

State of Wisconsin



2005 Senate Bill 39

Date of enactment: **August 17, 2005**

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2005 WISCONSIN ACT 43

AN ACT *to amend* 20.255 (2) (cr) and 121.58 (6); and *to create* 121.575 of the statutes; **relating to:** school transportation bio–diesel fuel cost assistance and making an appropriation.

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

SECTION 1. 20.255 (2) (cr) of the statutes is amended to read:

20.255 (2) (cr) *Aid for pupil transportation.* The amounts in the schedule for the payment of state aid for transportation of public and private school pupils under subch. IV of ch. 121 and for assistance under s. 121.575 (3).

SECTION 2. 121.575 of the statutes is created to read:
121.575 School transportation bio–diesel fuel cost assistance. (1) In this section:

(a) “Bio–diesel fuel” has the meaning given in s. 16.045 (1) (c).

(b) “Petroleum–diesel fuel” has the meaning given for “diesel fuel” in s. 78.005 (5), but does not include bio–diesel fuel.

(2) (a) The department may provide school transportation aids to school districts for the increased costs incurred by districts in utilizing bio–diesel fuel as compared with the costs of utilizing petroleum–diesel fuel for school bus transportation.

(b) If the department determines to provide aids to school districts under par. (a), the department, in conjunction with the department of administration, shall apply to the federal government for bio–diesel fuel cost assistance for the purpose of financing payment of the

aids. The department shall disburse federal aids received from the appropriation under s. 20.255 (2) (m).

(3) If the federal government requires, as a condition of full federal financial participation under sub. (2) (b), that this state provide assistance for the purposes of sub. (2) (a) from state resources, the department shall provide the assistance from the appropriation under s. 20.255 (2) (cr) in the minimum amount required to obtain full federal financial participation.

(4) (a) Any school district that utilizes bio–diesel fuel for school bus transportation may apply to the department for state assistance to finance the costs of utilizing that fuel. Except as provided in sub. (5), the department shall apportion assistance to school districts on the basis of the increased costs incurred by each school district in utilizing bio–diesel fuel as compared to the cost that the school district would have incurred in utilizing petroleum–diesel fuel for school bus transportation in the fiscal year preceding the fiscal year for which aids are paid, as adjusted to reflect any change in the statewide average cost of bio–diesel fuel for the current fiscal year as compared to the statewide average cost of such fuel for the preceding fiscal year.

(b) For purposes of par. (a), if a school district does not utilize bio–diesel fuel for some or all of the school bus transportation provided by the school district in any fiscal year, the department shall compute and utilize, for purposes of this subsection, the cost differential that the

* Section 991.11, WISCONSIN STATUTES 2003–04 : 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].

school district would have incurred in utilizing bio-diesel fuel on the basis of statewide average costs.

(c) The department shall annually determine the statewide average cost of bio-diesel fuel and petroleum-diesel fuel for purposes of administration of this subsection.

(d) If in any fiscal year there are insufficient moneys available to reimburse all school districts that apply for state assistance under par. (a) for the full amount of reimbursable costs under this subsection, the department shall, after making any required deduction under sub. (5), prorate the available moneys among the school districts entitled thereto on a per pupil basis.

(5) Each school district that receives aids under sub. (2) (a) for any fiscal year shall report to the department, in the form prescribed by the department, a statement of its actual costs incurred in utilizing bio-diesel fuel for school bus transportation in that fiscal year. If the actual increased costs incurred by a school district in utilizing bio-diesel fuel for school bus transportation in any fiscal year, as compared to the costs that the school district

would have incurred in utilizing petroleum-diesel fuel for school bus transportation, are less than the amount of the aids received by the school district under sub. (2) (a) for that fiscal year, the department shall deduct the amount of the difference from the amount of the aids payable to the school district under sub. (2) (a) for the current fiscal year.

SECTION 3. 121.58 (6) of the statutes is amended to read:

121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) (cr) in any one year is insufficient to pay the full amount of approved claims under this section, state aid payments ~~shall be prorated among the school districts entitled thereto~~ for school districts not participating in the program under s. 121.575 shall be prorated as though the minimum amount under s. 121.575 (3) had not been made and state aid payments for school districts participating in the program under s. 121.575 shall be prorated after deducting the minimum amount under s. 121.575 (3).
