

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4580/1dn
PEN:wlj:jf

February 29, 2000

Representative Gard:

Messrs. Eric Petersen and Paul Kent provided drafting instructions for this draft. This draft differs from LRB-4580/P1 as follows:

1. The definition of "local road" is now based on s. 86.31 (1) (c).
2. The definition of "job" is now the same as s. 560.60 (10), stats. See 1999 Wisconsin Act 9, section 2985.
3. Moneys are now expended first from the federal funds appropriation (s. 20.395 (2) (fz)), then from GPR state funds (s. 20.395 (2) (fb)), then from general obligation bond proceeds (s. 20.866 (2) (uwz)).
4. Under this draft, "construction" costs may not be paid from general obligation bond proceeds, unless federal funds or GPR funds are unavailable. See the treatment of proposed s. 86.312 (4) (a).
5. The draft now does not appropriate \$10,000,000 GPR for the program. This is consistent with the written instructions originally submitted.
6. The draft now establishes a program limit of \$10,000,000. No grants may be awarded after grants totalling \$10,000,000 have been awarded.
7. I made costs incurred for local road projects awarded grants under the program ineligible for reimbursement under the local roads improvement program. OK?

The administrators of this program must be mindful of article VIII, section 7 (2) (a) 1. of the Wisconsin Constitution, which authorizes bonding proceeds to be expended on capital projects. Proposed s. 86.312 (4) (a), if badly administered, might be unconstitutional to the extent that bond proceeds pay only for planning and engineering not part of a capital project.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926