

1985 Assembly Bill 221

Date of enactment: May 15, 1985
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1985 Wisconsin Act 16

AN ACT to renumber and amend 30.93 (4) and 30.93 (5); to amend 20.370 (1) (da), 20.370 (1) (dj), 30.93 (1) (c), 30.93 (1) (d), 30.93 (2) (a) 2 and 30.93 (3); and to create 20.370 (1) (di), 20.370 (1) (dn), 20.370 (1) (dq), 30.93 (4) and 30.93 (5) of the statutes, relating to the Fox river management commission, management and operation of the Fox river locks and facilities, user fees and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	<u>1983-84</u>	<u>1984-85</u>
20.370 Natural resources, department of		
(1) RESOURCE MANAGEMENT		
(dq) Water resources--Fox River management; transportation fund	-0-	120,000
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SECTION 1m. 20.370 (1) (da) of the statutes is amended to read:

20.370 (1) (da) (title) *Water resources — Fox river management; general fund.* ~~From~~ As a continuing appropriation from the general fund, the amounts in the schedule for the management and operation of the Fox river ~~management activities locks and facilities and for expenses of the Fox river management commission~~ locks and facilities and for expenses of the Fox river management commission under s. 30.93 (2) and (3) ~~and for the payment of expenses and per diems under s. 30.93 (5).~~

SECTION 2. 20.370 (1) (di) of the statutes is created to read:

20.370 (1) (di) *Water resources — Fox river management; gifts and contributions.* From the general fund, all moneys received from gifts, grants, bequests, devises, donations and contributions for the management and operation of the Fox river locks and facilities and for expenses of the Fox river management commission to be used for those purposes.

SECTION 3. 20.370 (1) (dj) of the statutes is amended to read:

20.370 (1) (dj) *Water resources — Fox river management; fees.* From the general fund, all moneys received from user fees imposed under s. 30.93 (3) (4) ~~for the management and operation of the Fox river management activities locks and facilities and for expenses of the Fox river management commission~~ locks and facilities and for expenses of the Fox river management commission under s. 30.93 (2) and (3) ~~and for the payment of expenses and per diems under s. 30.93 (5).~~

SECTION 4. 20.370 (1) (dn) of the statutes is created to read:

20.370 (1) (dn) *Water resources — Fox river management; federal moneys.* From the general fund, all moneys received from the federal government for the management and operation of the Fox river locks and facilities and for expenses of the Fox river management commission, as authorized by the governor under s. 16.54, to be used for these purposes.

SECTION 5. 20.370 (1) (dq) of the statutes is created to read:

20.370 (1) (dq) *Water resources — Fox river management; transportation fund.* As a continuing appropriation, from the transportation fund, the amounts in the schedule for the management and operation of the Fox river locks and facilities and for expenses of the Fox river management commission under s. 30.93. Moneys may be expended from this appropriation only in an amount equal to the total of all moneys received under pars. (di), (dj) and (dn) as periodically authorized by the department of administration.

SECTION 6. 30.93 (1) (c) of the statutes is amended to read:

30.93 (1) (c) "Long-term agreement" means any agreement which involves the continuation of leasing obligations by this state for, or the continuation of responsibility for the management, and operation by this state of, any Fox river locks and facilities beyond October 15, 1985.

SECTION 7. 30.93 (1) (d) of the statutes is amended to read:

30.93 (1) (d) "Short-term agreement" means any agreement which does not involve the retention of ownership rights by this state of, the continuation of

leasing obligations by this state for, or the continuation of responsibility for the management, and operation by this state of, any Fox river locks and facilities beyond October 15, 1985, and which does not in any other way obligate or restrict the state on or after October 15, 1985.

SECTION 8. 30.93 (2) (a) 2 of the statutes is amended to read:

30.93 (2) (a) 2. The assumption by the state of responsibility for the management, or operation of the Fox river locks and facilities.

SECTION 9. 30.93 (3) of the statutes is amended to read:

30.93 (3) (title) AUTHORITY OVER FOX RIVER LOCKS AND FACILITIES. (a) (title) *Authority in general.* If an agreement is entered into with the federal government, the commission may assume responsibility for the management, and operation of the Fox river locks and facilities.

(b) (title) *Authority to contract; Wisconsin conservation corps.* The commission may ~~charge user fees for services it provides in the contract with public agencies, public or private organizations, businesses or individuals to carry out management, or operation of responsibilities for the Fox river locks and facilities.~~ The commission may contract with the department of health and social services or other state agency to carry out management or operation responsibilities for the Fox river locks and facilities. The commission may act as a Wisconsin conservation corps project sponsor and may enter into agreements with the Wisconsin conservation corps board to carry out management or operation responsibilities for the Fox river locks and facilities.

(c) (title) *Budget.* The commission shall prepare a biennial budget which shall be submitted to the department concerning activities to be performed under this subsection.

(d) (title) *Staff and employes.* The commission may hire staff and employes to perform activities under this ~~subsection~~ section subject to the requirements of s. 16.505.

SECTION 10. 30.93 (4) of the statutes is renumbered 30.93 (6) and amended to read:

SECTION 15. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
25.40 (2)	20.370 (1)(mr)	20.370 (1)(dq) and (mr)

30.93 (6) RULES. If, in exercising its authority under ~~sub. (3)~~ this section, the commission determines that rules are needed, the commission may submit proposed rules to the department. The department may promulgate these rules under ch. 227.

SECTION 11. 30.93 (4) of the statutes is created to read:

30.93 (4) USER FEES. (a) *Requirement.* The commission shall charge user fees for services it provides to the operators of boats using the Fox river locks and facilities.

(b) *Regular user fees.* Unless modified under par. (d):

1. The daily user fee for any boat is \$5.
2. The annual user fee for any boat is \$50.

(c) *Additional fees.* In addition to the regular user fees, the commission may charge passenger fees and cargo fees for boats carrying large numbers of passengers or large cargoes.

(d) *Modification and implementation of fees.* The fees specified under par. (b) may be modified by rules promulgated under sub. (6). The fees authorized under par. (c) may be implemented by rules promulgated under sub. (6).

SECTION 12. 30.93 (5) of the statutes is renumbered 30.93 (7) and amended to read:

30.93 (7) COMMISSIONERS. Members of the commission shall not receive a salary but are entitled to reimbursement for their actual and necessary expenses and, in addition, to a per diem payment of \$25 for each day on which they were actually and necessarily engaged in the performance of their duties. Members of the commission are considered public officers for the purposes of s. 895.46.

SECTION 13. 30.93 (5) of the statutes is created to read:

30.93 (5) CONTRIBUTIONS; FEDERAL ASSISTANCE. The commission shall encourage and may accept contributions and gifts for the management, operation and maintenance of the Fox river locks and facilities. The commission may apply for federal assistance for the management, operation and maintenance of the Fox river locks and facilities.