

1999 DRAFTING REQUEST

Bill

Received: **11/16/98**

Received By: **nilsepe**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **TNF**

Topic:

DOA:.....Etzler - General transportation aid amounts

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>
/?	nilsepe 11/20/98	wjackson 11/23/98		_____			S&L
/P1	nilsepe 01/4/99	ygeller 01/4/99	martykr 11/24/98	_____	lrb_docadmin 11/24/98		S&L
/P2			lpaasch 01/4/99	_____	lrb_docadmin 01/4/99		

FE Sent For:

<END>

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/?	nilsepe	PI-11-23-98JLG	Jm 11/24	DS 11/24			

*** NOTES

FE Sent For:

<END>

DRAFT

**Department of Transportation
1999-2001 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN NUMBER: 5802

TOPIC: General Transportation Aids Payment Amounts & Separate Amount for Payments under Mileage-Based Aid Formula

DESCRIPTION OF CHANGES:

1) *Provide for a 3% increase in the mileage aid rate per mile in CY 2000, to also apply thereafter.* Amend s.86.30 (2) (a) 3. g. to provide that the \$1,596 per-mile rate applies for CY 1999, but not thereafter. Specify \$1,644 as the per-mile rate for CY 2000 and thereafter.

2) *Specify the calendar-year amounts to be used for aid calculations for CY 2000 and thereafter, including a new provision specifying an amount for mileage-aid payments.*

1. Amend s.86.30 (9) (b) to provide that the \$78,744,300 amount for counties in CY 1998 also applies in CY 1999 but not thereafter. Specify that the amount for counties in CY 2000 and thereafter is \$81,106,600. This provides a 3% increase the first calendar year.

2. Amend s.86.30 (9) (c) to provide that the \$247,739,100 amount also applies in CY 1999 but not thereafter. Specify \$254,784,900 as the amount for municipalities in CY 2000 and thereafter. The rationale for this amount is described below under "Justification."

86.30 (7) 3. Create a new provision specifying a maximum amount to be distributed as mileage aid for CY 2000 and thereafter, similar to the following, "For the purpose of calculating and distributing aids under sub. (2), the amount distributed for mileage aid payments under sub. (2), par. (a), subd. 3 shall not exceed \$95,278,000 for calendar year 2000 and thereafter" (or "shall be equal to or less than..." the same amount).

3) *Create a new provision specifying how payments under the mileage-aid component of the formula for municipalities will be prorated if the calendar-year maximum amount for those payments is insufficient to fully fund them.*

The proposed approach to prorating mileage-aid payments, if necessary, is to calculate what the total payments under the municipal formula would normally be, determining a "full funding amount" for mileage aid. All municipalities whose final payment amounts under that calculation were based on the mileage-rate provision of the formula would then be proportionately reduced to the statutory CY maximum amount for mileage-aid payments (i.e., they would be reduced in the same proportion as the statutory maximum for mileage-aid payments compared to the "full funding amount," a number not statutorily specified). If proration were necessary, share-of-cost aid recipients would be unaffected (i.e., would not be prorated as a result of a "shortfall" in the mileage-aid limit).

It might be possible to specify the proration provision as something "separate" from the formula, which overrides it, or reduces payments under the mileage-aid provision from the amounts indicated by the formula. If the proration provision is specified as part of the description of how the aid distribution is determined under s.86.30 (2), it will probably be necessary to create a new paragraph, "*Proration of mileage aid payments*," since most other exceptions to the "*Amount of aids payment*," provision at s.86.30 (2) (a) 1. are paragraphs. Under this approach, it will also be necessary to create exceptions to: 1) s.86.30 (2) (b) 1g. (which limits annual aid reductions to 5% annually for any municipality whose aid is determined on the basis of the mileage rate), and 2) the provisions of s.86.303 (5) (f), (i), and (j) (which limit reductions of transportation aid payments imposed

as a penalty for late cost reporting to 10% of the aids payable for the following year or 10% of the aids actually paid in the preceding year). (Though technically it is unlikely that the provisions of par. (i), which apply to municipalities with a population of 25,000 or more, would apply to the same municipalities that are actually paid on the basis of the mileage-aid rate).

- 4) Provide that in the event the amounts calculated under s.86.30 (2) (a) subd. 2. and 3. are exactly the same, a municipality's aid payment shall be the amount calculated under subd. 2. (i.e., it shall be considered to have been calculated on a share-of-costs basis).

JUSTIFICATION:

The amounts indicated for the mileage-aid rate and aid to counties reflect 3% increases over the current statutory amounts. The increases will be effective for CY 2000, but no increase is being recommended at this time for any subsequent year.

The total amount indicated for aid to municipalities for CY 2000 and thereafter reflects the combination of: 1) a 3% increase over the amount estimated to be distributed as cost-based aid in CY 1999 and, 2) an amount estimated to fully fund mileage-based aid payments based on the 3% increase in the mileage aid rate (to \$1,644), depending on the number of additional miles that are eligible for mileage aid in CY 2001 and what local costs are incurred in 1998 and 1999. (The 85% aids-to-costs limit at s.86.30 (2) (d) results in some municipalities on the mileage-based aid formula receiving less than the full statutory per-mile rate).

The remaining components of this request are designed to accomplish the goals of a Local Roads and Streets Council recommendation. The Council recommended that a separate appropriation be established for mileage-based aid, but that any funding available in that appropriation also be available to increase payments for local governments on the share-of-costs formula if it is not needed to fully fund mileage-based formula payments. The practical effect of that hybrid "separate pots" recommendation is to limit the amount that may be paid under the mileage rate formula in a given year. Implementing that by a CY limit within the existing appropriation for municipalities eliminates the need to create a separate appropriation and reduces the administrative difficulty of potentially needing to fund part of a municipality's payment under the cost-based formula from two different appropriations.

The amount that will be paid as mileage aid in future years cannot be precisely anticipated for several reasons (e.g., mileage growth, the fact municipalities may "switch" between the share-of-costs formula and the mileage-rate formula, and the difficulty of projecting the effect of the 85% cap—calculated on the basis of only 3 cost years, only one of which is known for the second year addressed by the biennial budget). Since the amount that will be paid under the mileage aid provision cannot be precisely anticipated, establishing a cap on the total amount that can be paid under it, while retaining a statutory rate per mile (as recommended by the Local Roads and Streets Council) also means it is possible that payments will need to be prorated to less than the statutory per-mile rate.

The first Governor's recommendations for the 1995-97 biennial budget contained a similar recommendation to establish a separate appropriation for mileage aid to towns while retaining the option for towns to be paid under either the share-of-costs formula or the mileage-aid formula, whichever generated a higher payment. The Legislative Fiscal Bureau pointed out that fixed payment totals for both formulas could result in a technical problem in determining which formula generated a higher payment for a community "on the bubble" between the two formulas: no matter which formula was used to calculate its payment, the other formula would appear to have generated a slightly higher amount.

One circumstance under which this bubble problem could arise is the proration situation: As the effective rate per mile is lowered, municipalities would switch to the share-of-costs formula, making it possible to pay a higher rate per mile, causing them to switch back. Providing that proration, if necessary, will be the last step in the process, after it has already been determined whether a municipality's payment should be calculated on the basis of the mileage rate formula, will eliminate this difficulty. Payments will be prorated, if necessary, for those with payments based on the mileage rate, but they will not be recalculated if it then appears the share-of-costs formula would have generated a higher payment than the prorated mileage-aid amount.

DRAFT

Another “bubble” situation is theoretically possible under current law: S.86.30 (2) (a) provides that payments to municipalities shall be an amount calculated according to either the share-of-costs formula or the mileage-rate formula, “whichever is greater.” However, there is a slight possibility that the payments calculated under both formulas could be exactly the same. Under current law, that has no practical significance. However, with the proposed limitation on payments under the mileage-rate formula, the formula used could make a difference as to whether or not it was necessary to prorate payments calculated under the mileage formula. WisDOT’s current administrative interpretation and computer programming for GTA payments assumes that a payment is based on the share-of-costs formula if it would be exactly the same under both formulas. This request recommends making that presumption statutory in order to reduce the chance that mileage-based aid payments would need to be prorated.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0881
PEN.....

WJ
JIS
P

DOA:.....Etzler - general transportation aid amounts

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

DO NOT
GEN CAT

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

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

Under current law, the department of transportation (DOT) administers a general transportation aids program that makes aid payments to a county based on a share-of-costs formula, and to a municipality (city, village or town) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile (\$1,596 for 1998 and thereafter).

This bill increases the aid rate per mile to \$1,644 per mile for 2000 and thereafter. The bill also establishes a maximum amount of \$95,278,000 that may be paid to municipalities under the rate-per-mile formula each year. If the amount that should be paid to municipalities using the rate-per-mile formula exceeds \$95,278,000, the aid payable to each municipality under the rate-per-mile formula is reduced proportionately.

Beginning with aid payable for 2000, this bill also increases the maximum amount of aid that may be paid under the program from the current limit of \$78,744,300 to \$81,106,600 for counties, and from the current limit of \$247,739,100 to \$254,784,900 for municipalities.

For further information see the *state and local* 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.** 86.30 (2) (a) 1. of the statutes is amended to read:

2 86.30 (2) (a) 1. Except as provided in pars. (b), (d), (dg) and (dm) and s. 86.303,
3 the amount of transportation aids payable by the department to each county shall
4 be the aids amount calculated under subd. 2. and to each municipality shall be the
5 aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts
6 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
7 to that municipality shall be paid under subd. 2.

History: 1977 c. 29; 1979 c. 32 s. 92 (1); 1979 c. 34 ss. 934b, 2102 (52) (a); 1981 c. 20, 248; 1983 a. 27; 1985 a. 29 ss. 1604 to 1616r; 3202 (51); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1995 a. 113, 338; 1997 a. 27.

****NOTE: Do you really want the amounts to be the same? Or do you want aids payable under subd. 2. if the amounts calculated under subd. 2. or 3. are within a specified range, say \$100? It seems unlikely that the amounts calculated will ever be the same.

8 **SECTION 2.** 86.30 (2) (a) 3. f. of the statutes is repealed.

9 **SECTION 3.** 86.30 (2) (a) 3. g. of the statutes is amended to read:

10 86.30 (2) (a) 3. g. In calendar year years 1998 and thereafter 1999, \$1,596.

History: 1977 c. 29; 1979 c. 32 s. 92 (1); 1979 c. 34 ss. 934b, 2102 (52) (a); 1981 c. 20, 248; 1983 a. 27; 1985 a. 29 ss. 1604 to 1616r; 3202 (51); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1995 a. 113, 338; 1997 a. 27.

11 **SECTION 4.** 86.30 (2) (a) 3. h. of the statutes is created to read:

12 86.30 (2) (a) 3. h. In calendar year 2000 and thereafter, \$1,644.

13 **SECTION 5.** 86.30 (2) (b) 1g. of the statutes is amended to read:

14 86.30 (2) (b) 1g. Except as provided under ~~par.~~ pars. (d) and (dg) and s. 86.303
15 (5), no municipality whose aid is determined under par. (a) 3. may receive a decrease
16 in its annual transportation aid payment in excess of 5% of its last previous calendar
17 year transportation aid payment.

History: 1977 c. 29; 1979 c. 32 s. 92 (1); 1979 c. 34 ss. 934b, 2102 (52) (a); 1981 c. 20, 248; 1983 a. 27; 1985 a. 29 ss. 1604 to 1616r; 3202 (51); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1995 a. 113, 338; 1997 a. 27.

18 **SECTION 6.** 86.30 (2) (b) 3. of the statutes is created to read:

1 86.30 (2) (b) 3. The total amount distributed under par. (a) 3. for calendar year
2 2000, and for each calendar year thereafter, may not exceed \$95,278,000.

3 SECTION 7. 86.30 (2) (d) (title) of the statutes is amended to read:

4 86.30 (2) (d) (title) ~~Aid limitation~~ Limitation on aid based on reported costs.

History: 1977 c. 29; 1979 c. 32 s. 92 (1); 1979 c. 34 ss. 934b, 2102 (52) (a); 1981 c. 20, 248; 1983 a. 27; 1985 a. 29 ss. 1604 to 1616r; 3202 (51); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1995 a. 113, 338; 1997 a. 27.

5 SECTION 8. 86.30 (2) (dg) of the statutes is created to read:

6 86.30 (2) (dg) *Limitation on aid based on mileage.* 1. Beginning with aid
7 payments for calendar year 2000, if the sum of transportation aids payable to all
8 municipalities under par. (a) 3. for any year exceeds \$95,278,000, the department
9 shall reduce the aid amounts payable to each municipality under par. (a) 3. so that
10 the sum of transportation aid payments paid under par. (a) 3. for the year is equal
11 to \$95,278,000. In the event an adjustment is necessary under this paragraph, the
12 amount payable to a municipality under par. (a) 3. is the amount resulting from the
13 following formula:

14 a. Divide the sum of mileage aid payments calculated under ~~subd. 3.~~ ^{par. (a)} 3. for all
15 municipalities by \$95,278,000.

16 b. Divide the aid amount calculated under ~~subd. 3.~~ ^{par. (a)} 3. for the municipality by the
17 quotient determined under subd. 1. a.

18 2. This paragraph does not apply to municipalities having transportation aids
19 payable under par. (a) 2.

20 3. No reduction in aid amounts under this paragraph may be considered under
21 ~~subd. (2)~~ ^{par. (a)} (a) 1. in determining whether the aid amounts payable under ~~subd. 2. or 3.~~ ^{par. (a)} 2. or 3.

22 is greater.

****NOTE: Check this section closely. Is this what you want?

23 SECTION 9. 86.30 (9) (b) of the statutes is amended to read:

Nilsen, Paul

From: Etzler, John [John.Etzler@doa.state.wi.us]
Sent: Monday, January 04, 1999 1:13 PM
To: Nilsen, Paul
Subject: LRB Draft 0881/P1

Paul -- Please make the following changes to LRB draft 0881/P1:

- * Section 7. 86.30 (2) (d) (title) (page 3, lines 3 and 4) - Change back to its original title
- * Section 8. 86.30 (2) (dg) (page 3, lines 5 - 22) - Delete section

The Governor does not want to change the cap for municipalities being proposed by DOT in this section. If you have any questions or concerns, please let me know.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0881/01
PEN:wj&jlg:km

SOON

AP

DOA:.....Etzler - General transportation aid amounts

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

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This bill increases the aid rate per mile to \$1,644 per mile for the year 2000 and thereafter. The bill also establishes maximum amount of \$95,278,000 that may be paid to municipalities under the rate-per-mile formula each year. If the amount that should be paid to municipalities using the rate-per-mile formula exceeds \$95,278,000, the aid payable to each municipality under the rate-per-mile formula is reduced proportionately.

Beginning with aid payable for the year 2000, this bill also increases the maximum amount of aid that may be paid under the program from the current limit of \$78,744,300 to \$81,106,600 for counties, and from the current limit of \$247,739,100 to \$254,784,900 for municipalities.

general transportation aids

For further information see the *state and local* 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.** 86.30 (2) (a) 1. of the statutes is amended to read:

2 86.30 (2) (a) 1. Except as provided in pars. (b), (d) ~~(dm)~~ and (dm) and s. 86.303,
3 the amount of transportation aids payable by the department to each county shall
4 be the aids amount calculated under subd. 2. and to each municipality shall be the
5 aids amount calculated under subd. 2. or 3., whichever is greater. If the amounts
6 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
7 to that municipality shall be paid under subd. 2.

 ****NOTE: Do you really want the amounts to be the same? Or do you want aids payable under subd. 2. if the amounts calculated under subd. 2. or 3. are within a specified range, say \$100? It seems unlikely that the amounts calculated will ever be the same.

8 **SECTION 2.** 86.30 (2) (a) 3. f. of the statutes is repealed.

9 **SECTION 3.** 86.30 (2) (a) 3. g. of the statutes is amended to read:

10 86.30 (2) (a) 3. g. In calendar year years 1998 and thereafter 1999, \$1,596.

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17 ~~year transportation aid payment.~~

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2 ~~2000, and for each calendar year thereafter, may not exceed \$95,278,000.~~

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12 amount payable to a municipality under par. (a) 3. is the amount resulting from the
13 following formula:

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15 municipalities by \$95,278,000.

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17 quotient determined under subd. 1. a.

18 2. This paragraph does not apply to municipalities having transportation aids
19 payable under par. (a) 2.

20 3. No reduction in aid amounts under this paragraph may be considered under
21 par. (a) 1. in determining whether the aid amounts payable under par. (a) 2. or 3. is
22 greater.

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23 **SECTION 9.** 86.30 (9) (b) of the statutes is amended to read:



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0881/P2
PEN:wlj&jlg:km

DOA:.....Etzler - General transportation aid amounts

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

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This bill increases the aid rate per mile to \$1,644 per mile for the year 2000 and thereafter.

Beginning with general transportation aids payable for the year 2000, this bill also increases the maximum amount of aid that may be paid under the program from the current limit of \$78,744,300 to \$81,106,600 for counties, and from the current limit of \$247,739,100 to \$254,784,900 for municipalities.

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

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5 amount calculated under subd. 2. or 3., whichever is greater. If the amounts
6 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
7 to that municipality shall be paid under subd. 2.

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13 **SECTION 5.** 86.30 (9) (b) of the statutes is amended to read:

14 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
15 the amounts for aids to counties are ~~\$70,644,200 in calendar year 1997 and~~
16 ~~\$78,744,300 in calendar year~~ years 1998 and 1999 and \$81,106,600 in calendar year
17 2000 and thereafter. These amounts, to the extent practicable, shall be used to
18 determine the statewide county average cost-sharing percentage in the particular
19 calendar year.

20 **SECTION 6.** 86.30 (9) (c) of the statutes is amended to read:

21 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
22 the amounts for aids to municipalities are ~~\$222,255,300 in calendar year 1997 and~~
23 ~~\$247,739,100 in calendar year~~ years 1998 and 1999 and \$254,784,900 in calendar

1 year 2000 and thereafter. These amounts, to the extent practicable, shall be used to
2 determine the statewide municipal average cost-sharing percentage in the
3 particular calendar year.

4 (END)

NOTE TO DRAFTING FILE for LRB-0881:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Etzler - General transportation aid amounts

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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This bill increases the aid rate per mile to \$1,644 per mile for the year 2000 and thereafter.

Beginning with general transportation aids payable for the year 2000, this bill also increases the maximum amount of aid that may be paid under the program from the current limit of \$78,744,300 to \$81,106,600 for counties, and from the current limit of \$247,739,100 to \$254,784,900 for municipalities.

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

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23 ~~\$247,739,100 in calendar year~~ years 1998 and 1999 and \$254,784,900 in calendar

1 year 2000 and thereafter. These amounts, to the extent practicable, shall be used to
2 determine the statewide municipal average cost-sharing percentage in the
3 particular calendar year.

4 (END)