



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/07/2008 (Per: PG)



 **Appendix F** (Compile Draft)

 The 2007 drafting file for LRB-3859
has been copied/added to the drafting file for
2007 LRB-4036

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

2007 DRAFTING REQUEST

Bill

Received: **01/15/2008**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Barb, Pat**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - mass transit
Transportation - miscellaneous**

Extra Copies: **BAB, RAC**

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov
Jon.Dyck@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Fund lapses under Act 20; transfer to the transportation fund; DOT appropriation estimates and budget requests

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	agary 01/17/2008	lkunkel 01/23/2008	nnatzke 01/24/2008	_____	sbasford 01/24/2008		State
/P2	agary 01/25/2008	lkunkel 01/28/2008	rschluet 01/28/2008	_____	lparisi 01/28/2008		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	agary 01/31/2008	lkunkel 02/04/2008	jfrantze 02/04/2008	_____	sbasford 02/04/2008		

FE Sent For:

<END>

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/?				_____			State
/P1	agary 01/17/2008	lkunkel 01/23/2008	nnatzke 01/24/2008	_____	sbasford 01/24/2008		State
/P2	agary 01/25/2008	lkunkel 01/28/2008	rschluet 01/28/2008	_____	lparisi 01/28/2008		

Handwritten notes:
/p3/mk 2/4
2/4
2/4

LRB-3859

01/28/2008 03:00:56 PM
Page 2

FE Sent For:

<END>

2007 DRAFTING REQUEST

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Received: **01/15/2008**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

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/?							State
/P1	agary 01/17/2008	lkunkel 01/23/2008	nnatzke 01/24/2008		sbasford 01/24/2008		

FE Sent For:

/p2lmk 1/28

[Handwritten signatures and initials]
<END>

1258

2007 DRAFTING REQUEST

Bill

Received: 01/15/2008

Received By: agary

Wanted: Soon

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Barb, Pat

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - mass transit**
 Transportation - miscellaneous

Extra Copies: **BAB, RAC**

Submit via email: YES

Requester's email: **Sen.Decker@legis.wisconsin.gov**

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See Attached

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/?	agary		nwn 1/23	nwn/rs 1/24			State

FE Sent For:

<END>

Barb Worcester & Pat 6-2502

- economic development package →
- KRM: state's done in budget
 - incl. car rental fee

- increase funds for state housing rehab program & majors program

- draft separately and then combine them
 - PG: suggested that

- Pat: give them back repud \$50 M

\$2.5 back to admin.

- talk to Jon Dyck →
 - get details from him

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/14/08

Memo w/ Jon Dych - LFB

- Becker draft

- Act 20:
- combined reporting -
 - JK
 - reduce amount needed to lapse under Act 20
 - \$200 M lapse required in Act 20 - ~~total~~
 - DDA plan: \$25 M each year
- in FY 07-08,
 - in FY 1, DDA can lapse as much that \$25 M for DOT apprs. & any amt that is lapsed shall be lapsed for major - (bg)
 - need to increase (br) - all funds received - increase by \$25 M
- FY2, no funds shall be lapsed for DOT apprs.
- overall \$200 M reduced by \$25 M → total \$175 M

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

- transfer \$25M from gen fund to transp. fund in FY 2
- ~~decrease~~ decrease major approp. (br) by \$25M
- ~~decrease~~ ~~(br)~~ by ~~\$~~ increase (br) by \$25M
- those adjustments are not base adjustments

2007 - 2008 LEGISLATURE

LRB-3859/P1

ARG:.....

mk

~~soon~~
wanted
by 1/24
in 1/16

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

for Note

LPS:PS/ARS

GenCat

1

AN ACT ...; relating to: funding for the department of transportation and making

2

an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the biennial budget bill (2007 Wisconsin Act 20) requires the secretary of administration to lapse or transfer \$200,000,000 to the general fund from certain appropriations to executive branch state agencies in the 2007-09 fiscal biennium. ✓

This bill prohibits the secretary of administration from lapsing or transferring more than \$25,000,000 in fiscal year 2007-08 from any Department of Transportation (DOT) appropriation; lapsing or transferring any amount in fiscal year 2007-08 from any DOT appropriation except for the state funds appropriation for the major highway projects program; and lapsing or transferring any amount in fiscal year 2008-09 from any DOT appropriation. ✓

The bill requires the secretary of administration to transfer \$25,000,000 from the general fund to the transportation fund in fiscal year 2008-09 and increases DOT's state funds appropriation for the major highway projects program by \$25,000,000 in fiscal year 2008-09. ✓ The bill also requires the secretary of administration and DOT to estimate additional revenues of \$25,000,000 in fiscal year 2007-08, and decreased revenues of \$25,000,000 in fiscal year 2008-09, for a DOT appropriation related to revenue bond proceeds for the major highway projects program. ✓

Under the bill, in submitting its 2009-11 biennial budget request, DOT may not include in its appropriation base level the appropriation increase to its state funds

appropriation for the major highway projects program or the modified estimates related to its revenue bonding appropriation for the major highway projects program. ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1. Nonstatutory provisions.** ✓

2 (1) DEPARTMENT OF TRANSPORTATION APPROPRIATION LAPSES UNDER ACT 20.
3 Notwithstanding any provision of section 9201[✓](1c) of 2007 Wisconsin Act 20,[✓] the
4 secretary of administration may not, under section 9201 (1c) (a) of 2007 Wisconsin
5 Act 20, do any of the following: ✓

6 (a) Lapse or transfer more than \$25,000,000 in fiscal year 2007–08 from any
7 appropriation^{made} to the department of transportation. ✓

8 (b) Lapse or transfer any amount in fiscal year 2007–08 from any appropriation^{made}
9 to the department of transportation other than the appropriation^{account} under section
10 20.395 (3) (bq) of the statutes.

11 (c) Lapse or transfer any amount in fiscal year 2008–09 from any appropriation
12 to the department of transportation.^{made}

13 (2) ESTIMATES FOR A CERTAIN DEPARTMENT OF TRANSPORTATION SEGREGATED FUND
14 REVENUES–SERVICE APPROPRIATION. The secretary of administration and department
15 of transportation shall estimate additional revenues of \$25,000,000 in fiscal year
16 2007–08, and decreased revenues of \$25,000,000 in fiscal year 2008–09, for the
17 appropriation account under section 20.395 (3) (br) of the statutes, which additional
18 or decreased revenues are not reflected in the schedule under section 20.005 (3) of
19 the statutes.

1 (3) DEPARTMENT OF TRANSPORTATION REQUESTS FOR 2009-11 BIENNIAL BUDGET BILL.
2 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information
3 under section 16.42 of the statutes for purposes of the 2009-11 biennial budget bill,
4 the department of transportation shall submit a dollar amount for the appropriation
5 under section 20.395 (3) (bq) of the statutes that is \$25,000,000 less than the total
6 amount appropriated under section 20.395 (3) (bq) of the statutes for the 2008-09
7 fiscal year, before submitting any information relating to any increase or decrease
8 in the dollar amount for that appropriation for the 2009-11 fiscal biennium. ✓ In
9 addition, the department of transportation's submission of information under
10 section 16.42 of the statutes for purposes of the 2009-11 biennial budget bill shall not
11 reflect the modified estimates required under subsection (2) ^{use AR A} related to the
12 appropriation account under section 20.395 (3) (br) of the statutes.

13 **SECTION 2. Fiscal changes.**

14 (1) APPROPRIATION INCREASE FOR MAJOR HIGHWAY PROJECTS. In the schedule under
15 section 20.005 (3) of the statutes for the appropriation to the department of
16 transportation under section 20.395 (3) (bq) of the statutes, as affected by the acts
17 of 2007, the dollar amount is increased by \$25,000,000 for fiscal year 2008-09 to
18 increase funding for major development of state trunk and connecting highways. ✓

19 (2) GENERAL FUND TRANSFER TO TRANSPORTATION FUND. The secretary of
20 administration shall transfer \$25,000,000 from the general fund to the
21 transportation fund in fiscal year 2008-09. ✓

22 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3859/P1dn

ARG:.....

mk

(date)

ATTN: Patrick Walsh

Please review the attached draft carefully to ensure that it is consistent with your intent. The provisions in this draft are based on my conversation with Jon Dyck. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3859/P1dn
ARG:lmk:nwn

January 23, 2008

ATTN: Patrick Walsh

Please review the attached draft carefully to ensure that it is consistent with your intent. The provisions in this draft are based on my conversation with Jon Dyck.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Dyck, Jon
Sent: Friday, January 25, 2008 11:27 AM
To: Gary, Aaron
Subject: RE: changes to 3859/P1

The answer to your question is no. The intent is to have an ongoing base increase of \$5,000,000 in (bq) and \$20,000,000 increase in (cq).

Jon Dyck
Fiscal Analyst
Legislative Fiscal Bureau
1 East Main, Suite 301
Madison, WI 53703
(608) 266-9919
jon.dyck@legis.wisconsin.gov

From: Gary, Aaron
Sent: Friday, January 25, 2008 10:46 AM
To: Dyck, Jon
Subject: RE: changes to 3859/P1

Thanks Jon. Please see my one question, below.

Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Dyck, Jon
Sent: Thursday, January 24, 2008 4:43 PM
To: Gary, Aaron
Cc: Walsh, Patrick
Subject: changes to 3859/P1

After talking with Pat, here are the changes that need to be made to the draft. (Pat, later I'll send another message that tries to explain how the transaction works.)

On page 2, line 6, I think we need to make clear that \$25,000,000 is the limit on all of DOT's appropriations. So, for instance, we could insert "a total of" after "than" and strike "any". On line 7, then I think we'd say "appropriations" instead of "appropriation".

On line 11: Since the intention, I think, is to keep DOT out of this lapse thing for the duration, I think we should also add ", 2009-10, or 2010-11" after "2008-09". I had kinda forgotten, until I looked at it again, that the provision goes into next biennium also. Finally, I think s. 9201 (1c) needs to be amended to reduce the \$200 million in the 2007-09 biennium to \$175 million, and the \$200 million for the 2009-11 biennium to \$150 million.

On lines 15 and 16, the "\$25,000,000" needs to be changed to "\$50,000,000" in both locations.

On page 3, line 5, the "\$25,000,000" should be changed to "\$50,000,000". [Jon, this should be \$55,000,000, the amount of the appropriation increase, right? Also, I assume you want me to add in to this provision that the (cq) increase not be included in budget base either, right? Thanks.]

On page 17, the (bq) appropriation should be decreased by \$20,000,000 in 2007-08 and increased by \$55,000,000 in 2008-09. 20.395 (3)(cq) should be increased by \$20,000,000 in both years of the biennium.

Finally, regarding the transfer: First, the transfer in 2008-09 should be \$75,000,000. Second, it is now Sen. Decker's intent to make the transfer ongoing at the level of \$25,000,000 each year after 2008-09. So, I guess that means this should be a statutory provision, rather than a non-stat.

Let me know if you have questions.

Jon Dyck
Fiscal Analyst
Legislative Fiscal Bureau
1 East Main, Suite 301
Madison, WI 53703
(608) 266-9919
jon.dyck@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

wanted
by 1/29
end of day
in 1/25

LRB-3859/PZ
ARG:lmk:nwn

SMK
KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

and \$25,000,000 in each
year thereafter. The bill also
changes

Janet

1 AN ACT relating to: funding for the Department of Transportation and making
2 an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the biennial budget bill (2007 Wisconsin Act 20) requires the secretary of administration to lapse or transfer \$200,000,000 to the general fund from certain appropriations to executive branch state agencies in the 2007-09 fiscal biennium, and another \$200,000,000 in the 2009-11 fiscal biennium

Misc
ANAL-A

a total of >

> ~~This bill~~ prohibits the secretary of administration from lapsing or transferring more than \$25,000,000 in fiscal year 2007-08 from ~~the~~ Department of Transportation (DOT) appropriation; lapsing or transferring any amount in fiscal year 2007-08 from any DOT appropriation except for the state funds appropriation for the major highway projects program; and lapsing or transferring any amount in fiscal year 2008-09 from any DOT appropriation.

> 2009-10,
or 2010-11

The bill requires the secretary of administration to transfer \$25,000,000 from the general fund to the transportation fund in fiscal year 2008-09, ~~and increases~~ DOT's state funds appropriation for the major highway projects program by

insert
ANAL-B

~~\$25,000,000 in fiscal year 2008-09~~. The bill also requires the secretary of administration and DOT to estimate additional revenues of ~~\$25,000,000~~ in fiscal year 2007-08, and decreased revenues of ~~\$25,000,000~~ in fiscal year 2008-09, for a DOT appropriation related to revenue bond proceeds for the major highway projects program.

Under the bill, in submitting its 2009-11 biennial budget request, DOT may not include in its appropriation base level ~~the appropriation~~ increase to its state funds

\$50,000,000 of the
\$55,000,000

\$50,000,000
(Use 20)

appropriation for the major highway projects program or the modified estimates related to its revenue bonding appropriation for the major highway projects program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

Insert
2-1
→

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SECTION 1. Nonstatutory provisions.

(1) DEPARTMENT OF TRANSPORTATION APPROPRIATION LAPSES UNDER ACT 20. Notwithstanding any provision of section 9201 (1c) of 2007 Wisconsin Act 20, the secretary of administration may not, under section 9201 (1c) (a) of 2007 Wisconsin Act 20, do any of the following:

(a) Lapse or transfer more than ^{a total of} \$25,000,000 in fiscal year 2007-08 from ^{the} any ~~any~~ appropriation ^s made to the department of transportation.

(b) Lapse or transfer any amount in fiscal year 2007-08 from any appropriation made to the department of transportation other than the appropriation account under section 20.395 (3) (bq) of the statutes.

(c) Lapse or transfer any amount in fiscal year 2008-09 ^{2009-10, or 2010-11} from any appropriation made to the department of transportation.

(2) ESTIMATES FOR A CERTAIN DEPARTMENT OF TRANSPORTATION SEGREGATED FUND REVENUES-SERVICE APPROPRIATION. The secretary of administration and department of transportation shall estimate additional revenues of ⁵⁰ \$25,000,000 in fiscal year 2007-08, and decreased revenues of ⁵⁰ \$25,000,000 in fiscal year 2008-09, for the appropriation account under section 20.395 (3) (br) of the statutes, which additional or decreased revenues are not reflected in the schedule under section 20.005 (3) of the statutes.

1 (3) DEPARTMENT OF TRANSPORTATION REQUESTS FOR 2009-11 BIENNIAL BUDGET BILL.
2 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information
3 under section 16.42 of the statutes for purposes of the 2009-11 biennial budget bill,
4 the department of transportation shall submit a dollar amount for the appropriation
5 under section 20.395 (3) (bq) of the statutes that is \$⁵⁰~~25~~,000,000 less than the total
6 amount appropriated under section 20.395 (3) (bq) of the statutes for the 2008-09
7 fiscal year, before submitting any information relating to any increase or decrease
8 in the dollar amount for that appropriation for the 2009-11 fiscal biennium. In
9 addition, the department of transportation's submission of information under
10 section 16.42 of the statutes for purposes of the 2009-11 biennial budget bill shall not
11 reflect the modified estimates required under subsection (2) related to the
12 appropriation account under section 20.395 (3) (br) of the statutes.

13 **SECTION 2. Fiscal changes.**

14 (1) APPROPRIATION INCREASE FOR MAJOR HIGHWAY PROJECTS. In the schedule under
15 section 20.005 (3) of the statutes for the appropriation to the department of
16 transportation under section 20.395 (3) (bq) of the statutes, as affected by the acts
17 of 2007, the dollar amount is increased by \$25,000,000 for fiscal year 2008-09 to
18 increase funding for major development of state trunk and connecting highways.

19 (2) GENERAL FUND TRANSFER TO TRANSPORTATION FUND. The secretary of
20 administration shall transfer \$⁷25,000,000 from the general fund to the
21 transportation fund in fiscal year 2008-09.

22

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3859/P2ins
ARG:.....

INSERT ANAL-A:

This bill decreases the amount of this required lapse or transfer under Act 20 to \$175,000,000 in the 2007-09 fiscal biennium and \$150,000,000 in the 2009-11 fiscal biennium. The bill also ✓

INSERT ANAL-B:

(~~is P~~) decreasing the appropriation by \$20,000,000 in fiscal year 2007-08 and increasing the appropriation by \$55,000,000 in fiscal year 2008-09. The bill increases DOT's state funds appropriation for the state highway rehabilitation program by \$20,000,000 in each year of the 2007-09 fiscal biennium. ✓

INSERT 2-1: X

SECTION 1. 25.40 (4) of the statutes is created to read:

25.40 (4) Beginning in fiscal year 2009-10, and in each fiscal year thereafter, the secretary of administration shall transfer \$25,000,000 from the general fund to the transportation fund. ✓

SECTION 2. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read: X

[2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to ~~\$200,000,000~~ \$175,000,000 ✓ during the 2007-09 fiscal biennium and ~~\$200,000,000~~ \$150,000,000 ✓ during the 2009-11 fiscal biennium. This paragraph

shall not apply to appropriations to the Board of Regents of the University of Wisconsin System and to the technical college system board.

INSERT 3-13:

(1) APPROPRIATION CHANGES FOR MAJOR HIGHWAY PROJECTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (3) (bq) of the statutes, as affected by the acts of 2007, the dollar amount is decreased by \$20,000,000 for fiscal year 2007-08 and the dollar amount is increased by \$55,000,000 for fiscal year 2008-09 to increase funding for major development of state trunk and connecting highways. ↓

(2) APPROPRIATION CHANGES FOR STATE HIGHWAY REHABILITATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (3) (cq) ✓ of the statutes, as affected by the acts of 2007, the dollar amount is increased by \$20,000,000 for fiscal year 2007-08 and the dollar amount is increased by \$20,000,000 for fiscal year 2008-09 to increase funding for improvement of existing state trunk and connecting highways and construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances. ✓

Jan Dyck - LFB | ~~3859/P2~~
6-9919 app
from (9201/10)

- If DeA has already lapsed, DeA should already reverse for those apps. & take it all from (69)

Gary, Aaron

From: Dyck, Jon
Sent: Wednesday, January 30, 2008 3:36 PM
To: Gary, Aaron
Subject: RE: LRB-3859

I think that works.

Jon Dyck
Fiscal Analyst
Legislative Fiscal Bureau
1 East Main, Suite 301
Madison, WI 53703
(608) 266-9919
jon.dyck@legis.wisconsin.gov

From: Gary, Aaron
Sent: Wednesday, January 30, 2008 3:05 PM
To: Dyck, Jon
Subject: LRB-3859

Hi Jon,
As a follow up to your call yesterday, I sketched out the following change to LRB-3859.

[This part is unchanged from LRB-3859/P2, except the change in numbering.]

(1) (a) Department of transportation appropriation lapses under act 20. Notwithstanding any provision of section 9201 (1c) of 2007 Wisconsin Act 20, the secretary of administration may not, under section 9201 (1c) (a) of 2007 Wisconsin Act 20, do any of the following:

1. Lapse or transfer more than a total of \$25,000,000 in fiscal year 2007-08 from the appropriations made to the department of transportation.
2. Lapse or transfer any amount in fiscal year 2007-08 from any appropriation made to the department of transportation other than the appropriation account under section 20.395 (3) (bq) of the statutes.
3. Lapse or transfer any amount in fiscal year 2008-09, 2009-10, or 2010-11 from any appropriation made to the department of transportation.

[This part is new, to address your concern.]

(b) If the secretary of administration has, prior to the effective date of this subsection, lapsed or transferred moneys under section 9201 (1c) (a) of 2007 Wisconsin Act 20 in a manner that would have violated paragraph (a) 1. or 2. if the lapse or transfer occurred after the effective date of this subsection, the secretary of administration shall do all of the following:

1. If the lapse or transfer would have violated paragraph (a) 1., the secretary of administration shall transfer, from the general fund to the fund or appropriation account from which the lapse or transfer was made, the amount by which the lapse or transfer exceeded \$25,000,000.
2. If the lapse or transfer would have violated paragraph (a) 2., the secretary of administration shall transfer,

01/31/2008

from the general fund to the fund or appropriation account from which the lapse or transfer was made, any amount lapsed or transferred other than an amount lapsed or transferred from the appropriation account under section 20.395 (3) (bq) of the statutes.

Is this what you had in mind? Please give me a call at your convenience to discuss. Also, I still need to run this by another drafter (who did the Act 20 provision), but he's out of the office for now.

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
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01/31/2008



State of Wisconsin
2007 - 2008 LEGISLATURE

Scan

LRB-3859/P2 P3

ARG:lmk:rs

in 1/31

STP RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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- 1 AN ACT *to create* 25.40 (4) of the statutes; and *to affect* 2007 Wisconsin Act 20,
- 2 section 9201 (1c) (a); **relating to:** funding for the Department of Transportation
- 3 and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the biennial budget bill (2007 Wisconsin Act 20) requires the secretary of administration to lapse or transfer \$200,000,000 to the general fund from certain appropriations to executive branch state agencies in the 2007-09 fiscal biennium and another \$200,000,000 in the 2009-11 fiscal biennium.

This bill decreases the amount of this required lapse or transfer under Act 20 to \$175,000,000 in the 2007-09 fiscal biennium and \$150,000,000 in the 2009-11 fiscal biennium. The bill also prohibits the secretary of administration from lapsing or transferring more than a total of \$25,000,000 in fiscal year 2007-08 from Department of Transportation (DOT) appropriations; lapsing or transferring any amount in fiscal year 2007-08 from any DOT appropriation except for the state funds appropriation for the major highway projects program; and lapsing or transferring any amount in fiscal year 2008-09, 2009-10, or 2010-11 from any DOT appropriation.

The bill requires the secretary of administration to transfer \$75,000,000 from the general fund to the transportation fund in fiscal year 2008-09 and \$25,000,000 in each year thereafter. The bill also changes DOT's state funds appropriation for the major highway projects program by decreasing the appropriation by \$20,000,000 in fiscal year 2007-08 and increasing the appropriation by \$55,000,000 in fiscal year 2008-09. The bill increases DOT's state funds appropriation for the state highway

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rehabilitation program by \$20,000,000 in each year of the 2007-09 fiscal biennium. The bill also requires the secretary of administration and DOT to estimate additional revenues of \$50,000,000 in fiscal year 2007-08, and decreased revenues of \$50,000,000 in fiscal year 2008-09, for a DOT appropriation related to revenue bond proceeds for the major highway projects program.

Under the bill, in submitting its 2009-11 biennial budget request, DOT may not include in its appropriation base level \$50,000,000 of the \$55,000,000 increase to its state funds appropriation for the major highway projects program or the modified estimates related to its revenue bonding appropriation for the major highway projects program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 25.40 (4) of the statutes is created to read:

2 25.40 (4) Beginning in fiscal year 2009-10, and in each fiscal year thereafter,
3 the secretary of administration shall transfer \$25,000,000 from the general fund to
4 the transportation fund.

5 **SECTION 2.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

6 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
7 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary
8 of administration shall lapse to the general fund or transfer to the general fund from
9 the unencumbered balances of appropriations to executive branch state agencies,
10 other than sum sufficient appropriations and appropriations of federal revenues, an
11 amount equal to ~~\$200,000,000~~ \$175,000,000 during the 2007-09 fiscal biennium and
12 ~~\$200,000,000~~ \$150,000,000 during the 2009-11 fiscal biennium. This paragraph
13 shall not apply to appropriations to the Board of Regents of the University of
14 Wisconsin System and to the technical college system board.

15 **SECTION 3. Nonstatutory provisions.**

(Use 2x)

as affected by this act

1 (1) DEPARTMENT OF TRANSPORTATION APPROPRIATION LAPSES UNDER ACT 20.

2 (a) Notwithstanding ~~any provision of~~ section 9201 (1c) of 2007 Wisconsin Act 20, the

3 secretary of administration may not, under section 9201 (1c) (a) of 2007 Wisconsin

4 Act 20, do any of the following:

5 1. ~~Lapse~~ Lapse or transfer more than a total of \$25,000,000 in fiscal year 2007-08
6 from the appropriations made to the department of transportation.

7 2. ~~Lapse~~ Lapse or transfer any amount in fiscal year 2007-08 from any appropriation
8 made to the department of transportation other than the appropriation account
9 under section 20.395 (3) (bq) of the statutes.

10 3. ~~Lapse~~ Lapse or transfer any amount in fiscal year 2008-09, 2009-10, or 2010-11
11 from any appropriation made to the department of transportation.

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3-11

12 (2) ESTIMATES FOR A CERTAIN DEPARTMENT OF TRANSPORTATION SEGREGATED FUND
13 REVENUES-SERVICE APPROPRIATION. The secretary of administration and department
14 of transportation shall estimate additional revenues of \$50,000,000 in fiscal year
15 2007-08, and decreased revenues of \$50,000,000 in fiscal year 2008-09, for the
16 appropriation account under section 20.395 (3) (br) of the statutes, which additional
17 or decreased revenues are not reflected in the schedule under section 20.005 (3) of
18 the statutes. *as created by 2007 Wisconsin Act 20*

19 (3) DEPARTMENT OF TRANSPORTATION REQUESTS FOR 2009-11 BIENNIAL BUDGET BILL.
20 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information
21 under section 16.42 of the statutes for purposes of the 2009-11 biennial budget bill,
22 the department of transportation shall submit a dollar amount for the appropriation
23 under section 20.395 (3) (bq) of the statutes that is \$50,000,000 less than the total
24 amount appropriated under section 20.395 (3) (bq) of the statutes for the 2008-09
25 fiscal year, before submitting any information relating to any increase or decrease

1 in the dollar amount for that appropriation for the 2009-11 fiscal biennium. In
2 addition, the department of transportation's submission of information under
3 section 16.42 of the statutes for purposes of the 2009-11 biennial budget bill shall not
4 reflect the modified estimates required under subsection (2) related to the
5 appropriation account under section 20.395 (3) (br) of the statutes.

6 **SECTION 4. Fiscal changes.**

7 (1) APPROPRIATION CHANGES FOR MAJOR HIGHWAY PROJECTS. In the schedule under
8 section 20.005 (3) of the statutes for the appropriation to the department of
9 transportation under section 20.395 (3) (bq) of the statutes, as affected by the acts
10 of 2007, the dollar amount is decreased by \$20,000,000 for fiscal year 2007-08 and
11 the dollar amount is increased by \$55,000,000 for fiscal year 2008-09 to increase
12 funding for major development of state trunk and connecting highways.

13 (2) APPROPRIATION CHANGES FOR STATE HIGHWAY REHABILITATION. In the schedule
14 under section 20.005 (3) of the statutes for the appropriation to the department of
15 transportation under section 20.395 (3) (cq) of the statutes, as affected by the acts of
16 2007, the dollar amount is increased by \$20,000,000 for fiscal year 2007-08 and the
17 dollar amount is increased by \$20,000,000 for fiscal year 2008-09 to increase funding
18 for improvement of existing state trunk and connecting highways and construction
19 and rehabilitation of the national system of interstate and defense highways and
20 bridges and related appurtenances.

21 (3) GENERAL FUND TRANSFER TO TRANSPORTATION FUND. The secretary of
22 administration shall transfer \$75,000,000 from the general fund to the
23 transportation fund in fiscal year 2008-09.

24

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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(no #) The bill also includes a mechanism for reversing any lapse or transfer that occurs before the bill's effective date which would be prohibited if it had occurred after the bill's effective date. ✓

INSERT 3-11:

(b) If the secretary of administration has, prior to the effective date of this subsection, ✓lapsed or transferred moneys under section 9201 (1c) (a) of 2007 Wisconsin Act 20, as affected by this act, in a manner that would have been inconsistent with paragraph (a) 1. or 2. if the lapse or transfer occurred after the effective date of this subsection, the secretary of administration shall do all of the following:

1 . If the lapse or transfer would have been inconsistent with paragraph (a) 1., the secretary of administration shall transfer, from the general fund to the fund or appropriation account from which the lapse or transfer was made except with respect to the appropriation account under under section 20.395 (3) (bq) of the statutes, pro rata amounts as determined by the secretary totalling the amount by which the lapse or transfer exceeded \$25,000,000. ✓

2 . If the lapse or transfer would have been inconsistent with paragraph (a) 2., the secretary of administration shall transfer, from the general fund to the fund or appropriation account from which the lapse or transfer was made, any amount lapsed or transferred other than an amount lapsed or transferred from the appropriation account under section 20.395 (3) (bq) of the statutes. ✓



State of Wisconsin
2007 - 2008 LEGISLATURE

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ARG:lmk:jf

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in fiscal year 2007-08 and increasing the appropriation by \$55,000,000 in fiscal year 2008-09. The bill increases DOT's state funds appropriation for the state highway rehabilitation program by \$20,000,000 in each year of the 2007-09 fiscal biennium. The bill also requires the secretary of administration and DOT to estimate additional revenues of \$50,000,000 in fiscal year 2007-08, and decreased revenues of \$50,000,000 in fiscal year 2008-09, for a DOT appropriation related to revenue bond proceeds for the major highway projects program.

Under the bill, in submitting its 2009-11 biennial budget request, DOT may not include in its appropriation base level \$50,000,000 of the \$55,000,000 increase to its state funds appropriation for the major highway projects program or the modified estimates related to its revenue bonding appropriation for the major highway projects program.

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1 **SECTION 3. Nonstatutory provisions.**

2 (1) DEPARTMENT OF TRANSPORTATION APPROPRIATION LAPSES UNDER ACT 20. (a)
3 Notwithstanding section 9201 (1c) of 2007 Wisconsin Act 20, as affected by this act,
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5 Wisconsin Act 20, as affected by this act, do any of the following:

6 1. Lapse or transfer more than a total of \$25,000,000 in fiscal year 2007-08
7 from the appropriations made to the department of transportation.

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9 made to the department of transportation other than the appropriation account
10 under section 20.395 (3) (bq) of the statutes.

11 3. Lapse or transfer any amount in fiscal year 2008-09, 2009-10, or 2010-11
12 from any appropriation made to the department of transportation.

13 (b) If the secretary of administration has, prior to the effective date of this
14 subsection, lapsed or transferred moneys under section 9201 (1c) (a) of 2007
15 Wisconsin Act 20 in a manner that would have been inconsistent with paragraph (a)
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22 rata amounts as determined by the secretary totalling the amount by which the lapse
23 or transfer exceeded \$25,000,000.

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16 (END)