the project from sources other  
11 than state funds.

12           **SECTION 1918i.** 84.013 (3m) (g) of the statutes is created to read:

13           84.013 (3m) (g) Notwithstanding s. 13.489 (1m) (e), the department shall  
14 prepare an environmental impact statement, as defined in s. 13.489 (1c) (b), for a  
15 potential major highway project involving USH 12 from the city of Elkhorn to the city  
16 of Whitewater.

17           **SECTION 1918j.** 84.013 (3m) (h) of the statutes is created to read:

18           84.013 (3m) (h) The department shall prepare an environmental assessment,  
19 as defined in s. 13.489 (1c) (a), or an environmental impact statement, as defined in  
20 s. 13.489 (1c) (b), whichever is appropriate, for a highway project involving the  
21 construction of a new bridge across the Wisconsin River, connecting CTH "Z" south  
22 of the city of Wisconsin Rapids in Wood County to STH 54/73 in the village of Port  
23 Edwards in Wood County. This environmental assessment or environmental impact  
24 statement shall be funded from the appropriations under s. 20.395 (3) (cq), (cv), or  
25 (cx).

1           **SECTION 1918L.** 84.013 (3m) (i) of the statutes is created to read:

2           84.013 **(3m)** (i) In conjunction with the resurfacing project on STH 102, the  
3 department shall construct a bicycle and pedestrian path and bridge, including  
4 lighting, along STH 102 from State Road to Fayette Avenue in the village of Rib Lake  
5 in Taylor County if the village contributes at least \$60,000 to the cost of the bicycle  
6 and pedestrian path project.

7           **SECTION 1919.** 84.014 (5m) (ag) 2. of the statutes is amended to read:

8           84.014 **(5m)** (ag) 2. "Zoo interchange" means all freeways, including related  
9 interchange ramps, roadways, and shoulders, and all adjacent frontage roads and  
10 collector road systems, encompassing I 94, I 894, and USH 45 in Milwaukee County  
11 within the area bordered by I 894/USH 45 at the ~~Union Pacific railroad underpass~~  
12 ~~near Burnham Street in Milwaukee County~~ Lincoln Avenue to the south, I 94 at ~~76th~~  
13 70th Street to the east, I 94 at ~~116th~~ 124th Street to the west, and USH 45 at ~~Center~~  
14 Burleigh Street to the north.

15           **SECTION 1919g.** 84.016 of the statutes is created to read:

16           **84.016 Major interstate bridge projects.** (1) In this section, "major  
17 interstate bridge project" means a project involving the construction or  
18 reconstruction of a bridge on the state trunk highway system, including approaches,  
19 that crosses a river forming a boundary of the state and for which this state's  
20 estimated cost share is at least \$100,000,000.

21           (2) Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95, but  
22 subject to sub. (3) and s. 86.255, this state's share of costs for any major interstate  
23 bridge project, including preliminary design work for the project, may be funded only  
24 from the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).



1           **(3)** The department may not encumber or expend any funds from the  
2 appropriation under s. 20.866 (2) (ugm) for any major interstate bridge project unless  
3 this state receives federal funds that are designated by the federal government  
4 specifically for a major interstate bridge project covering at least \$75,000,000 of the  
5 state's share of the cost of the project.

6           **SECTION 1919m.** 84.04 (2m) of the statutes is created to read:

7           **84.04 (2m) (a)** Notwithstanding s. 84.25 (11), the department may enter into  
8 agreements with private entities for the establishment of commercial enterprises at  
9 waysides or rest areas located along state trunk highways other than interstate  
10 highways designated under s. 84.29 (2). An agreement may allow the construction  
11 or remodeling of wayside or rest area facilities to allow commercial enterprises to  
12 serve travelers.

13           **(b)** An agreement may not permit the sale of alcohol beverages within the  
14 wayside or rest area facilities or the replacement of any existing vending machines  
15 located within the wayside or rest area.

16           **(c)** The department shall select each private entity with which it enters into an  
17 agreement under par. (a) on the basis of competitive bids.

18           **(d)** The department shall hold a public hearing for a proposed agreement under  
19 par. (a) for each affected wayside or rest area to allow public comments on the  
20 proposed agreement.

21           **(e) 1.** Except as provided in subd. 2., the department may enter into agreements  
22 under par. (a) establishing commercial enterprises at not more than a total of 6  
23 waysides or rest areas.

24           **2.** If, after 2 years from the establishment of the first commercial enterprise  
25 under par. (a), the department finds that establishing commercial enterprises at

1 waysides or rest areas under authority of this paragraph promotes public safety by  
2 keeping waysides and rest areas open and well-maintained, the limitation in subd.  
3 1. does not apply.

4 (f) The state traffic patrol and other law enforcement agencies shall have the  
5 same enforcement authority and responsibilities within commercial areas of  
6 waysides or rest areas as they do on the state trunk highway system.

7 (g) Not later than one year from the establishment of the first commercial  
8 enterprise under par. (a), and annually thereafter, the department shall submit a  
9 report as to the status of the agreements, including revenues generated and the use  
10 of those revenues, to the standing committees dealing with transportation matters  
11 in each house of the legislature under s. 13.172 (3).

12 (h) All moneys received from a private entity in connection with the leasing of  
13 a commercial area of a wayside or rest area under this subsection shall be credited  
14 to the appropriation account under s. 20.395 (3) (ev) and shall be used for wayside  
15 or rest area maintenance.

16 **SECTION 1921e.** 84.06 (12) of the statutes is created to read:

17 **84.06 (12) BORROW SITES.** (a) In this subsection:

18 1. "Borrow" means soil or a mixture of soil and stone, gravel, or other material  
19 suitable for use in the construction of embankments or other similar earthworks  
20 constructed as part of a state highway construction project.

21 2. "Borrow site" means any site from which borrow is excavated for use in a  
22 specified state highway construction project.

23 3. "Political subdivision" means a city, village, town, or county.

24 (b) No zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35, or 62.23  
25 may apply to a borrow site if all of the following apply:

1           1. The borrow site is located on a property near the site of the state highway  
2 construction project on which the borrow is to be used.

3           2. The owner of the property has consented to the establishment of the borrow  
4 site on his or her property.

5           3. The borrow site is used solely for the specified state highway construction  
6 project and solely during the period of construction of the specified state highway  
7 construction project.

8           4. The owner of the property on which the borrow site is located agrees to any  
9 noise abatement or landscaping measures required by the governing body of the  
10 political subdivision during the period of use.

11           5. The owner of the property on which the borrow site is located agrees to  
12 reasonably restore the site after the period of use.

13           (c) This subsection does not apply to any borrow site opened for use after July  
14 1, 2011.

15           **SECTION 1924c.** 84.1051 of the statutes is created to read:

16           **84.1051 Donald J. Schneider Highway.** The department shall designate  
17 and mark the route of USH 8 between USH 53 and the village of Turtle Lake in  
18 Barron County as the "Donald J. Schneider Highway" in recognition of former  
19 Wisconsin Senate Chief Clerk Donald J. Schneider for his many years of service to  
20 the Wisconsin senate and the people of Wisconsin.

21           **SECTION 1926g.** 84.56 of the statutes is created to read:

22           **84.56 Additional funding for major highway projects.** Notwithstanding  
23 ss. 84.51, 84.53, 84.555, and 84.59, major highway projects, as defined under s.  
24 84.013 (1) (a), for the purposes of ss. 84.06 and 84.09, may be funded with the  
25 proceeds of general obligation bonds issued under s. 20.866 (2) (uus).

1           **SECTION 1926m.** 84.57 of the statutes is created to read:

2           **84.57 Additional funding for certain state highway rehabilitation**  
3 **projects.** (1) Notwithstanding ss. 84.51, 84.53, 84.555, 84.59, and 84.95, and  
4 subject to sub. (2), state highway rehabilitation projects for the purposes specified  
5 in s. 20.395 (6) (aq) may be funded with the proceeds of general obligation bonds  
6 issued under s. 20.866 (2) (uut).

7           (2) Only state highway reconstruction projects, pavement replacement  
8 projects, and bridge replacement projects may be funded with the proceeds of general  
9 obligation bonds issued under s. 20.866 (2) (uut).

10          **SECTION 1927.** 84.59 (2) (b) of the statutes is amended to read:

11          84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
12 distinct special fund outside the state treasury, in an account maintained by a  
13 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
14 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
15 and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), ~~(4)~~, and  
16 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265  
17 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3),  
18 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), and from any  
19 payments received with respect to agreements or ancillary arrangements entered  
20 into under s. 18.55 (6) with respect to revenue obligations issued under this section.  
21 The revenues deposited are the trustee's revenues in accordance with the agreement  
22 between this state and the trustee or in accordance with the resolution pledging the  
23 revenues to the repayment of revenue obligations issued under this section. Revenue  
24 obligations issued for the purposes specified in sub. (1) and for the repayment of

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

3 **SECTION 1927d.** 84.59 (2) (b) of the statutes, as affected by 2009 Wisconsin Act  
4 .... (this act), is amended to read:

5 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
6 distinct special fund outside the state treasury, in an account maintained by a  
7 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
8 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
9 and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5),  
10 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1),  
11 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.307 (4) (a),  
12 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), and  
13 from any payments received with respect to agreements or ancillary arrangements  
14 entered into under s. 18.55 (6) with respect to revenue obligations issued under this  
15 section. The revenues deposited are the trustee's revenues in accordance with the  
16 agreement between this state and the trustee or in accordance with the resolution  
17 pledging the revenues to the repayment of revenue obligations issued under this  
18 section. Revenue obligations issued for the purposes specified in sub. (1) and for the  
19 repayment of which revenues are deposited under this paragraph are special fund  
20 obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in  
21 s. 18.52 (8).

22 **SECTION 1928.** 84.59 (6) of the statutes is amended to read:

23 84.59 (6) The building commission may contract revenue obligations when it  
24 reasonably appears to the building commission that all obligations incurred under  
25 this section can be fully paid from moneys received or anticipated and pledged to be

1 received on a timely basis. Except as provided in this subsection, the principal  
2 amount of revenue obligations issued under this section may not exceed  
3 ~~\$2,708,341,000~~ \$3,009,784,200, excluding any obligations that have been defeased  
4 under a cash optimization program administered by the building commission, to be  
5 used for transportation facilities under s. 84.01 (28) and major highway projects for  
6 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal  
7 amount, the building commission may contract revenue obligations under this  
8 section as the building commission determines is desirable to refund outstanding  
9 revenue obligations contracted under this section, to make payments under  
10 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect  
11 to revenue obligations issued under this section, and to pay expenses associated with  
12 revenue obligations contracted under this section.

13 **SECTION 1928b.** 85.022 (2) (c) of the statutes is created to read:

14 85.022 (2) (c) If the department considers a high-speed rail route between the  
15 cities of Milwaukee and Madison, the department shall include in its consideration  
16 a study of the feasibility of including a stop in the city of Waterloo in Jefferson County.

17 **SECTION 1928c.** 85.022 (3) of the statutes is amended to read:

18 85.022 (3) A recipient of funding under this section shall make the results of  
19 its study available to any interested city, village, town or county ~~and shall comply~~  
20 ~~with the requirements of s. 59.58 (6) (dm), if applicable.~~

21 **SECTION 1928g.** 85.024 (2) of the statutes is amended to read:

22 85.024 (2) The department shall administer a bicycle and pedestrian facilities  
23 program to award grants of assistance to political subdivisions for the planning,  
24 development, or construction of bicycle and pedestrian facilities. For purposes of this  
25 subsection, "bicycle and pedestrian facilities" do not include sidewalks or street

1 beautification measures. The department shall award from the appropriation under  
2 s. 20.395 (2) (ox) grants to political subdivisions under this section. The department  
3 may, from the appropriation under s. 20.395 (2) (oq), supplement the amount of these  
4 grants. A political subdivision that is awarded a grant under this section shall  
5 contribute matching funds equal to at least 20 percent of the amount awarded under  
6 this section. Any improvement project for which a political subdivision receives a  
7 grant under this section shall be let by contract based on bids and the contract shall  
8 be awarded to the lowest competent and responsible bidder.

9 **SECTION 1928j.** 85.026 (2) of the statutes is renumbered 85.026 (2) (a) and  
10 amended to read:

11 85.026 (2) PROGRAM. (a) The department may administer a program to award  
12 grants of assistance to any political subdivision or state agency, as defined in s.  
13 20.001 (1), for transportation enhancement activities consistent with federal  
14 regulations promulgated under 23 USC 133 (b) (8). The grants shall be awarded from  
15 the appropriations under s. 20.395 (2) (nv) and (nx). The department may, from the  
16 appropriation under s. 20.395 (2) (oq), supplement the amount of these grants for  
17 grants awarded for transportation enhancement activities involving bicycle and  
18 pedestrian facilities eligible for assistance under s. 85.024 (2).

19 **SECTION 1928k.** 85.026 (2) (b) of the statutes is created to read:

20 85.026 (2) (b) The department shall allocate at least 70 percent of funds  
21 available from the appropriation under s. 20.395 (2) (nx) for grants awarded for  
22 transportation enhancement activities involving bicycle and pedestrian facilities  
23 eligible for assistance under s. 85.024 (2).

24 **SECTION 1928m.** 85.062 (3) (a) of the statutes is repealed and recreated to read:

25 85.062 (3) (a) The Dane County commuter rail project.



1           **SECTION 1928p.** 85.062 (3) (b) of the statutes is created to read:

2           85.062 (3) (b) Any project resulting from the Milwaukee Downtown Transit  
3 Connector Study of the Wisconsin Center District.”.

4           **SECTION 1928t.** 85.062 (3) (c) of the statutes is created to read:

5           85.062 (3) (c) The KRM commuter rail line, as defined in s. 59.58 (7) (a) 3.”.

6           **SECTION 1929.** 85.063 (3) (b) 1. of the statutes is amended to read:

7           85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the  
8 satisfaction of the department, of a study under s. 85.022, a political subdivision in  
9 a county ~~which~~, or a transit authority created under s. 66.1039, that includes the  
10 urban area may apply to the department for a grant for property acquisition for an  
11 urban rail transit system.

12           **SECTION 1930.** 85.064 (1) (b) of the statutes is amended to read:

13           85.064 (1) (b) “Political subdivision” means any city, village, town, county,  
14 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.  
15 66.0301, or ~~regional~~ transit authority ~~organized~~ created under s. ~~59.58 (6)~~ 66.1039  
16 within this state or the southeastern regional transit authority under s. 59.58 (7).

17           **SECTION 1931.** 85.064 (4) of the statutes is repealed.

18           **SECTION 1931L.** 85.077 of the statutes is created to read:

19           **85.077 Railroad projects and competitive bidding.** (1) Except as  
20 provided in subs. (2) and (4), if a project involving the construction, rehabilitation,  
21 improvement, demolition, or repair of rail property or rail property improvements is  
22 funded in any part with public funds, the department or the recipient of the public  
23 funds shall let the project by contract on the basis of competitive bids and shall award  
24 the contract to the lowest responsible bidder.

25           (2) The provisions of sub. (1) do not apply if any of the following applies:



(a) The project is in response to a public emergency.

(am) The project is for the installation or maintenance of warning devices at railroad highway crossings.

(b) The estimated cost of the project is less than \$25,000.

(c) The project involves only rail property or rail property improvements owned or leased by a railroad and the project is to be performed by the railroad using its own employees.

(3) The department or the recipient of public funds may not subdivide a project into more than one contract, allocate work or workers in any manner, or transfer the jurisdiction of a project to avoid the requirements of sub. (1).

(4) If no responsible bid is received, the contract may be awarded without complying with sub. (1).

**SECTION 1932.** 85.11 of the statutes is created to read:

**85.11 Southeast Wisconsin transit capital assistance program. (1)**

DEFINITIONS. In this section:

(a) "Eligible applicant" means the transit authority created under s. 66.1039

*Milwaukee Transit Authority under s. 66.1039*

(2) (a) and the ~~KRM~~ authority under s. 59.58 (7).  
*southeastern regional transit*

(ar) "Major transit capital improvement project" has the meaning given in s. 85.062 (1).

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

(c) "Southeast Wisconsin" means the geographical area comprising the counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

(2) PROGRAM AND FUNDING. The department shall develop and administer a southeast Wisconsin transit capital assistance program. From the appropriation

1 under s. 20.866 (2) (uq), the department may award grants to eligible applicants for  
2 transit capital improvements as provided under subs. (4) to (6).

3 (3) APPLICATIONS. (a) Each grant applicant shall specify any project for which  
4 grant funds are requested. An applicant may not include a project in a grant  
5 application if the project is a major transit capital improvement project and the  
6 project has not been enumerated under s. 85.062 (3).

7 (b) The department may not accept grant applications under this section after  
8 December 31, 2015.

9 (4) ELIGIBILITY. The department may not award a grant under this section to  
10 an eligible applicant unless all of the following apply:

11 (a) The eligible applicant is eligible under federal law to be a public sponsor for  
12 a project that receives federal funding.

13 (b) The eligible applicant receives funds from a dedicated local revenue source  
14 for capital and operating costs associated with providing transit services.

15 (5) GRANT AWARDS. (a) Subject to par. (b), the department may award grants  
16 to eligible applicants that satisfy the requirements under sub. (4). Any grant  
17 awarded under this section may not exceed \$50,000,000, 25 percent of the total  
18 project cost, or 50 percent of the portion of the total project cost not funded with  
19 federal aid, whichever is least.

20 (b) The department may award a grant under par. (a) only if all of the following  
21 apply:

22 1. Any project for which the grant is to be awarded has received any approval  
23 to proceed required by the appropriate federal agency. Approval to proceed under  
24 this subdivision is required by December 31, 2012, for any project utilizing federal

1 interstate cost estimate substitute project funding and for any project resulting from  
2 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

3 2. The number of revenue hours of transit service provided in the area serviced  
4 by the grant applicant at the time of the grant application is not less than that  
5 provided in 2001, if transit services were provided in 2001 by the grant applicant or  
6 by any other local unit of government.

7 (6) ADMINISTRATION. In administering this section, the department shall do all  
8 of the following:

9 (a) Prescribe the form of grant applications and the nature and extent of  
10 information to be provided with these applications, and establish an annual  
11 application cycle for receiving and evaluating applications under the program.

12 (b) Establish criteria and standards for grant eligibility for transit capital  
13 improvement projects under the program.

14 (c) Establish criteria and standards for evaluating and ranking applications  
15 and for awarding grants under the program.

16 **SECTION 1933.** 85.14 (title) and (1) of the statutes are amended to read:

17 **85.14 (title) Payments of fees and deposits by credit card, debit card,**  
18 **or other electronic payment mechanism.** (1) (a) The department may accept  
19 payment by credit card, debit card, or any other electronic payment mechanism of  
20 a fee that is required to be paid to the department under ch. 194, 218, 341, 342, 343  
21 or 348. The department shall determine which fees may be paid by credit card, debit  
22 card, or any other electronic payment mechanism and the manner in which the  
23 payments may be made. If the department permits the payment of a fee by credit  
24 card, debit card, or any other electronic payment mechanism, the department may  
25 charge a convenience fee for each transaction in an amount to be established by rule.

1 The convenience fee shall approximate the cost to the department for providing this  
2 service to persons who request it. If the department permits the payment of a fee by  
3 credit card, debit card, or any other electronic payment mechanism, the department  
4 may charge a service fee of \$2.50 for each transaction until a rule is promulgated  
5 under this paragraph.

6 (b) ~~Except for charges associated with a contract under par. (c), the~~ If the  
7 secretary of administration assesses any charges against the department relating to  
8 the payment of fees by credit cards, debit cards, or other electronic payment  
9 mechanisms, the department shall pay, from the appropriation under s. 20.395 (5)  
10 (cg), to the secretary of administration or to any person designated by the secretary  
11 of administration the amount of these assessed charges associated with the use of  
12 ~~credit cards under par. (a) that are assessed to the department.~~

13 (c) The department may contract for services relating to the payment of fees  
14 by credit cards, debit cards, or other electronic payment mechanisms under this  
15 subsection. Any charges associated with a contract under this paragraph shall be  
16 paid from the appropriations under s. 20.395 (5) (cg) and (cq).

17 **SECTION 1933s.** 85.20 (4m) (a) (intro.) of the statutes is amended to read:

18 85.20 (4m) (a) (intro.) The department shall pay annually to the eligible  
19 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The  
20 department shall pay annually to the eligible applicant described in subd. 6. d. the  
21 amount of aid specified in subd. 6. d. The department shall allocate an amount to  
22 each eligible applicant described in subd. 6. e., 7., or 8. to ensure that the sum of state  
23 and federal aids for the projected operating expenses of each eligible applicant's  
24 urban mass transit system is equal to a uniform percentage, established by the

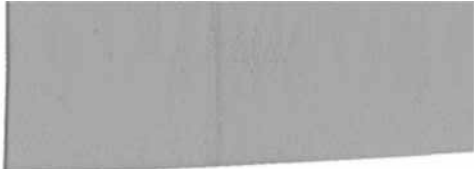
1 department, of the projected operating expenses of the mass transit system for the  
2 calendar year. The department shall make allocations as follows:

3 **SECTION 1934.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

4 85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the  
5 department shall pay ~~\$57,948,000 for aid payable for calendar year 2006,~~  
6 ~~\$59,107,000 for aid payable for calendar year 2007,~~ \$63,784,700 for aid payable for  
7 calendar year 2008, and \$65,299,200 for aid payable for calendar year 2009,  
8 \$66,585,600 for aid payable for calendar year 2010, and \$68,583,200 for aid payable  
9 for calendar year 2011 and thereafter, to the eligible applicant that pays the local  
10 contribution required under par. (b) 1. for an urban mass transit system that has  
11 annual operating expenses ~~in excess of \$80,000,000 or more.~~ If the eligible applicant  
12 that receives aid under this subd. 6. cm. is served by more than one urban mass  
13 transit system, the eligible applicant may allocate the aid between the urban mass  
14 transit systems in any manner the eligible applicant considers desirable.

15 **SECTION 1935.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

16 85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the  
17 department shall pay ~~\$15,470,200 for aid payable for calendar year 2006,~~  
18 ~~\$15,779,600 for aid payable for calendar year 2007,~~ \$16,754,000 for aid payable for  
19 calendar year 2008, and \$17,158,400 for aid payable for calendar year 2009,  
20 \$17,496,400 for aid payable for calendar year 2010, and \$18,021,300 for aid payable  
21 for calendar year 2011 and thereafter, to the eligible applicant that pays the local  
22 contribution required under par. (b) 1. for an urban mass transit system that has  
23 annual operating expenses in excess of \$20,000,000 but less than \$80,000,000. If the  
24 eligible applicant that receives aid under this subd. 6. d. is served by more than one



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

3 **SECTION 1935d.** 85.20 (4m) (a) 6. e. of the statutes is created to read:

4 85.20 (4m) (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the  
5 department may pay the uniform percentage for each eligible applicant for a  
6 commuter or light rail system that has been enumerated under s. 85.062 (3). An  
7 eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter  
8 rail or light rail transit system.

9 **SECTION 1936.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

10 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the  
11 amounts for aids are ~~\$22,192,800 in calendar year 2006, \$22,636,700 in calendar~~  
12 ~~year 2007,~~ \$24,034,400 in calendar year 2008, and \$24,614,500 in calendar year  
13 2009, \$25,099,500 in calendar year 2010, and \$25,852,500 in calendar year 2011 and  
14 thereafter. These amounts, to the extent practicable, shall be used to determine the  
15 uniform percentage in the particular calendar year.

16 **SECTION 1937.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

17 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
18 amounts for aids are ~~\$5,023,600 in calendar year 2006, \$5,124,100 in calendar year~~  
19 ~~2007,~~ \$5,440,500 in calendar year 2008, and \$5,571,800 in calendar year 2009,  
20 \$5,681,600 in calendar year 2010, and \$5,852,200 in calendar year 2011 and  
21 thereafter. These amounts, to the extent practicable, shall be used to determine the  
22 uniform percentage in the particular calendar year.

23 **SECTION 1937d.** 85.20 (4s) of the statutes is amended to read:

24 85.20 (4s) PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed  
25 between the department and eligible applicants under this section shall provide that

1 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the  
2 state's fiscal year shall be provided from the following fiscal year's appropriation  
3 under s. 20.395 (1) (hr), (hs), (ht), ~~or~~ (hu), or (hw).

4 **SECTION 1937m.** 85.205 of the statutes is repealed.

5 **SECTION 1938.** 85.215 of the statutes is created to read:

6 **85.215 Tribal elderly transportation grant program.** The department  
7 shall award grants to federally recognized American Indian tribes or bands to assist  
8 in providing transportation services for elderly persons. Grants awarded under this  
9 section shall be paid from the appropriation under s. 20.395 (1) (ck). The department  
10 shall prescribe the form, nature, and extent of the information that shall be  
11 contained in an application for a grant under this section. The department shall  
12 establish criteria for evaluating applications and for awarding grants under this  
13 section.

14 **SECTION 1939.** 85.26 of the statutes is created to read:

15 **85.26 Intercity bus assistance program. (1) DEFINITIONS.** In this section:

16 (a) "Intercity bus service" means regularly scheduled bus service for the  
17 general public that operates with limited stops over fixed routes connecting 2 or more  
18 urban areas not in close proximity, that has the capacity for transporting baggage  
19 carried by passengers, and that makes meaningful connections with scheduled  
20 intercity bus service to more distant points if service to more distant points is  
21 available.

22 (b) "Net operating loss" means the portion of the reasonable costs of operating  
23 an intercity bus service route that cannot reasonably be financed from revenues  
24 derived from the route.

25 (c) "Political subdivision" means a city, village, town, or county.

1           (2) ADMINISTRATION. (a) The department shall develop and administer an  
2           intercity bus assistance program to increase the availability of intercity bus service  
3           in this state. Under this program, the department may do any of the following:

4           1. Contract with private providers of intercity bus service to support intercity  
5           bus service routes of the provider.

6           2. Make grants to political subdivisions to support intercity bus service routes  
7           having an origin or destination in the political subdivision.

8           (b) All expenditures under the program shall be made from the appropriations  
9           under s. 20.395 (1) (bq), (bv), and (bx). The department may not enter into any  
10          contract under par. (a) 1., or award any grant under par. (a) 2., that provides funds  
11          to support any intercity bus service route in an amount exceeding the lesser of the  
12          following:

13          1. Fifty percent of the net operating loss of the intercity bus service route.

14          2. The portion of the net operating loss of the intercity bus service route for  
15          which federal funds are not available.

16          (c) 1. The department shall prescribe the form, nature, and extent of the  
17          information which shall be contained in an application for a grant under par. (a) 2.

18          2. The department shall establish criteria for evaluating applications for  
19          grants under par. (a) 2.

20          **SECTION 1940m.** 86.195 (3) (e) 2. of the statutes is amended to read:

21          86.195 (3) (e) 2. Regional significance. For purposes of this subdivision, an  
22          agricultural research station owned or managed by a university has regional  
23          significance regardless of the number of visitors to the station.

24          **SECTION 1941.** 86.30 (2) (a) 3. of the statutes is amended to read:



1           86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a  
2           municipality as determined under s. 86.302, the mileage aid payment shall be \$1,862  
3           ~~in calendar year 2006, \$1,899 in calendar year 2007,~~ \$1,956 in calendar year 2008,  
4           ~~and \$2,015 in calendar year 2009, \$2,055 in calendar year 2010,~~ and \$2,117 in  
5           calendar year 2011 and thereafter.

6           **SECTION 1942.** 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 ~~\$91,845,500 in calendar year 2006, \$93,682,400~~  
9           ~~in calendar year 2007,~~ \$96,492,900 in calendar year 2008, and \$99,387,700 in  
10          calendar year 2009, \$101,375,500 in calendar year 2010, and \$104,416,800 in  
11          calendar year 2011 and thereafter. These amounts, to the extent practicable, shall  
12          be used to determine the statewide county average cost-sharing percentage in the  
13          particular calendar year.

14          **SECTION 1943.** 86.30 (9) (c) of the statutes is amended to read:

15          86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
16          the amounts for aids to municipalities are ~~\$288,956,900 in calendar year 2006,~~  
17          ~~\$294,736,000 in calendar year 2007,~~ \$303,578,100 in calendar year 2008, and  
18          \$312,685,400 in calendar year 2009, \$318,939,100 in calendar year 2010, and  
19          \$328,507,300 in calendar year 2011 and thereafter. These amounts, to the extent  
20          practicable, shall be used to determine the statewide municipal average  
21          cost-sharing percentage in the particular calendar year.

22          **SECTION 1944.** 86.31 (3g) of the statutes is amended to read:

23          86.31 (3g) COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS.  
24          From the appropriation under s. 20.395 (2) (ft), the department shall allocate  
25          ~~\$5,250,000 in fiscal year 2005-06 and in fiscal year 2006-07,~~ \$5,355,000 in fiscal

1 year 2007-08, ~~and \$5,462,100 in fiscal year 2008-09, and \$5,127,000 in fiscal year~~  
2 2009-10 and each fiscal year thereafter, to fund county trunk highway  
3 improvements with eligible costs totaling more than \$250,000. The funding of  
4 improvements under this subsection is in addition to the allocation of funds for  
5 entitlements under sub. (3).

6 **SECTION 1945.** 86.31 (3m) of the statutes is amended to read:

7 86.31 **(3m)** TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the  
8 appropriation under s. 20.395 (2) (ft), the department shall allocate ~~\$750,000 in fiscal~~  
9 ~~year 2005-06 and in fiscal year 2006-07,~~ \$765,000 in fiscal year 2007-08, and  
10 \$780,300 in fiscal year 2008-09, and \$732,500 in fiscal year 2009-10 and each fiscal  
11 year thereafter, to fund town road improvements with eligible costs totaling  
12 \$100,000 or more. The funding of improvements under this subsection is in addition  
13 to the allocation of funds for entitlements under sub. (3).

14 **SECTION 1946.** 86.31 (3r) of the statutes is amended to read:

15 86.31 **(3r)** MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the  
16 appropriation under s. 20.395 (2) (ft), the department shall allocate ~~\$1,000,000 in~~  
17 ~~fiscal year 2005-06 and in fiscal year 2006-07,~~ \$1,020,000 in fiscal year 2007-08, and  
18 \$1,040,400 in fiscal year 2008-09, and \$976,500 in fiscal year 2009-10 and each  
19 fiscal year thereafter, to fund municipal street improvement projects having total  
20 estimated costs of \$250,000 or more. The funding of improvements under this  
21 subsection is in addition to the allocation of funds for entitlements under sub. (3).

22 **SECTION 1947.** Chapter 91 of the statutes is repealed and recreated to read:

23 **CHAPTER 91**

24 **FARMLAND PRESERVATION**

## SUBCHAPTER I

## DEFINITIONS AND GENERAL PROVISIONS

**91.01 Definitions.** In this chapter:

(1) "Accessory use" means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

(c) A farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(e) Any other use that the department, by rule, identifies as an accessory use.

(1m) "Agricultural enterprise area" means an area designated in accordance with s. 91.84.

(2) "Agricultural use" means any of the following:

(a) Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.

2. Keeping livestock.

3. Beekeeping.

4. Nursery, sod, or Christmas tree production.

1 4m. Floriculture.

2 5. Aquaculture.

3 6. Fur farming.

4 7. Forest management.

5 8. Enrolling land in a federal agricultural commodity payment program or a  
6 federal or state agricultural land conservation payment program.

7 (b) Any other use that the department, by rule, identifies as an agricultural use.

8 **(3)** "Agriculture-related use" means any of the following:

9 (a) An agricultural equipment dealership, facility providing agricultural  
10 supplies, facility for storing or processing agricultural products, or facility for  
11 processing agricultural wastes.

12 (b) Any other use that the department, by rule, identifies as an  
13 agriculture-related use.

14 **(5)** "Base farm tract" means one of the following:

15 (a) All land, whether one parcel or 2 or more contiguous parcels, that is in a  
16 farmland preservation zoning district and that is part of a single farm on the date  
17 that the department under s. 91.36 (1) first certifies the farmland preservation  
18 zoning ordinance covering the land or on an earlier date specified in the farmland  
19 preservation zoning ordinance, regardless of any subsequent changes in the size of  
20 the farm.

21 (b) Any other tract that the department by rule defines as a base farm tract.

22 **(6)** "Certified farmland preservation plan" means a farmland preservation  
23 plan that is certified as determined under s. 91.12.

24 **(7)** "Certified farmland preservation zoning ordinance" means a zoning  
25 ordinance that is certified as determined under s. 91.32.

1           **(8)** “Chief elected official” means the mayor of a city or, if the city is organized  
2 under subch. I of ch. 64, the president of the council of that city, the village president  
3 of a village, the town board chairperson of a town, or the county executive of a county,  
4 or, if the county does not have a county executive, the chairperson of the county board  
5 of supervisors.

6           **(9)** “Comprehensive plan” has the meaning given in s. 66.1001 (1) (a).

7           **(10)** “Conditional use” means a use allowed under a conditional use permit,  
8 special exception, or other special zoning permission issued by a political  
9 subdivision.

10          **(11)** “County land conservation committee” means a committee created under  
11 s. 92.06 (1).

12          **(12)** “Department” means the department of agriculture, trade and consumer  
13 protection.

14          **(13)** “Farm” means all land under common ownership that is primarily devoted  
15 to agricultural use.

16          **(14)** “Farm acreage” means size of a farm in acres.

17          **(15)** “Farmland preservation agreement” means any of the following  
18 agreements between an owner of land and the department under which the owner  
19 agrees to restrict the use of land in return for tax credits:

20           (a) A farmland preservation agreement or transition area agreement entered  
21 into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.

22           (b) An agreement entered into under s. 91.60 (1).

23          **(16)** “Farmland preservation area” means an area that is planned primarily  
24 for agricultural use or agriculture-related use, or both, and that is one of the  
25 following:

1 (a) Identified as an agricultural preservation area or transition area in a  
2 farmland preservation plan described in s. 91.12 (1).

3 (b) Identified under s. 91.10 (1) (d) in a farmland preservation plan described  
4 in s. 91.12 (2).

5 **(17)** "Farmland preservation plan" means a plan for the preservation of  
6 farmland in a county, including an agricultural preservation plan under subch. IV  
7 of ch. 91, 2007 stats.

8 **(18)** "Farmland preservation zoning district" means any of the following:

9 (a) An area zoned for exclusive agricultural use under an ordinance described  
10 in s. 91.32 (1).

11 (b) A farmland preservation zoning district designated under s. 91.38 (1) (c) in  
12 an ordinance described in s. 91.32 (2).

13 **(19)** "Farm residence" means any of the following structures that is located on  
14 a farm:

15 (a) A single-family or duplex residence that is the only residential structure  
16 on the farm or is occupied by any of the following:

17 1. An owner or operator of the farm.

18 2. A parent or child of an owner or operator of the farm.

19 3. An individual who earns more than 50 percent of his or her gross income from  
20 the farm.

21 (b) A migrant labor camp that is certified under s. 103.92.

22 **(20)** "Gross farm revenues" has the meaning given in s. 71.613 (1) (g).

23 **(20m)** "Livestock" means bovine animals, equine animals, goats, poultry,  
24 sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and  
25 farm-raised fish.

1           **(21)** “Nonfarm residence” means a single-family or multi-family residence  
2 other than a farm residence.

3           **(22)** “Nonfarm residential acreage” means the total number of acres of all  
4 parcels on which nonfarm residences are located.

5           **(22m)** “Overlay district” means a zoning district that is superimposed on one  
6 or more other zoning districts and imposes additional restrictions on the underlying  
7 districts.

8           **(23)** “Owner” means a person who has an ownership interest in land.

9           **(23m)** “Permitted use” means a use that is allowed without a conditional use  
10 permit, special exception, or other special zoning permission.

11           **(24)** “Political subdivision” means a city, village, town, or county.

12           **(25)** “Prime farmland” means any of the following:

13           (a) An area with a class I or class II land capability classification as identified  
14 by the natural resources conservation service of the federal department of  
15 agriculture.

16           (b) Land, other than land described in par. (a), that is identified as prime  
17 farmland in a certified farmland preservation plan.

18           **(26)** “Prior nonconforming use” means a land use that does not conform with  
19 a farmland preservation zoning ordinance, but that existed lawfully before the  
20 farmland preservation zoning ordinance was enacted.

21           **(27)** “Protected farmland” means land that is located in a farmland  
22 preservation zoning district, is covered by a farmland preservation agreement, or is  
23 otherwise legally protected from nonagricultural development.

24           **(28)** “Taxable year” has the meaning given in s. 71.01 (12).

1           **91.02 Rule making.** (1) The department shall promulgate rules that set forth  
2 technical specifications for farmland preservation zoning maps under s. 91.38 (1) (d).

3           (2) The department may promulgate rules for the administration of this  
4 chapter, including rules that do any of the following:

5           (a) Identify accessory uses under s. 91.01 (1) (e).

6           (b) Identify agricultural uses under s. 91.01 (2) (b).

7           (c) Identify agriculture-related uses under s. 91.01 (3) (b).

8           (d) Identify base farm tracts under s. 91.01 (5) (b).

9           (e) Specify requirements for certification under s. 91.18 (1) (b).

10          (f) Require information in an application for certification of a farmland  
11 preservation plan or amendment under s. 91.20 (4).

12          (g) Specify types of ordinance amendments for which certification is required  
13 under s. 91.36 (8) (b) 3.

14          (h) Specify exceptions to the requirement that land in a farmland preservation  
15 zoning district be included in a farmland preservation area under s. 91.38 (1) (g).

16          (i) Specify requirements for certification of a farmland preservation zoning  
17 ordinance under s. 91.38 (1) (i).

18          (j) Require information in an application for certification of a farmland  
19 preservation zoning ordinance or amendment under s. 91.40 (5).

20          (k) Authorize additional uses in a farmland preservation zoning district under  
21 s. 91.42 (4).

22          (L) Authorize additional uses as permitted uses in a farmland preservation  
23 zoning district under s. 91.44 (1) (g).

24          (m) Authorize additional uses as conditional uses in a farmland preservation  
25 zoning district under s. 91.46 (1) (j).



1 (o) Designate agricultural enterprise areas and modify and terminate  
2 designations of those areas under s. 91.84.

3 (p) Require information in an application for a farmland preservation  
4 agreement under s. 91.64 (2) (h).

5 (r) Prescribe procedures for compliance monitoring under s. 91.82 (3).

6 **91.03 Intergovernmental cooperation.** State agencies shall cooperate with  
7 the department in the administration of this chapter and in other matters related  
8 to the preservation of farmland in this state. State agencies shall, to the extent  
9 feasible, cooperate in sharing and standardizing relevant information, identifying  
10 and mapping significant agricultural resources, and planning and evaluating the  
11 impact of state actions on agriculture.

12 **91.04 Department to report.** At least once every 2 years, beginning not later  
13 than December 31, 2011, the department shall submit a farmland preservation  
14 report to the board of agriculture, trade and consumer protection and provide copies  
15 of the report to the department of revenue and the department of administration.  
16 The department shall prepare the report in cooperation with the department of  
17 revenue and shall include all of the following in the report:

18 (1) A review and analysis of farmland availability, uses, and use trends in this  
19 state, including information related to farmland conversion statewide and by county.

20 (2) A review and analysis of relevant information related to the farmland  
21 preservation program under this chapter and associated tax credit claims under  
22 subch. IX of ch. 71, including information related to all of the following:

23 (a) Participation in the program by political subdivisions and landowners.

24 (b) Tax credit claims by landowners, including the number of claimants, the  
25 amount of credits claimed, acreage covered by tax credit claims, the amount of credits

1 claimed under zoning ordinances and under farmland preservation agreements, and  
2 relevant projections and trends.

3 (c) The number, identity, and location of counties with certified farmland  
4 preservation plans.

5 (d) Trends and developments related to certification of farmland preservation  
6 plans.

7 (e) The number, identity, and location of political subdivisions with certified  
8 farmland preservation zoning ordinances.

9 (f) Trends and developments related to certification of farmland preservation  
10 zoning ordinances.

11 (g) The number, nature, and location of agricultural enterprise areas.

12 (h) The number and location of farms covered by farmland preservation  
13 agreements, including new farmland preservation agreements, and the number and  
14 location of farms for which farmland preservation agreements have expired.

15 (i) Conservation compliance by landowners under s. 91.80 and compliance  
16 activities by county land conservation committees under s. 91.82.

17 (j) Rezoning of land out of farmland preservation zoning districts under s.  
18 91.48, including the amounts of conversion fees paid to political subdivisions under  
19 s. 91.48 (1) (b).

20 (k) Program costs, cost trends, and cost projections.

21 (L) Key issues related to program performance and key recommendations, if  
22 any, for enhancing the program.

## 23 SUBCHAPTER II

### 24 FARMLAND PRESERVATION PLANNING