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Senate Bill 2

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CHAPTER 61 , Laws of 1981

AN ACT to amend 20.002 (11) (b), 60.175 (2), 61.46 (3) (b), 62.12 (4m) (b), 65.07 (2) (b), 70.62 (4) (b), 79.015 and 79.085 of the statutes, relating to temporary reallocation of state balances, the definition of estimated shared revenues for purposes of levy limits and to a special 1981 adjustment of shared revenue payments.

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

SECTION 1. 20.002 (11) (b) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

20.002 (11) (b) The secretary of administration shall limit the amount of any temporary reallocation to ~~\$100 million~~ \$200,000,000 and the reallocation shall be reversed as soon as balances allow or within 90 days or by the close of the fiscal year, whichever is earlier. The secretary may assess a special interest charge against the programs or activities utilizing surplus moneys within the same fund under this subsection in an amount not to exceed the daily interest earnings rate of the state investment fund during the period of transfer of surplus moneys to other accounts or programs. The secretary shall assess a special interest charge against the fund utilizing surplus moneys under this subsection in an amount equal to the rate of return the state investment fund earnings would have created to the fund from which the reallocation was made. This interest shall be calculated and credited to the appropriate fund at the same time the earnings from the state investment fund are distributed and shall be considered an adjustment to those earnings.

SECTION 2. 60.175 (2) of the statutes is amended to read:

60.175 (2) In addition to the increase allowed under sub. (1), a town may increase its levy for town purposes in the amount that estimated shared revenues distributable to it under subch. I of ch. 79 in the year of the levy exceed the estimated shared revenues distributable to it in the subsequent year. For the 1981 levy, payable in 1982, the estimated shared revenues distributable in the year of the levy shall include the estimates of payments under ss. 70.996 and 79.16 (3), 1979 stats. In this subsection, "estimated shared revenues distributable" in 1982, 1983, 1984 and 1985 means the net amount indicated on the statement of estimated payments under s. 79.015, as affected by special adjustment repayments under s. 79.085 (3) and repayments of amounts withheld under s. 79.085 (5).

SECTION 3. 61.46 (3) (b) of the statutes is amended to read:

61.46 (3) (b) In addition to the increase allowed under par. (a), a village may increase its levy for village purposes in the amount that estimated shared revenues distributable to it under subch. I of ch. 79 in the year of the levy exceed the estimated shared revenues distributable to it in the subsequent year. For the 1981 levy, payable in 1982, the estimated shared revenues distributable in the year of the levy shall include the estimates of payments under ss. 70.996 and 79.16 (3), 1979 stats. In this paragraph, "estimated shared revenues distributable" in 1982, 1983, 1984 and 1985 means the net amount indicated on the statement of estimated payments under s. 79.015, as affected by special adjustment repayments under s. 79.085 (3) and repayments of amounts withheld under s. 79.085 (5).

SECTION 4. 62.12 (4m) (b) of the statutes is amended to read:

62.12 (4m) (b) In addition to the increase allowed under par. (a), a city may increase its levy for city purposes in the amount that estimated shared revenues distributable to it in the year of the levy under subch. I of ch. 79 exceed the estimated shared revenues distributable to it in the subsequent year. For the 1981 levy, payable in 1982, the estimated shared revenues distributable in the year of the levy shall include the estimates of payments under ss. 70.996 and 79.16 (3), 1979 stats. In this paragraph, "estimated shared revenues distributable" in 1982, 1983, 1984 and 1985 means the net amount indicated on the statement of estimated payments under s. 79.015, as affected by special adjustment repayments under s. 79.085 (3) and repayments of amounts withheld under s. 79.085 (5).

SECTION 5. 65.07 (2) (b) of the statutes is amended to read:

65.07 (2) (b) In addition to the increase allowed under par. (a), the city may increase its levy for city purposes in the amount that estimated shared revenues distributable to it in the year of the levy under subch. I of ch. 79 exceed the estimated shared revenues distributable to it in the subsequent year. For the 1981 levy, payable in 1982, the estimated shared revenues distributable in the year of the levy shall include the estimates of payments under ss. 70.996 and 79.16 (3), 1979 stats. In this paragraph, "estimated shared revenues distributable" in 1982, 1983, 1984 and 1985 means the net amount indicated on the statement of estimated payments under s. 79.015, as affected by special adjustment repayments under s. 79.085 (3) and repayments of amounts withheld under s. 79.085 (5).

SECTION 6. 70.62 (4) (b) of the statutes is amended to read:

70.62 (4) (b) In addition to the increase allowed under par. (a), a county may increase its levy for county purposes in the amount that estimated shared revenues distributable to it in the year of the levy under subch. I of ch. 79 exceed the estimated shared revenues distributable to it in the subsequent year. For the 1981 levy, payable in 1982, the estimated shared revenues distributable in the year of the levy shall include the estimates of payments under ss. 70.996 and 79.16 (3), 1979 stats. In this paragraph, "estimated

shared revenues distributable” in 1982, 1983, 1984 and 1985 means the net amount indicated on the statement of estimated payments under s. 79.015, as affected by special adjustment repayments under s. 79.085 (3) and repayments of amounts withheld under s. 79.085 (5).

SECTION 7. 79.015 of the statutes, as created by chapter 20, laws of 1981, is amended to read:

79.015 Statement of estimated payments. The department of revenue, on or before September 15 of each year, shall provide to each municipality and county a statement of estimated payments to be made in the next calendar year to the municipality or county under ss. 79.02 (2) (am), 79.03 (1), 79.04 and 79.06. The statements of estimated payments for 1982, 1983, 1984 and 1985 shall include an estimate of the amount of special adjustment repayments under s. 79.085 (3) and repayments of amounts withheld under s. 79.085 (5).

SECTION 8. 79.085 of the statutes is created to read:

79.085 Special 1981 adjustment. (1) DEFINITIONS. In this section:

(a) “Adjustment ceiling percentage” means a percentage such that the sum for all municipalities and counties of the amounts by which the 1981 entitlement exceeds the adjustment ceiling percentage of the October 1980 estimate is equal to the sum of the 1981 payments under sub. (2).

(b) “October 1980 estimate” means the sum of the estimated payment amounts shown on the following notices to municipal and county clerks:

1. The notice titled “October 15, 1980 Estimated Shared Revenue Distribution for Calendar Year 1981”.

2. The notice titled “10/21/80 Estimated Payment for Calendar Year 1981 79.16 (3) Aid, Shared Revenue Supplement”.

(c) “1981 entitlement” means the amount that would be paid to a municipality or county in 1981 under this subchapter but for the application of levy limit penalties under s. 79.08 (3) and but for the adjustments under this section.

(2) MINIMUM 1981 PAYMENT. Payments under this subchapter in 1981 exclusive of levy limit penalties under s. 79.08 (3) may not be less than 92% of the October 1980 estimate. If the 1981 entitlement of a municipality or county is less than 92% of its October 1980 estimate, the municipality or county shall receive a special adjustment payment from the amounts withheld under sub. (4) equal to the difference between 92% of its October 1980 estimate and its 1981 entitlement.

(3) REPAYMENT OF SPECIAL 1981 ADJUSTMENT. The department shall reduce the 1982 payment under ss. 79.02, 79.03, 79.04 and 79.06 to any municipality or county that receives a 1981 payment under sub. (2) by an amount equal to the 1981 payment under sub. (2) or an amount equal to 15% of the municipality’s or county’s total payment in 1982 under ss. 79.02, 79.03, 79.04 and 79.06, whichever is less. The amount of the 1981 payment under sub. (2) in excess of the amount of the reduction, as calculated under this subsection, from the 1982 payment under ss. 79.02, 79.03, 79.04 and 79.06 shall be deducted from the municipality’s or county’s 1983 payment under ss. 79.02, 79.03, 79.04 and 79.06, but the amount of this deduction may not exceed 15% of the total payment in 1983 under ss. 79.02, 79.03, 79.04 and 79.06. The amount of the 1981 payment under sub. (2) in excess of the amount of the reduction, as calculated under this subsection, from the 1982 payment under ss. 79.02, 79.03, 79.04 and 79.06 and the amount deducted from the 1983 payment under ss. 79.02, 79.03, 79.04 and 79.06 shall be deducted from the municipality’s or county’s 1984 payment under ss. 79.02, 79.03, 79.04 and 79.06, but the amount of this deduction may not exceed 15% of the total payment in 1984 under ss. 79.02, 79.03, 79.04 and 79.06. Any amount of the 1981 payment under sub. (2) in excess of the

amounts deducted in 1982, 1983 and 1984 under this subsection shall be deducted from the municipality's or county's 1985 payment under this subchapter.

(4) **MAXIMUM 1981 PAYMENT.** Payments under this subchapter in 1981 shall not exceed the adjustment ceiling percentage of the October 1980 estimate. If the 1981 entitlement of a municipality or county is greater than the adjustment ceiling percentage of the October 1980 estimate, the excess shall be withheld to fund minimum payments under sub. (2).

(5) **REPAYMENT OF AMOUNT WITHHELD.** In 1982, an amount equal to the sum of reductions in 1982 under sub. (3) shall be distributed to municipalities and counties in proportion to the amounts withheld from their payments in 1981 under sub. (4). In 1983, an amount equal to the sum of deductions in 1983 under sub. (3) shall be distributed to municipalities and counties in proportion to the amounts withheld from their 1981 payments under sub. (4). In 1984, an amount equal to the sum of deductions in 1984 under sub. (3) shall be distributed to municipalities and counties in proportion to the amounts withheld from their 1981 payments under sub. (4). In 1985, the amount of the 1981 payment under sub. (2) in excess of the amounts deducted in 1982, 1983 and 1984 under sub. (3) shall be distributed to municipalities and counties in proportion to the amounts withheld from their 1981 payments under sub. (4).
