



State of Wisconsin
2009 - 2010 LEGISLATURE

in
1/20

LRB-1400/2/3
ARG&PG:kjf:md

RMR

reconciling

DOA:.....Grinde, BB0372 - Convert transportation-related appropriations to transportation fund

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill changes the funding source for pupil transportation aid from the general fund to the transportation fund.

NATURAL RESOURCES

OTHER NATURAL RESOURCES

This bill changes the funding source for an appropriation account for the costs of removal and disposal of car kill deer from highways and for an appropriation account for the maintenance and development of certain state park, forest, and Lower Wisconsin State Riverway roads from the general fund to the transportation fund.

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

2 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
3 revenues and to prevent the necessity for a state tax on general property, the
4 committee may reduce any appropriation made to any board, commission,
5 department, or the University of Wisconsin System, or to any other state agency or
6 activity, by such amount as it deems feasible, not exceeding 25% of the
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
8 ~~(er)~~ (vr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
9 (aq), (ar), and (au), 20.435 (6) (a) and (7) (da), and 20.437 (2) (a) and (dz) or for forestry
10 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
11 village, town, or school district. Appropriations of receipts and of a sum sufficient
12 shall for the purposes of this section be regarded as equivalent to the amounts
13 expended under such appropriations in the prior fiscal year which ended June 30.
14 All functions of said state agencies shall be continued in an efficient manner, but
15 because of the uncertainties of the existing situation no public funds should be
16 expended or obligations incurred unless there shall be adequate revenues to meet the
17 expenditures therefor. For such reason the committee may make reductions of such
18 appropriations as in its judgment will secure sound financial operations of the
19 administration for said state agencies and at the same time interfere least with their
20 services and activities.

21 **SECTION 2.** 20.255 (2) (cr) of the statutes is renumbered 20.255 (2) (vr) and
22 amended to read:

23 20.255 **(2)** (vr) *Aid for pupil transportation.* The Notwithstanding s. 25.40 (3)
24 (b), from the transportation fund, the amounts in the schedule for the payment of

INSERT
2-20

1 state aid for transportation of public and private school pupils under subch. IV of ch.
2 121 and for assistance under s. 121.575 (3).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 3.** 20.255 (2) (cw) of the statutes is renumbered 20.255 (2) (vw) and
4 amended to read:

5 20.255 (2) (vw) *Aid for transportation; youth options program.* The
6 Notwithstanding s. 25.40 (3) (b), from the transportation fund, the amounts in the
7 schedule for the payment of state aid for the transportation of pupils attending an
8 institution of higher education or technical college under s. 118.55 (7g).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 4.** 20.255 (2) (cy) of the statutes is renumbered 20.255 (2) (vy) and
10 amended to read:

11 20.255 (2) (vy) *Aid for transportation; open enrollment.* The Notwithstanding
12 s. 25.40 (3) (b), from the transportation fund, the amounts in the schedule to
13 reimburse parents for the costs of transportation of open enrollment pupils under ss.
14 118.51 (14) (b) and 118.52 (11) (b).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 5.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (3) (ay) and
16 amended to read:

17 20.370 (3) (ay) *Law enforcement — car kill deer; general transportation fund.*
18 ~~From the general~~ Notwithstanding s. 25.40 (3) (b), from the transportation fund, the
19 amounts in the schedule to pay 50% of the costs of the removal and disposal of car
20 kill deer from highways.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 6.** 20.370 (7) (mc) of the statutes is renumbered 20.370 (7) (mr) and
2 amended to read:

3 20.370 (7) (mr) *Resource maintenance and development — state park, forest*
4 *and riverway roads.* As Notwithstanding s. 25.40 (3) (b), as a continuing
5 appropriation from the transportation fund, the amounts in the schedule for state
6 park and forest roads and roads in the lower Lower Wisconsin state riverway State
7 Riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads
8 in state parks under ch. 27 and recreation areas in state forests under ch. 28 which
9 are not eligible for funding under s. 84.28. The department may expend up to
10 \$400,000 from this appropriation in each fiscal year for state park and forest roads
11 and roads in the lower Lower Wisconsin state riverway State Riverway as defined
12 in s. 30.40 (15) under s. 84.28 and shall expend the balance from the appropriation
13 for the maintenance of roads which are not eligible for funding under s. 84.28.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 7.** 84.28 (1) of the statutes is amended to read:

15 84.28 (1) Moneys from the appropriation under s. 20.370 (7) (~~me~~) (mr) may be
16 expended for the renovation, marking and maintenance of a town or county highway
17 located within the boundaries of any state park, state forest or other property under
18 the jurisdiction of the department of natural resources. Moneys from the
19 appropriation under s. 20.370 (7) (~~me~~) (mr) may be expended for the renovation,
20 marking and maintenance of a town or county highway located in the lower Lower
21 Wisconsin state riverway State Riverway as defined in s. 30.40 (15). Outside the
22 lower Lower Wisconsin state riverway State Riverway as defined in s. 30.40 (15), or
23 outside the boundaries of these parks, forests or property, moneys from the

1 appropriation under s. 20.370 (7) (~~me~~) (mr) may be expended for the renovation,
2 marking and maintenance of roads which the department of natural resources
3 certifies are utilized by a substantial number of visitors to state parks, state forests
4 or other property under the jurisdiction of the department of natural resources. The
5 department of natural resources shall authorize expenditures under this subsection.
6 The department of natural resources shall rank projects eligible for assistance under
7 a priority system and funding may be restricted to those projects with highest
8 priority.

9 **SECTION 8.** 118.51 (14) (b) of the statutes is amended to read:

10 118.51 (14) (b) *Low-income assistance.* The parent of a pupil who is eligible for
11 a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public
12 school in a nonresident school district in the following school year under this section
13 may apply to the department, on the form prepared under sub. (15) (a), for the
14 reimbursement of costs incurred by the parent for the transportation of the pupil to
15 and from the pupil's residence and the school that the pupil will be attending. The
16 department shall determine the reimbursement amount and shall pay the amount
17 from the appropriation under s. 20.255 (2) (~~ey~~) (vy). The reimbursement amount may
18 not exceed the actual transportation costs incurred by the parent or 3 times the
19 statewide average per pupil transportation costs, whichever is less. If the
20 appropriation under s. 20.255 (2) (~~ey~~) (vy) in any one year is insufficient to pay the
21 full amount of approved claims under this paragraph, payments shall be prorated
22 among the parents entitled thereto. By the 2nd Friday following the first Monday
23 in May following receipt of the parent's application under sub. (3) (a), the department
24 shall provide to each parent requesting reimbursement under this paragraph an

1 estimate of the amount of reimbursement that the parent will receive if the pupil
2 attends public school in the nonresident school district in the following school year.

3 **SECTION 9.** 118.52 (11) (b) of the statutes is amended to read:

4 118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending
5 a course in a public school in a nonresident school district under this section may
6 apply to the department for reimbursement of the costs incurred by the parent for
7 the transportation of the pupil to and from the pupil's residence or school in which
8 the pupil is enrolled and the school at which the pupil is attending the course if the
9 pupil and parent are unable to pay the cost of such transportation. The department
10 shall determine the reimbursement amount and shall pay the amount from the
11 appropriation under s. 20.255 (2) (~~ey~~) (vy). The department shall give preference
12 under this paragraph to those pupils who are eligible for a free or reduced-price
13 lunch under 42 USC 1758 (b).

14 **SECTION 10.** 118.55 (7g) of the statutes is amended to read:

15 118.55 (7g) **TRANSPORTATION.** The parent or guardian of a pupil who is
16 attending an institution of higher education or technical college under this section
17 and is taking a course for high school credit may apply to the state superintendent
18 for reimbursement of the cost of transporting the pupil between the high school in
19 which the pupil is enrolled and the institution of higher education or technical college
20 that the pupil is attending if the pupil and the pupil's parent or guardian are unable
21 to pay the cost of such transportation. The state superintendent shall determine the
22 reimbursement amount and shall pay the amount from the appropriation under s.
23 20.255 (2) (~~ew~~) (vw). The state superintendent shall give preference under this
24 subsection to those pupils who are eligible for a free or reduced-price lunch under
25 42 USC 1758 (b).

1 **SECTION 11.** 121.007 of the statutes is amended to read:

2 **121.007 Use of state aid; exemption from execution.** All moneys paid to
3 a school district under s. 20.255 (2) (ac), (bc), (cg), and ~~(er)~~ (vr), shall be used by the
4 school district solely for the purposes for which paid. Such moneys are exempt from
5 execution, attachment, garnishment, or other process in favor of creditors, except as
6 to claims for salaries or wages of teachers and other school employees and as to
7 claims for school materials, supplies, fuel, and current repairs.

8 **SECTION 12.** 121.575 (3) of the statutes is amended to read:

9 **121.575 (3)** If the federal government requires, as a condition of full federal
10 financial participation under sub. (2) (b), that this state provide assistance for the
11 purposes of sub. (2) (a) from state resources, the department shall provide the
12 assistance from the appropriation under s. 20.255 (2) ~~(er)~~ (vr) in the minimum
13 amount required to obtain full federal financial participation.

14 **SECTION 13.** 121.58 (6) of the statutes is amended to read:

15 **121.58 (6) APPROPRIATION PRORATED.** If the appropriation under s. 20.255 (2) ~~(er)~~
16 (vr) in any one year is insufficient to pay the full amount of approved claims under
17 this section, state aid payments for school districts not participating in the program
18 under s.121.575 shall be prorated as though the minimum amount under s. 121.575
19 (3) had not been made and state aid payments for school districts participating in the
20 program under s. 121.575 shall be prorated after deducting the minimum amount
21 under s. 121.575 (3).

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(END)

D. Note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1400/3ins
ARG:.....

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INSERT 2-20:

✓
****NOTE: This is reconciled s. 13.101 (6) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0627 and LRB-1400. This draft deletes the treatment of s. 13.101 (6) (a), which now appears in LRB-0627.

4

5

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

LRB-1400/3dn

ARG:...

gf

Date

ATTN: Tyler Byrnes ✓

This draft reconciles LRB-0627 and LRB-1400. ✓ This draft deletes the treatment of s. 13.101 (6) (a), ✓ which now appears in LRB-0627. All of these drafts should continue to appear in the compiled bill. Both

Aaron R. Gary
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1400/3dn
ARG:kjf:rs

January 30, 2009

ATTN: Tyler Byrnes

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3 20.255 (2) (vr) *Aid for pupil transportation.* The Notwithstanding s. 25.40 (3)
4 (b), from the transportation fund, the amounts in the schedule for the payment of
5 state aid for transportation of public and private school pupils under subch. IV of ch.
6 121 and for assistance under s. 121.575 (3).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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9 20.255 (2) (vw) *Aid for transportation; youth options program.* The
10 Notwithstanding s. 25.40 (3) (b), from the transportation fund, the amounts in the
11 schedule for the payment of state aid for the transportation of pupils attending an
12 institution of higher education or technical college under s. 118.55 (7g).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 3.** 20.255 (2) (cy) of the statutes is renumbered 20.255 (2) (vy) and
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15 20.255 (2) (vy) *Aid for transportation; open enrollment.* The Notwithstanding
16 s. 25.40 (3) (b), from the transportation fund, the amounts in the schedule to
17 reimburse parents for the costs of transportation of open enrollment pupils under ss.
18 118.51 (14) (b) and 118.52 (11) (b).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 4.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (3) (ay) and
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10 *park and forest roads and roads in the lower Lower Wisconsin state riverway State*
11 *Riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads*
12 *in state parks under ch. 27 and recreation areas in state forests under ch. 28 which*
13 *are not eligible for funding under s. 84.28. The department may expend up to*
14 *\$400,000 from this appropriation in each fiscal year for state park and forest roads*
15 *and roads in the lower Lower Wisconsin state riverway State Riverway as defined*
16 *in s. 30.40 (15) under s. 84.28 and shall expend the balance from the appropriation*
17 *for the maintenance of roads which are not eligible for funding under s. 84.28.*

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 6.** 84.28 (1) of the statutes is amended to read:

19 84.28 (1) Moneys from the appropriation under s. 20.370 (7) (~~me~~) (mr) may be
20 expended for the renovation, marking and maintenance of a town or county highway
21 located within the boundaries of any state park, state forest or other property under
22 the jurisdiction of the department of natural resources. Moneys from the

1 appropriation under s. 20.370 (7) (~~me~~) (mr) may be expended for the renovation,
2 marking and maintenance of a town or county highway located in the lower Lower
3 ~~Wisconsin state riverway~~ State Riverway as defined in s. 30.40 (15). Outside the
4 lower Lower ~~Wisconsin state riverway~~ State Riverway as defined in s. 30.40 (15), or
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6 appropriation under s. 20.370 (7) (~~me~~) (mr) may be expended for the renovation,
7 marking and maintenance of roads which the department of natural resources
8 certifies are utilized by a substantial number of visitors to state parks, state forests
9 or other property under the jurisdiction of the department of natural resources. The
10 department of natural resources shall authorize expenditures under this subsection.
11 The department of natural resources shall rank projects eligible for assistance under
12 a priority system and funding may be restricted to those projects with highest
13 priority.

14 **SECTION 7.** 118.51 (14) (b) of the statutes is amended to read:

15 118.51 (**14**) (b) *Low-income assistance.* The parent of a pupil who is eligible for
16 a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public
17 school in a nonresident school district in the following school year under this section
18 may apply to the department, on the form prepared under sub. (15) (a), for the
19 reimbursement of costs incurred by the parent for the transportation of the pupil to
20 and from the pupil's residence and the school that the pupil will be attending. The
21 department shall determine the reimbursement amount and shall pay the amount
22 from the appropriation under s. 20.255 (2) (~~ey~~) (vy). The reimbursement amount may
23 not exceed the actual transportation costs incurred by the parent or 3 times the
24 statewide average per pupil transportation costs, whichever is less. If the
25 appropriation under s. 20.255 (2) (~~ey~~) (vy) in any one year is insufficient to pay the

1 full amount of approved claims under this paragraph, payments shall be prorated
2 among the parents entitled thereto. By the 2nd Friday following the first Monday
3 in May following receipt of the parent's application under sub. (3) (a), the department
4 shall provide to each parent requesting reimbursement under this paragraph an
5 estimate of the amount of reimbursement that the parent will receive if the pupil
6 attends public school in the nonresident school district in the following school year.

7 **SECTION 8.** 118.52 (11) (b) of the statutes is amended to read:

8 118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending
9 a course in a public school in a nonresident school district under this section may
10 apply to the department for reimbursement of the costs incurred by the parent for
11 the transportation of the pupil to and from the pupil's residence or school in which
12 the pupil is enrolled and the school at which the pupil is attending the course if the
13 pupil and parent are unable to pay the cost of such transportation. The department
14 shall determine the reimbursement amount and shall pay the amount from the
15 appropriation under s. 20.255 (2) (~~ey~~) (vy). The department shall give preference
16 under this paragraph to those pupils who are eligible for a free or reduced-price
17 lunch under 42 USC 1758 (b).

18 **SECTION 9.** 118.55 (7g) of the statutes is amended to read:

19 118.55 (7g) TRANSPORTATION. The parent or guardian of a pupil who is
20 attending an institution of higher education or technical college under this section
21 and is taking a course for high school credit may apply to the state superintendent
22 for reimbursement of the cost of transporting the pupil between the high school in
23 which the pupil is enrolled and the institution of higher education or technical college
24 that the pupil is attending if the pupil and the pupil's parent or guardian are unable
25 to pay the cost of such transportation. The state superintendent shall determine the

1 reimbursement amount and shall pay the amount from the appropriation under s.
2 20.255 (2) ~~(ew)~~ (vw). The state superintendent shall give preference under this
3 subsection to those pupils who are eligible for a free or reduced-price lunch under
4 42 USC 1758 (b).

5 **SECTION 10.** 121.007 of the statutes is amended to read:

6 **121.007 Use of state aid; exemption from execution.** All moneys paid to
7 a school district under s. 20.255 (2) (ac), (bc), (cg), and ~~(er)~~ (vr), shall be used by the
8 school district solely for the purposes for which paid. Such moneys are exempt from
9 execution, attachment, garnishment, or other process in favor of creditors, except as
10 to claims for salaries or wages of teachers and other school employees and as to
11 claims for school materials, supplies, fuel, and current repairs.

12 **SECTION 11.** 121.575 (3) of the statutes is amended to read:

13 121.575 (3) If the federal government requires, as a condition of full federal
14 financial participation under sub. (2) (b), that this state provide assistance for the
15 purposes of sub. (2) (a) from state resources, the department shall provide the
16 assistance from the appropriation under s. 20.255 (2) ~~(er)~~ (vr) in the minimum
17 amount required to obtain full federal financial participation.

18 **SECTION 12.** 121.58 (6) of the statutes is amended to read:

19 121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) ~~(er)~~
20 (vr) in any one year is insufficient to pay the full amount of approved claims under
21 this section, state aid payments for school districts not participating in the program
22 under s.121.575 shall be prorated as though the minimum amount under s. 121.575
23 (3) had not been made and state aid payments for school districts participating in the

1 program under s. 121.575 shall be prorated after deducting the minimum amount
2 under s. 121.575 (3).

3 (END)