

# State of Wisconsin



1997 Senate Bill 335

Date of enactment: April 13, 1998  
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## 1997 WISCONSIN ACT 86

AN ACT to renumber 94.73 (15); to amend 13.489 (2) and 46.46 (2); and to create 84.03 (2), 85.05, 94.73 (15) (b), 115.295 and 165.02 of the statutes; relating to: evaluating proposed major highway projects; adjustments to appropriations of the departments of public instruction, justice and transportation to reflect anticipated federal aid changes; joint committee on finance approval of any plan for the expenditure by the department of health and family services of income augmentation funds for any purpose other than augmenting federal revenues; a study on paving state bicycle trails; adjustment of agricultural chemical cleanup surcharges; and requiring the exercise of rule-making authority.

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

**SECTION 1.** 13.489 (2) of the statutes is amended to read:

13.489 (2) DEPARTMENT TO REPORT PROPOSED PROJECTS. The Subject to s. 85.05, the department of transportation shall report to the commission not later than September 15 of each even-numbered year and at such other times as required under s. 84.013 (6) concerning its recommendations for adjustments in the major highway projects program under s. 84.013.

**SECTION 2.** 46.46 (2) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

46.46 (2) If the department proposes to use any moneys from the appropriation account under s. 20.435 (8) (mb) for any purpose other than the purpose specified in sub. (1), the department shall submit a plan for the proposed use of those moneys to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit the plan to the joint committee on finance. If the cochairpersons of the committee do not

notify the secretary of administration within 14 working days after the date of submittal of the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan only with the approval of the committee.

**SECTION 3.** 84.03 (2) of the statutes is created to read:  
84.03 (2) FEDERAL APPROPRIATIONS ADJUSTMENTS. (a)

In this subsection:

1. "Amount of federal funds" means the sum of federal revenues received under the federal Intermodal Surface Transportation Efficiency Act of 1991, as amended, or under a substantially similar federal legislative act.

2. "The schedule" means the schedule under s. 20.005 (3) as published in the biennial budget act for the first fiscal year of a fiscal biennium and as approved by the joint committee on finance under s. 20.004 (2) for the 2nd fiscal year of a fiscal biennium.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(b) 1. Subject to subd. 2., the secretary shall submit annually to the joint committee on finance a plan identifying how the secretary proposes to adjust the department's appropriations for that state fiscal year to reflect the most recent estimate of the amount of federal funds that the department will be appropriated in that state fiscal year. The secretary shall submit the plan by the later of the following:

a. December 1.

b. Thirty days after the enactment of the federal legislation described under par. (a) 1. for that federal fiscal year.

c. Thirty days after the enactment of the applicable federal appropriation bill for that federal fiscal year.

2. The secretary is required to submit a plan under subd. 1. only if the department's most recent estimate of the amount of federal funds that the department will be appropriated under s. 20.395 in the current state fiscal year is less than 95% or more than 105% of the amount of federal funds shown in the schedule for the appropriations under s. 20.395 in that fiscal year.

(c) After receiving a plan under par. (b) 1., the cochairpersons of the joint committee on finance jointly shall determine whether the plan is complete. If the joint committee on finance meets and either approves or modifies and approves a plan submitted under par. (b) 1. within 14 days after the cochairpersons determine that the plan is complete, the secretary shall implement the plan as approved by the committee. If the joint committee on finance does not meet and either approve or modify and approve a plan submitted under par. (b) 1. within 14 days after the cochairpersons determine that the plan is complete, the secretary shall implement the proposed plan.

**SECTION 4.** 85.05 of the statutes is created to read:

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

**SECTION 5.** 94.73 (15) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 94.73 (15) (a).

**SECTION 6.** 94.73 (15) (b) of the statutes is created to read:

94.73 (15) (b) If the department proposes to promulgate a rule under par. (a) using the procedures under s. 227.24, the department shall notify the cochairpersons of the joint committee on finance before beginning those procedures. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed rule,

the department may begin the procedures under s. 227.24. If, within 14 working days after the date of the department's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed rule, the department may not begin the procedures under s. 227.24 until the committee approves the proposed rule.

**SECTION 7.** 115.295 of the statutes is created to read:

**115.295 Federal appropriations adjustments. (1)** In this section, "the schedule" means the schedule under s. 20.005 (3) as published in the biennial budget act for the first fiscal year of a fiscal biennium and as approved by the joint committee on finance under s. 20.004 (2) for the 2nd fiscal year of a fiscal biennium.

(2) (a) Subject to par. (b), annually by December 1 or within 30 days after the applicable federal appropriation bill for that federal fiscal year has been enacted, whichever is later, the state superintendent shall submit to the joint committee on finance a plan identifying how the state superintendent proposes to adjust the department's federal appropriations for that state fiscal year to reflect the most recent estimate of the amount of federal funds that the department will be appropriated in that state fiscal year.

(b) The state superintendent is required to submit a plan under par. (a) only if the department's most recent estimate of the amount of federal funds that the department will be appropriated under s. 20.255 in the current state fiscal year is less than 95% or more than 105% of the amount of federal revenue shown in the schedule for the appropriations under s. 20.255 in that fiscal year.

(3) After receiving a plan under sub. (2) (a), the cochairpersons of the joint committee on finance jointly shall determine whether the plan is complete. If the joint committee on finance meets and either approves or modifies and approves a plan submitted under sub. (2) (a) within 14 days after the cochairpersons determine that the plan is complete, the state superintendent shall implement the plan as approved by the committee. If the joint committee on finance does not meet and either approve or modify and approve a plan submitted under sub. (2) (a) within 14 days after the cochairpersons determine that the plan is complete, the state superintendent shall implement the proposed plan.

**SECTION 8.** 165.02 of the statutes is created to read:

**165.02 Federal appropriations adjustments. (1)** In this section, "the schedule" means the schedule under s. 20.005 (3) as published in the biennial budget act for the first fiscal year of a fiscal biennium and as approved by the joint committee on finance under s. 20.004 (2) for the 2nd fiscal year of a fiscal biennium.

(2) (a) Subject to par. (b), annually by December 1 or within 30 days after the applicable federal appropriation bill for that federal fiscal year has been enacted, whichever is later, the attorney general shall submit to the joint committee on finance a plan identifying how the attorney general proposes to adjust the federal appropriations for

the department of justice for that state fiscal year to reflect the most recent estimate of the amount of federal funds that the department of justice will be appropriated in that state fiscal year.

(b) The attorney general is required to submit a plan under par. (a) only if the most recent estimate of the amount of federal funds that the department of justice will be appropriated under s. 20.455 in the current state fiscal year is less than 95% or more than 105% of the amount of federal revenue shown in the schedule for the appropriations under s. 20.455 in that fiscal year.

(3) After receiving a plan under sub. (2) (a), the cochairpersons of the joint committee on finance jointly shall determine whether the plan is complete. If the joint committee on finance meets and either approves or modifies and approves a plan submitted under sub. (2) (a) within 14 days after the cochairpersons determine that the plan is complete, the attorney general shall implement the plan as approved by the committee. If the joint committee on finance does not meet and either approve or modify and approve a plan submitted under sub. (2) (a) within 14 days after the cochairpersons determine that the plan is complete, the attorney general shall implement the pro-

posed plan.

**SECTION 9137. Nonstatutory provisions; natural resources.**

(1) REPORT ON PAVING BICYCLE TRAILS. By January 1, 1999, the department of natural resources shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes on the feasibility of paving state bicycle trails, including factors such as the effects of paving on trail maintenance and usage and the applicability to this state of similar efforts in other states.

**SECTION 9148. Nonstatutory provisions; transportation.**

(1) APPROPRIATION ADJUSTMENTS. Notwithstanding section 84.03 (2) (b) of the statutes, as created by this act, the secretary of transportation shall submit the plan required under section 84.03 (2) (b) of the statutes, as created by this act, for fiscal year 1997-98 not later than 30 days after the effective date of this subsection, or 30 days after the enactment of the federal legislation described under section 84.03 (2) (a) 1. of the statutes, as created by this act, for all of fiscal year 1997-98, whichever is later.