

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 aids--police expenses

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 11/19/98	jgeller 11/19/98		_____			S&L
/P1	nilsepe 01/21/99	jgeller 01/21/99	ismith 11/20/98	_____	lrb_docadmin 11/20/98		S&L
/P2	nilsepe 01/29/99	gilfokm 01/29/99	hhagen 01/22/99	_____	lrb_docadmin 01/22/99		S&L
/1			martykr 01/31/99	_____	lrb_docadmin 01/31/99		

FE Sent For:

<END>

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/P1	nilsepe 01/21/99	kgeller 01/21/99	ismith 11/20/98	_____	lrb_docadmin 11/20/98		S&L
/P2		1-1-29 Kmg	hhagen 01/22/99	_____	lrb_docadmin 01/22/99		

FE Sent For:

km/31 *QF km/31*

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-PEJ

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/?	nilsepe	P1-11-19-98 JLG	IS 11/20	IS/LP 11/20			

FE Sent For:

<END>

DRAFT

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

DIN NUMBER: 5802

TOPIC: Eligibility of Police Costs in GTA Formula

DESCRIPTION OF CHANGE:

Amend s.86.303 (6) (c) 4. as follows:

“(c) The following other costs to the extent ~~to which~~ they are highway related are reportable:
...4. ~~Traffic police and street~~ Street lighting costs.

Create a new paragraph under the same subsection to read:

“Eligible costs shall include a calculation to recognize a portion of net traffic police costs. The calculation shall be determined by the department in consultation with representatives of local governments and their associations appointed by the secretary.”

JUSTIFICATION:

The Governor's veto message accompanying 1997 Act 27 directed WisDOT to report on possible General Transportation Aids (GTA) formula improvements. During 1997 and 1998 the Department worked extensively with its Local Roads and Streets Council to obtain local government perspectives about the program. Among the Council's major recommendations were two relating to police costs: 1) That some portion of them should continue to be counted in calculating local government payments under the GTA formula, but 2) The eligible portion of them should be reduced across the board.

S.86.303 (6) describes the types of local costs eligible for calculations that determine a local government's share of GTA funding. S.86.303 (6) (c)'s reference to items that are partially "reportable" to the extent they are highway related falls under this "eligible costs" subsection and has been interpreted for the last 20 years as meaning that the highway-related portion of those costs should be counted in determining local-government GTA entitlements. However, it was immediately recognized that it was difficult to objectively determine the exact portion of police costs that could be considered "highway related" for each of over 1,920 local governments.

When the provision was first implemented, WisDOT conducted surveys of local governments to collect their estimates of the portion of their 1978 and 1979 police costs they considered to be "highway related." In 1980 a statutory "Uniform Cost Reporting Committee," similar to the Local Roads and Streets Council, agreed to use a schedule of varying percentages of total law enforcement costs as a simple way of approximating the portion of police costs that would be considered "highway related" and eligible. The percentages, based roughly on the survey and published in the cost-reporting manual required by s.86.303 (6) (f), have never been statutory. The Local Roads and Streets Council's re-examination of the eligibility of police costs in the GTA formula was prompted by a Legislative Audit Bureau report (97-7), which noted that police costs had increased more rapidly than other eligible costs and speculated that the trend might be explained by general societal concerns about property crimes and violent crimes, rather than increased traffic law enforcement or service to motorists. The Council was persuaded that the anecdotal evidence of a decline in the highway-related proportion of overall police costs was sufficient to justify some immediate reduction in the eligibility of police costs. The Council recognized that the impact of any modification in police costs could be gradually phased in: Cost data is used in the GTA formula as a part of either a three-year or six-year average, so a reduction in the percentage of police costs initially affects only the first year of the averages and will take six years to be fully implemented.

DRAFT

The Council developed a new schedule of eligible police-cost percentages and recommended that WisDOT begin implementing them with the 1997 cost data first used for calculating 1999 aid payments. WisDOT has accepted this recommendation. However, the specific percentages recommended by the Council were not based on any calculation or new survey to gauge what percentage of police costs actually is highway-related or traffic-police-related. The Council's recommended police-cost percentages were based on some additional goals, including:

- Achieving a significant reduction in eligible police costs (not merely to reflect the percentage that is highway related, but to give relatively greater weight in the formula to local government spending on non-police costs, specifically construction and maintenance costs);
- Minimizing GTA reallocations (by making some reduction in every police-cost category);
- Simplifying the number of police-cost categories (since relatively few municipalities in the smallest population categories actually have any police costs).

This suggested revision to s.86.303 (6) is consistent with the Council recommendations: It recognizes that the impact of the Council-recommended eligible police-cost percentages—when fully implemented—may or may not be perfectly consistent with the percentage of traffic police costs that is actually “highway related” (an inherently ambiguous concept); however, the eligibility of police costs in the GTA formula should no longer be based solely on that criterion. The eligibility of police costs should reflect a balancing of various considerations, including the relative importance of police costs compared to other GTA-eligible costs, and the impacts of implementing any modification in their eligibility.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0882

PEN:.....

Jlg

PI

SOON

DOA:.....Etzler - general transportation aids—police expenses

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

D-note

do not
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AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

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). Traffic police costs are considered under the share-of-costs formula.

This bill allows only a percentage of traffic police costs to be considered under the share-of-costs formula. The bill requires ~~the department of transportation~~ in consultation with counties and municipalities, to establish the percentage by rule. DOT

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:

SECTION 1. 86.303 (6) (c) (intro.) of the statutes is amended to read:

86.303 (6) (c) (intro.) The following other costs to the extent to which they are highway related are reportable:

SECTION 2. 86.303 (6) (c) 4. [✓] of the statutes is amended to read:

86.303 (6) (c) 4. ~~Traffic police and street~~ [✓] Street lighting costs.

History: 1977 c. 29; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27, 192, 405; ~~1985 a. 29, 332~~; 1987 a. 27; 1989 a. 167; 1991 a. 39; 1995 a. 216; 1997 a. 106.

SECTION 3. 86.303 (6) (c) 5. [✓] of the statutes is created to read:

86.303 (6) (c) 5. A percentage, established by the [✓] department by rule, of traffic police costs.

SECTION 9150. [✓] Nonstatutory provisions; transportation.

(1) GENERAL TRANSPORTATION AIDS; TRAFFIC POLICE COSTS. No later than the first day of the 4th month beginning after the effective date of this ^{sub}~~para~~^{graph}, the secretary of transportation shall submit in proposed form the rules required under section 86.303 (6) (c) 5. [✓] of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) [✓] of the statutes. The secretary of transportation shall select official representatives of cities, villages, towns and counties to assist with the preparation of rules required to be submitted under this subsection [✓] and shall consult with those representatives in preparing those rules.

SECTION 9350. [✓] Initial applicability; transportation.

(1) GENERAL TRANSPORTATION AIDS; TRAFFIC POLICE COSTS. The treatment of sections ^g 86.303 (6) (c) 4. and 5. of the statutes first applies to aids payable for calendar year 1999.

(END) [✓]

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0882/?dn

PEN: λ.....

Jg

November 19, 1998

(6)

It seems to me that "traffic police costs" will always be highway-related, as required under s. 86.303(c) (intro.), stats. If so, under current law *all* of the traffic police costs (which may be only a small fraction of the county or municipality's total law enforcement costs) may be considered under the share-of costs formula. This draft allows only a percentage of those traffic police costs to be considered under the share-of-costs formula. Is this your intent? Or do you want to establish a uniform percentage of *total law enforcement costs* (which represents 100% of highway-related law enforcement costs) to be considered under the share of costs formula?

Paul E. Nilsen
Legislative Attorney
261-6926

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

LRB-0882/P1dn
PEN:jlg:ijs

November 20, 1998

It seems to me that "traffic police costs" will always be highway-related, as required under s. 86.303 (6) (c) (intro.), stats. If so, under current law *all* of the traffic police costs (which may be only a small fraction of the county or municipality's total law enforcement costs) may be considered under the share-of costs formula. This draft allows only a percentage of those traffic police costs to be considered under the share-of-costs formula. Is this your intent? Or do you want to establish a uniform percentage of *total law enforcement costs* (which represents 100% of highway-related law enforcement costs) to be considered under the share of costs formula?

Paul E. Nilsen
Legislative Attorney
261-6926

CORRESPONDENCE/MEMORANDUM

**Wisconsin Department of Transportation
Office of Policy & Budget**

Post-It [®] Fax Note	7671	Date	1/12/99	# of pages	4
To	PAUL NILSEN	From	JOHN FETZLER		
Co./Dept.	LRB	Co.			
Phone #		Phone #	6-1039		
Fax #	6-5648	Fax #			

Date: January 11, 1999

Subject: LRB-0882/P1, Relating to use of police costs in General Transportation Aid formula.

John, although we discussed your questions verbally, I thought it might be helpful to you to have some written comments on this draft. In general, the safest course of action on the General Transportation Aid (and transit) drafting is to request that the drafter adhere fairly closely to the wording of DOT's request. This item is designed in large part merely to clarify the statute to more accurately describe its current administrative interpretation. Although the paper on this item that was submitted in the DOT budget request provided a description of this context, the LRB analysis and the drafter's note suggest that the drafter could use some additional background about how the GTA formula works.

"were not following the law"

Obviously the LRB analysis is their prerogative, but I suggest you pass along to LRB that the current analysis provided for LRB-0882/P1 is misleading with respect to its characterization of current law: It states, "Traffic police costs are considered under the share-of-costs formula." While they are more important in that formula, the fact is they are considered under the mileage-rate formula as well: 3 years of cost data are used in determining the 85% aids-to-costs limit under s.86.30 (2) (d). The same cost data is used for both purposes. Given that the use of police costs data is not unique to the share-of-costs component of the formula, the sentence is superfluous and dropping it would eliminate the misleading emphasis on the share-of-costs formula.

A fairer summary of current law might be to say something like, "Current law provides that traffic police costs are eligible to the extent they are highway related." (This bill draft does not reflect a key part of our request, which is to eliminate the requirement they be used to the extent highway related.) In actual practice, varying percentages of the total law enforcement costs reported by local governments are used to approximate the portion of those costs considered to be highway or traffic related (and this has been the practice since the cost-based formula has been in effect). While this item signals DOT's intent to continue to implement reduced percentages that were agreed to in consultation with representatives of local government, it might be better to say, "The bill provides for eligible costs to include a portion of net traffic police costs, to be based on a calculation determined by DOT after consulting persons appointed by the secretary of the department to represent local governments and their associations."

John Etzler
January 11, 1999
Re: LRB-0882/P1
Page 2

The foregoing discussion may help to address the drafter's note, but here are some additional comments to address it. He asks about the relationship between two terms in current law, "traffic police costs," and "highway related." Specifically, s.86.303 (6) (c) provides that certain items, including "traffic police costs" are "reportable" (which, in context, means "eligible to be counted for purposes of determining local governments' payments under the GTA formula"), "to the extent they are highway related." The drafter's note states, "It seems to me that 'traffic police costs' will always be highway-related."

It is not clear why the statute originally used both terms. The term "traffic police" may have been intended to describe which police costs were thought to be "highway related." However, shortly after enactment of that language, it was implemented by counting a percentage of total local law enforcement costs (after netting out certain revenues), at varying percentages depending on the size and type of local government. DOT's recommended language was intended to be more accurate in describing the partial eligibility of police costs, but used the existing term, "traffic police" to avoid potential confusion about whether any change was one of form or substance.

In defense of the statute's current terminology, though, I do not think it follows that all "traffic police" costs are automatically "highway related." The term "traffic police" has never been interpreted as describing only patrols dedicated to traffic law enforcement. In many communities the same officers assigned to squad cars may enforce traffic laws during a portion of their shift, but may also respond to domestic disputes and noise complaints, or make arrests for violation of non-traffic offenses, such as drug laws. It is completely plausible that only a portion of traffic police costs would have been intended to be eligible under current law. Moreover, it is the intent of this item to specifically allow that.

Additional features of how this law has been implemented include the exclusion of: 1. Certain entire categories of law enforcement costs, such as those associated with jails and court buildings; and 2. Costs that have been covered by certain other aid-type revenues paid to the local government [s.86.303 (6) (e) provides, "Cost data shall not include state or federal contributions..."]. We did feel that using the term "net traffic police costs" would more accurately describe the local-reported costs that are eligible.

The drafter asks whether it is your intent to allow "only a percentage of those traffic police costs to be considered under the share-of-costs formula," or whether you "want to establish a uniform percentage of total law enforcement costs (which represents 100% of the highway-related law enforcement costs) to be considered under the formula." The drafter has correctly perceived that the way the statute has historically been interpreted has been to consider a percentage of total law enforcement costs to represent the percentage of "traffic police" costs that is considered "highway related" and, therefore, eligible. The intent of our request was, in fact, to allow only a percentage of those costs—an intentionally unspecified percentage.

John Etzler
January 11, 1999
Re: LRB-0882/P1
Page 3

We are certainly not proposing to statutorily specify a uniform percentage. We actually requested different language that was clearer on this point, referring to "a portion of net traffic police costs," which has a slightly less specific connotation than calling for "a percentage." Again, the eligibility of police costs is not an issue that is confined solely to the share-of-costs formula. S.86.303 applies to the eligibility of costs under the GTA program/formula generally.

Specific Comments on LRB-0882/P1

Section 1. OK.

Section 2. OK.

Section 3. Do not require the percentage to be established by rule. I can understand the drafter's inclination to do this, since the agency would exercise some degree of discretion in establishing the eligibility of police costs. However, the statute already provides a basis for this under current law: S.86.303 (5) (a) provides, "The department, with the assistance of the department of revenue and representatives of local governments and their associations appointed by the secretary, shall prescribe a uniform cost reporting procedure." The language we requested was intended to clarify that this process is also the process used for establishing the eligible portion of net traffic police costs, not merely the procedure for reporting the costs. Again, this was the precedent for establishing the percentages of police costs that were counted through 1998, and it was also the process that was used for establishing new percentages effective in 1999.

Second, this section of the draft creates the language calling for traffic police costs to be counted at a percentage under s.86.303 (6) (c), the provision listing items that are eligible "to the extent they are highway related." This is completely inconsistent with our request to remove it from that provision, so that there would no longer be a requirement that the percentage must reflect the extent to which the police costs are "highway related." This was clear in our statutory language request, which suggested that the provision be created as a new paragraph. The ordering of the provision is up to LRB, but to leave the provision under s.86.303 (6) (c), requiring police costs to be included to the extent highway related, misses the goal to eliminate some of the very ambiguity between the terms "highway related" and "traffic police" which the drafter points out in his drafter's note. If they have any practical difference in meaning, we are technically removing the requirement that they be eligible to the extent "highway related," merely requiring that some unspecified portion continue to be eligible. It would be logical to create a new paragraph, such as "(cm)," that would fall after the current list of items eligible to the extent highway related and before the list of ineligible items.

Police costs should not be highway related. Not all costs considered as necessary highway related.

John Etzler
January 11, 1999
Re: LRB-0882/P1
Page 4

Section 9150 can be eliminated in its entirety because, again, we did not request to have to go through a mandatory rule-making process to establish percentages that are already in use. It seems likely that the drafter included some of this process to respond to our requested language, which called for the Department to establish the eligible portion of net police costs in consultation with representatives of local governments and their associations, but we did not mean to create a new process, perhaps a clearer way to indicate this statutorily would be to refer to "the representatives of local governments and their associations appointed under s. 86.303 (4) (b)." ?

We request that Section 3 be redrafted to create a new provision outside s. 86.303 (6) (c) using language adhering very closely to the following:

"Eligible costs shall include a portion of local law enforcement costs intended to recognize a portion of net local traffic police costs. The department, in consultation with the representatives of local governments and their associations appointed by the secretary under this section, sub. (4), par. (b), shall determine the eligible portion of local law enforcement costs, and may provide for different categories of local governments for which different portions of local law enforcement costs may be determined to be eligible."

Section 9350. I question whether the draft should provide for the change to be effective with aids payable in 1999. It is true that DOT began implementing in 1999 a reduction in the eligibility of police costs that is consistent with the suggested terms of the requested statutory revision. However, the reduction implemented in 1999, which initially applies to only the most recent year (1997) of local-reported costs that are used in the 6-year and 3-year multi-year average cost calculations in the formula, was consistent with current law's provision that traffic police costs be included to the extent they are highway related. We believe the 1999 reduction is justified under current law by evidence the percentage of total police costs that is highway related has declined.

However, it is not clear what percentage is highway related or whether continued implementation of the reduced police cost categories for the ensuing 5 years would result at full implementation in this highway-related percentage. We, and our Local Roads & Streets advisory Council, are recommending the reduction largely for other reasons (including a desire to give more emphasis to construction and maintenance spending), hence our request to sever the requirement that they be eligible to the extent highway related.

Therefore, since the reduction implemented in 1999 was done under the authority of current law, I believe it would be more appropriate to make the changes in the biennial budget effective for "cost data used in calculating aids payable in calendar year 2000." (For this program, that would be the first year that would normally be addressed by the biennial budget).

CC: Sandy Beaupre, Patrick Riopelle, Tom Smith, Carol Buckmaster, Marcia Traska



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0882/P1
PEN:jlj:ijs

SOON

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DOA:.....Etzler - general transportation aids—police expenses

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

Analysis by the Legislative Reference Bureau

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). Traffic police costs are considered under the share-of-costs formula.

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~~This bill allows *40%* percentage of traffic police costs to be considered under the share-of-costs formula. The bill requires DOT, in consultation with counties and municipalities, to establish the percentage by rule.~~

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:

2 SECTION 1. 86.303 (6) (c) (intro.) of the statutes is amended to read:

3 86.303 (6) (c) (intro.) The following other costs to the extent to which they are

4 highway related are reportable:

1 SECTION 2. 86.303 (6) (c) 4. of the statutes is amended to read:

2 86.303 (6) (c) 4. ~~Traffic police and street~~ Street lighting costs.

3 SECTION 3. 86.303 (6) (c) 5. of the statutes is created to read:

4 86.303 (6) (c) 5. A percentage, established by the department by ~~the~~, of traffic
5 police costs.

6 SECTION 9150. Nonstatutory provisions; transportation.

7 (1) GENERAL TRANSPORTATION AIDS; TRAFFIC POLICE COSTS. No later than the first
8 day of the 4th month beginning after the effective date of this subsection, the
9 secretary of transportation shall submit in proposed form the rules required under
10 section 86.303 (6) (c) 5. of the statutes, as created by this act, to the legislative council
11 staff under section 227.15 (1) of the statutes. The secretary of transportation shall
12 select official representatives of cities, villages, towns and counties to assist with the
13 preparation of rules required to be submitted under this subsection and shall consult
14 with those representatives in preparing those rules.

15 SECTION 9350. Initial applicability; transportation.

16 (1) GENERAL TRANSPORTATION AIDS; TRAFFIC POLICE COSTS. The treatment of
17 section 86.303 (6) (c) 4. [✓] and ~~by~~ of the statutes first applies to aids payable ~~by~~ calendar
18 year ~~1999~~ ^(cm) ~~in~~
19 ²⁰⁰⁰ ✓

(END)

✓
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2-14

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0882/P2ins
PEN.....

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This bill allows a percentage of law enforcement costs, ~~which~~ ^{ring} represent the net traffic police costs of a county or municipality, to be considered under the share-of-costs formula. The bill allows DOT to establish different percentages for different classes of counties or municipalities.

1 SECTION 1. 86.303 (6) (cm) ✓ of the statutes is created to read:

ins
2-14

2 Some percentage of law enforcement costs determined by the ✓ department, in
3 consultation with the representatives appointed under sub. (5) (am) ✓, are reportable
4 as eligible cost items. The department may establish different percentages under
5 this paragraph ✓ for different classes of counties or municipalities. To the extent
6 practicable, any percentage established under this paragraph shall represent the net
7 traffic police costs of the county or municipality to which the percentage applies.

③
#86.303 (6) (cm) (end insert)

Etzler, John

From: Mansfield, Mark
Sent: Friday, January 22, 1999 3:31 PM
To: Etzler, John
Cc: Buckmaster, Carol; Smith, Thomas; Riopelle, Patrick; Traska, Marcia; Beaupre, Sandy
Subject: RE: LRB Draft: 99-0882/P2

John, this draft is indeed considerably improved (it drops the rulemaking requirement and correctly creates a new provision so that traffic police costs are no longer automatically eligible "to the extent highway related." Since my comments on this version are brief, I thought I'd try an E-mail response to expedite it.

Because the new provision created by Section 3 of the bill does not adhere strictly to the language we requested in our January 11, 1999 memo to you, it does need one more redraft. The minimum necessary to make it acceptable would be to strike lines 10-12 on .2, as shown below. We would also recommend that the phrase "law enforcement" be changed to "net traffic police" as also shown (Compared to the wording we requested, I also think this minimal-change approach results in a more grammatically awkward sentence "percentage...are reportable as eligible cost items" compared to the wording we requested):

SECTION 3. 86.303 (6) (cm) of the statutes is created to read:
86.303 (6) (cm) Some percentage of ~~law enforcement~~ net traffic police costs determined by the department, in consultation with the representatives appointed under sub. (5) (am), are reportable as eligible cost items. The department may establish different percentages under this paragraph for different classes of counties or municipalities. ~~To the extent practicable, any percentage established under this paragraph shall represent the net traffic police costs of the county or municipality to which the percentage applies.~~

Explanation:

Given the discussion about whether we wanted a percentage of law enforcement costs, the drafter may find this confusing. However, the text suggested in this draft does not have the same meaning as the wording we suggested on Jan. 11 (our requested language began, "Eligible costs shall include a portion of local law enforcement costs intended to recognize a portion of net local traffic police costs....") I don't think it's preferable to use the broader term "law enforcement" unless that reference to an unspecified portion of traffic police costs is in the same sentence. Picking up the concept at the end as the provision created by Section 3 of this draft (above) does not unambiguously provide the same degree of discretion to consider other factors.

In other words, the above language implies that that the only consideration in picking the percentage is "the net traffic police costs of the county or municipality," and that we would be expected to identify that percentage "to the extent practical." As you may recall from our budget request on this item and our previous discussions, the intent of this item is to acknowledge that other factors should also be considered in picking this percentage, including (but not necessarily limited to): 1) Minimizing aid reallocations when a change is implemented, 2) Considering the relative weight desired between police costs and other eligible costs (maintenance and construction), and 3) Simplifying the reporting and collection of data and the description of police cost eligibility. The current police cost percentages were picked with all those goals in mind, not according to any scientific effort to identify the actual net traffic police costs. Hence, our language referred to "a portion of local law enforcement costs intended to recognize a portion of net local traffic police costs...." Continuing to recognize some unspecified portion allows for future efforts to further reduce them (DOT's performance measure for the Aids program). Read a certain way, it may be that the language in this draft that I am suggesting you strike may have been intended to do the same thing: Say that whatever percentage DOT picks "shall represent," as in "shall be considered to be," but I think it is ambiguous: It could be read to imply that we are supposed to pick the percentage based, to the extent practical, on whatever percentage of law enforcement costs traffic police costs actually are. Either striking the last part or using something closer to our language would more clearly give us the discretion we had in mind in proposing this.

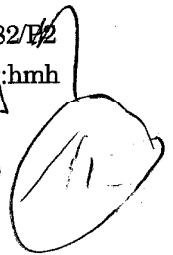
Thanks!



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0882/E2
PEN:jlg:hmh

E. King



DOA:.....Etzler - General transportation aids—police expenses

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

D-NOTE

Don't
Carry Cal.

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). Traffic police costs are considered under the share-of-costs formula.

This bill allows a ^{portion} ~~percentage~~ of law enforcement costs, ~~representing the net traffic police costs of a county or municipality~~ ^{representing the net} to be considered under the share-of-costs formula. The bill allows DOT to establish different ~~percentages~~ ^{portions} for different classes of counties or 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:

2

SECTION 1. 86.303 (6) (c) (intro.) of the statutes is amended to read:

1 86.303 (6) (c) (intro.) The following other costs to the extent to which they are
2 highway related are reportable:

3 SECTION 2. 86.303 (6) (c) 4. of the statutes is amended to read:

4 86.303 (6) (c) 4. ~~Traffic police and street~~ Street lighting costs.

5 SECTION 3. 86.303 (6) (cm) of the statutes is created to read:

6 86.303 (6) (cm) Some ~~percentages~~ ^{portion} of law enforcement costs determined by the
7 department, in consultation with the representatives appointed under sub. (5) (am),
8 ~~are reportable~~ ^{may be reported} as eligible cost items. The department may establish different
9 ~~percentages~~ ^{portions} under this paragraph for different classes of counties or municipalities.

10 ~~To the extent practicable, any percentage established under this paragraph shall~~
11 ~~represent the net traffic police costs of the county or municipality to which the~~
12 ~~percentage applies.~~

13 SECTION 9350. Initial applicability; transportation.

14 (1) GENERAL TRANSPORTATION AIDS; TRAFFIC POLICE COSTS. The treatment of
15 section 86.303 (6) (c) 4. and (cm) of the statutes first applies to aids payable in
16 calendar year 2000.

17 (END)

John Etzler:

-0882/eff
:kmq: ldn

As requested, this draft eliminates
any restriction on the ~~management~~ ^{"portion"} of law
enforcement costs that are eligible cost items
under s. 86.303(6)(cm). ~~DOT may~~

~~choose to pay 400% to one class of
municipalities ("1st class cities"?) and
.8% to another ("municipalities having no interstate
highways"?)~~ ~~OKB~~ is this your intent?

-PEN

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

LRB-0882/1dn
PEN:jlg&kmg:km

January 31, 1999

John Etzler:

As requested, this draft eliminates any restriction on the "portion" of law enforcement costs that are eligible cost items under s. 86.303 (6) (cm).

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0882/1
PEN:jlg&kmg:km

DOA:.....Etzler - General transportation aids—police expenses

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 allows a portion of law enforcement costs to be considered under the share-of-costs formula. The bill allows DOT to establish different portions for different classes of counties or 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:

2 SECTION 1. 86.303 (6) (c) (intro.) of the statutes is amended to read:

