

# State of Wisconsin



2009 Assembly Bill 75

Date of enactment: **June 29, 2009**  
Date of publication\*: **June 29, 2009**

## 2009 WISCONSIN ACT 28

(Vetoed in Part)

**AN ACT relating to:** state finances and appropriations, constituting the executive budget act of the 2009 legislature.

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

**SECTION 1k.** 5.05 (2m) (d) 1. of the statutes is amended to read:

5.05 (2m) (d) 1. No individual who serves as the legal counsel to the board or as a division administrator for the board may have been a lobbyist, as defined in s. 13.62 (11). No such individual may have served in, or have been a candidate, as defined in s. 11.01 (1), for, a partisan state or local office.

**SECTION 2q.** 7.08 (11) of the statutes is created to read:

7.08 (11) COORDINATION WITH AND ASSISTANCE TO LOCAL OFFICIALS. Allocate and assign sufficient members of its staff to coordinate their activities with local election officials and maintain their availability to respond to inquiries from local election officials for each statewide election and each recount in progress.

**SECTION 3.** 7.33 (1) (c) of the statutes is amended to read:

7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, or 237.

**SECTION 4.** 7.33 (4) of the statutes is amended to read:

7.33 (4) Except as otherwise provided in this subsection, each local governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon proper application under sub. (3), permit each of its employees to serve as an election official under s. 7.30 without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), without loss of pay for scheduled working hours during the period specified in sub. (3) except as provided in sub. (5), and without any other penalty. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

**SECTION 5.** 13.101 (6) (a) of the statutes is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, or the University of Wisconsin System, or to any other state agency or activity, by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af), (aq), (ar), and (au), 20.435 ~~(6)~~ (7) (a) and (7) (da), and 20.437 (2) (a) and (dz) or for forestry purposes under s. 20.370

\* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

diction, including towns, villages, and cities except 1st class cities, in the county.

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

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

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

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

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

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

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

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

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

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

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

**79.15 Improvements credit.** ~~Beginning in 2009, the~~ The total amount paid each year to municipalities from the appropriation account under s. 20.835 (3) (b) for the

payments under s. 79.10 (5m) is \$75,000,000 in 2009, \$145,000,000 in 2010, and \$150,000,000 in 2011 and in each year thereafter.

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

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

- (a) Major highway projects under s. 84.013 (2) (a).
- (b) Reconditioning, reconstruction, and resurfacing projects under s. 84.013 (2) (b).
- (c) Southeast Wisconsin freeway rehabilitation projects under s. 84.014 (2).

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

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

**SECTION 1918gr.** 84.01 (35) of the statutes is created to read:

- 84.01 (35) (a) In this subsection:
- 1. "Bikeway" has the meaning given in s. 84.60 (1) (a).
  - 2. "Pedestrian way" has the meaning given in s. 346.02 (8) (a).
- (b) Except as provided in par. (c), and notwithstanding any other provision of this chapter or ch. 82, 83, or 85, the department shall ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded in whole or in part from state funds or federal funds appropriated under s. 20.395 or 20.866.

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

- 1. Bicyclists or pedestrians are prohibited by law from using the highway that is the subject of the project.
- 2. The cost of establishing bikeways or pedestrian ways would be excessively disproportionate to the need or probable use of the bikeways or pedestrian ways. For purposes of this subdivision, cost is excessively disproportionate if it exceeds 20 percent of the total project cost. The rules may not allow an exception under this subdivision to be applied unless the secretary of transportation, or a designee of the secretary who has knowledge of the

purpose and value of bicycle and pedestrian accommodations, reviews the applicability of the exception under this subdivision to the particular project at issue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An agreement may not permit the sale of alcohol beverages within the wayside or rest area facilities or the

Vetoed  
In Part

Vetoed  
In Part