

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/23/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **TNF, ISR**

Pre Topic:

ARC:.....Dake - 303(1),

Topic:

Local segregated transportation accounts

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 06/24/99	gilfokm 06/24/99		_____			
/1	nilsepe 06/26/99	gilfokm 06/26/99	haueca 06/24/99	_____	ismith 06/24/99		
/2			kfollet 06/26/99	_____	lrb_docadmin 06/26/99		

FE Sent For:

<END>

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/?	nilsepe 06/24/99	gilfokm 06/24/99		_____			
/1		12-6-24-99 Kmf	haugca 06/24/99		ismith 06/24/99		
FE Sent For:			Kjf 6/26	Ksf/km 6/26			

<END>

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1?	nilsepe	1-6-24-99 KMG	CH 6-24	CH 6-24 KM			

FE Sent For:

<END>

ARC Motion 303

Representative Brandemuehl
Representative Stone
Representative Gard

for: ARC

By: Dale

pre-approval - 303

(enter as you do it)

(#)

TRANSPORTATION

**Transportation Package
(Including Verbal Amendments)**

few
b1065

1. *Local Segregated Transportation Accounts.* Establish compliance with the following as a condition of receiving general transportation aid and state mass transit operating assistance, effective with payments for calendar year 2000:

a. require lot to promulgate rules to implement

am. Require each local unit of government (defined as counties, cities, villages and towns) to create a segregated account for local highways and a segregated account for mass transit (if the government receives state aid for mass transit), to which all state and federal categorical funds for local highways and mass transit, including local match amounts, would have to be deposited;

b. Require that any new local revenue source dedicated to local highways or mass transit would have to be deposited in the respective accounts;

c. Require that all local general revenues allocated to local highways or mass transit must be deposited in the respective accounts;

d. Require that each local government must deposit at least the same level of local general revenues, for both local highways and mass transit, in the respective accounts as that unit of government deposited, on average, during the lowest three of the preceding five years; and

e. Specify that revenues in the accounts can only be spent on local highways and mass transit, respectively.

few
b0705

~~2.~~ *General Transportation Aid.* Decrease funding by \$1,730,400 SEG in 2000-01 to establish a 6.0% increase in funding, beginning in calendar year 2000, for counties and municipalities. Set the calendar year distribution at \$83,469,000 for 2000 and thereafter for counties and at \$262,603,400 for 2000 and thereafter for municipalities. Establish the mileage aid rate at \$1,692 per mile for calendar year 2000, and thereafter.

Delete a provision in the Joint Committee on Finance's substitute amendment that would suspend the general transportation aid formula for aid payments in calendar years 2000 and 2001 and provide the percentage increase in total funding uniformly for all aid recipients, based on their 1999 amounts.

(-303)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb10657
PEN: King

ARC:.....Dake - 303(1), Local segregated transportation accounts

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 971, line 10: after that line insert:

3 "SECTION 1849.85.20 (6m) of the statutes is created to read:

4 85.20 (6m) LOCAL SEGREGATED FUND REQUIRED. (a) Notwithstanding sub. (4m),

5 the department may not pay state aid under this section to an eligible applicant

6 unless the eligible applicant does all of the following:

7 1. Establishes and administers a separate segregated fund from which moneys

8 may be used only for purposes related to a mass transit system.

9 2. Deposits in the fund established under subd. 1. all of the following:

1 a. All moneys received from this state and from the federal government for a
2 mass transit system.

3 b. All local moneys required by this state, or by the federal government, to
4 match moneys described under subd. 2. a. as a condition of receiving or expending
5 those state or federal moneys.

6 c. All local moneys allocated for a mass transit system by the eligible applicant.

7 d. All moneys received from a local revenue source that is dedicated to a mass
8 transit system.

9 ³b. Achieves in the fund established under subd. 1., during the year for which
10 aid is payable under this section, a balance of moneys that is at least equal to the
11 sum determined under subd. ³b. as follows:

12 a. Determine, for each of the preceding 5 years, the annual sum of deposits
13 made by the eligible applicant in all accounts for a mass transit system.

14 b. Add the 3 lowest annual totals determined under subd. ³a.

15 (b) If an eligible applicant does not meet the requirements under par. (a) at
16 the time ^{that} aid should be paid under this section, the department shall withhold the aid
17 payment until the eligible applicant meets the requirements under par. (a). When

18 the eligible applicant meets the requirements under par. (a), the department shall
19 pay the aid withheld under this paragraph, without interest, except that ^{the}
20 department may not pay aid required by this paragraph to be withheld for more than

21 ~~6 months~~ Aid that is forfeited under this paragraph shall be counted under this
22 section as if the aid had been paid.

23 (c) The department shall promulgate rules implementing this ~~section~~ ^{subsection}.

24 ² Page 976, line 23: after that line insert:

insert
2-19

subsection

1 “SECTION 1863m. 86.30 (11) of the statutes is created to read:

2 86.30 (11) LOCAL SEGREGATED FUND REQUIRED. (a) Notwithstanding sub. (2), the
3 department may not pay state aid under this section to a municipality or county
4 unless the municipality or county does all of the following:

5 1. Establishes and administers a separate segregated fund from which moneys
6 may be used only for purposes related to local highways.

7 2. Deposits in the fund established under subd. 1. all of the following:

8 a. All moneys received from this state and from the federal government for local
9 highway purposes.

10 b. All local moneys required by this state, or by the federal government, to
11 match moneys described under subd. 2. a. ✓ as a condition of receiving or expending
12 those state or federal moneys.

13 c. All local moneys allocated for local highway purposes by the local governing
14 [✓]body.

15 d. All moneys received from a local revenue source ✓ that is ✓ dedicated to local
16 highways.

17 ³ p. Achieves in the fund established under subd. 1., during the year for which
18 aid is payable under this section, ✓ a balance of moneys that is at least equal to the
19 sum determined under subd. ³ p. b. as follows:

20 a. Determine, for each of the preceding 5 years, the annual sum of deposits
21 made by the municipality or county in all accounts for local highways.

22 b. Add the 3 lowest annual totals determined under subd. ³ p. a.

23 (b) If a municipality or county does not meet the requirements under par. (a)
24 at the time ^{that} aid should be paid under this section, the department shall withhold the
25 aid payment until the municipality or county meets the requirements under par. (a).

1 When the municipality or county meets the requirements under par. (a), the
2 department shall pay the aid withheld under this paragraph, without interest,
3 except that ~~the department may not pay aid required by this paragraph to be~~
4 ~~withheld for more than 6 months.~~ Aid that is forfeited under this paragraph shall
5 be counted under sub. (2) as if the aid had been paid.

insert
4-3

6 (c) The department shall promulgate rules implementing this ~~section~~ ^{subsection}."

7 **3.** Page 1601, line 20: after that line insert:

under section 86.30 of the
statutes, as affected by this act,

8 "(4) LOCAL SEGREGATED FUND. (a) The treatment of section 86.30 (11) (a)
9 (intro.) and (b) of the statutes first applies to aids payable for calendar year 2000.

10 (b) The treatment of section 86.30 (11) (a) 2. of the statutes first applies to
11 moneys received or allocated ~~on the effective date of this paragraph.~~ ^{for local highway purposes} of the statutes

12 (c) The treatment of section 85.20 (6m) (a) (intro.) and (b) first applies to aids
13 payable under a contract that is entered into, extended, modified or renewed on the
14 effective date of this subsection.

15 (d) The treatment of section 85.20 (6m) (a) 2. first applies to moneys received
16 or allocated on the effective date of this subsection."

of the statutes

17 (END)

under section
85.20 of the
statutes, as
affected by this
act,

~~under that section~~
for a mass transit system,
as defined in section
85.20 (1)(e) of the statutes,

(insert
2-19)

~~NoP~~ ✓, if the eligible applicant fails
to meet the requirements under par. (a)
within 180 days after the time that
the aid should be paid ✓ that aid is
~~to be~~ forfeited and may not be paid to
that eligible applicant ✓

(end insert)

~~No 9~~ ✓

insert
4-3

✓
if the municipality or county
fails to meet the requirements under
par. (a) within 180 days after the time
that the aid should be paid, ✓ that aid
is forfeited and may not be paid to
that municipality or county

(end insert)

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

LRBb1065/da

PEN:.....
mg

June 23, 1999

lda

Because local governmental units might require guidance establishing segregated funds that meet the requirements of this draft, it might be useful to delay the initial applicability until after DOT has promulgated rules.

Please review proposed ss. 85.20 (6m) (b) and 86.30 (11) (b) closely. Do those consequences of noncompliance meet your intent? The motion does not address the consequences of noncompliance, which silence could reasonably be interpreted to mean that any prohibited aid payment is immediately forfeited.

Because mass transit aids are paid under a contract and because contracts for aids payable for calendar year 2000 may already be in effect, I delayed the initial applicability to first apply the segregated fund requirement to aid paid under a contract entered into, extended, modified or renewed on the date this bill takes effect. This will avoid impairing existing contracts. Ok?

The deposit requirements first apply to moneys received or allocated after the draft takes effect. Ok?

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1065/1dn
PEN:kmg:ch

June 24, 1999

Because local governmental units might require guidance establishing segregated funds that meet the requirements of this draft, it might be useful to delay the initial applicability until after DOT has promulgated rules.

Please review proposed ss. 85.20 (6m) (b) and 86.30 (11) (b) closely. Do those consequences of noncompliance meet your intent? The motion does not address the consequences of noncompliance, which silence could reasonably be interpreted to mean that any prohibited aid payment is immediately forfeited.

Because mass transit aids are paid under a contract — and because contracts for aids payable for calendar year 2000 may already be in effect — I delayed the initial applicability to first apply the segregated fund requirement to aid paid under a contract entered into, extended, modified or renewed on the date this bill takes effect. This will avoid impairing existing contracts. Ok?

The deposit requirements first apply to moneys received or allocated after the draft takes effect. Ok?

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

Nilsen, Paul

From: Runde, Al
Sent: Friday, June 25, 1999 9:26 AM
To: Nilsen, Paul
Subject: LRB 1065/1

Paul,

In reviewing the local accounts and your note, I have the following comments

- 1) ON page 2 line 14, and page 3 line 23, would not appear to calculate the average of the of the lowest three out of five years. We need to divide what you drafted by 3.

In response to your note:

- (a) the ARC amendment was silent on the effective date of the accounts and the applicability dates of the allocation of state funds and the deposits; and
- (b) I think your read on the noncompliance is accurate.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb10657
PEN:kmg:ch

12

ARC:.....Dake - 303(1), Local segregated transportation accounts

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

note

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 971, line 10: after that line insert:

3 "SECTION 1849d. 85.20 (6m) of the statutes is created to read:

4 85.20 (6m) LOCAL SEGREGATED FUND REQUIRED. (a) Notwithstanding sub. (4m),

5 the department may not pay state aid under this section to an eligible applicant

6 unless the eligible applicant does all of the following:

7 1. Establishes and administers a separate segregated fund from which moneys

8 may be used only for purposes related to a mass transit system.

9 2. Deposits in the fund established under subd. 1. all of the following:

1 a. All moneys received from this state and from the federal government for a
2 mass transit system.

3 b. All local moneys required by this state, or by the federal government, to
4 match moneys described under subd. 2. a. as a condition of receiving or expending
5 those state or federal moneys.

6 c. All local moneys allocated for a mass transit system by the eligible applicant.

7 d. All moneys received from a local revenue source that is dedicated to a mass
8 transit system.

9 3. Achieves in the fund established under subd. 1., during the year for which
10 aid is payable under this section, a balance of moneys that is at least equal to the ~~sum~~

10

11 determined under subd. 3. ^{col} as follows:

11

12

12 a. Determine, for each of the preceding 5 years, the annual sum of deposits,
13 made by the eligible applicant ^{of moneys described in subd. 2. c.} ~~in all accounts for a mass transit system~~

13

Quotient

14 b. Add the 3 lowest annual totals determined under subd. 3. a.

15 (b) If an eligible applicant does not meet the requirements under par. (a) at the
16 time that aid should be paid under this section, the department shall withhold the
17 aid payment until the eligible applicant meets the requirements under par. (a).
18 When the eligible applicant meets the requirements under par. (a), the department
19 shall pay the aid withheld under this paragraph, without interest, except that, if the
20 eligible applicant fails to meet the requirements under par. (a) within 180 days after
21 the time that the aid should be paid, that aid is forfeited and may not be paid to that
22 eligible applicant. Aid that is forfeited under this paragraph shall be counted under
23 this section as if the aid had been paid.

24 (c) The department shall promulgate rules implementing this subsection.”.

① C. Divide the sum determined under subd. 3. b. by 3.

1 **2.** Page 976, line 23: after that line insert:

2 **"SECTION 1863md.** 86.30 (11) of the statutes is created to read:

3 **86.30 (11) LOCAL SEGREGATED FUND REQUIRED.** (a) Notwithstanding sub. (2), the
4 department may not pay state aid under this section to a municipality or county
5 unless the municipality or county does all of the following:

6 1. Establishes and administers a separate segregated fund from which moneys
7 may be used only for purposes related to local highways.

8 2. Deposits in the fund established under subd. 1. all of the following:

9 a. All moneys received from this state and from the federal government for local
10 highway purposes.

11 b. All local moneys required by this state, or by the federal government, to
12 match moneys described under subd. 2. a. as a condition of receiving or expending
13 those state or federal moneys.

14 c. All local moneys allocated for local highway purposes by the local governing
15 body.

16 d. All moneys received from a local revenue source that is dedicated to local
17 highways.

18 3. Achieves in the fund established under subd. 1., during the year for which
19 aid is payable under this section, a balance of moneys that is at least equal to the ~~sum~~
20 determined under subd. 3. ^{c.} as follows: quotient

21 a. Determine, for each of the preceding 5 years, the annual sum of deposits,
22 made by the municipality or county, ^{of moneys described in subd. 2. c.} in all accounts for local highways.

23 b. Add the 3 lowest annual totals determined under subd. 3. a.

○ c. Divide the sum determined under subd. 3. b. by 3.

1 (b) If a municipality or county does not meet the requirements under par. (a)
 2 at the time that aid should be paid under this section, the department shall withhold
 3 the aid payment until the municipality or county meets the requirements under par.
 4 (a). When the municipality or county meets the requirements under par. (a), the
 5 department shall pay the aid withheld under this paragraph, without interest,
 6 except that, if the municipality or county fails to meet the requirements under par.
 7 (a) within 180 days after the time that the aid should be paid, that aid is forfeited and
 8 may not be paid to that municipality or county. Aid that is forfeited under this
 9 paragraph shall be counted under sub. (2) as if the aid had been paid.

10 (c) The department shall promulgate rules implementing this subsection.”.

11 **3.** Page 1601, line 20: after that line insert:

12 “(4t) LOCAL SEGREGATED FUND.

13 (a) The treatment of section 86.30 (11) (a) (intro.) and (b) of the statutes first
 14 applies to aids payable under section 86.30 of the statutes, as affected by this act, for
 15 calendar year 2000.

16 (b) The treatment of section 86.30 (11) (a) 2. of the statutes first applies to
 17 moneys received or allocated for local highway purposes on ~~the effective date of this~~
 18 ~~paragraph.~~ January 1, 2000

19 (c) The treatment of section 85.20 (6m) (a) (intro.) and (b) of the statutes first
 20 applies to aids payable under a contract ~~that is entered into, extended, modified or~~
 21 ~~renewed~~ under section 85.20 of the statutes ~~as affected by this act, on the effective~~
 22 ~~date of this subsection.~~

for aids payable
for calendar year 2000

1 (d) The treatment of section 85.20 (6m) (a) 2. of the statutes first applies to
2 moneys received or allocated for a mass transit system, as defined in section 85.20
3 (1) (e) of the statutes, on the effective date of this subsection.”

4 (END)

January 1, 2000

blob/2dn
: kmx

This draft requires that the locals
achieve (but not retain) a balance^{ce} that

is at least equal to the amount deposited during
a single

year. For example, if deposits for
each of the preceding 5 years are

10, 2, ~~4~~⁴, 9 and 6, the required

balance must ~~equal~~^{reach} at least 4; $\lceil (2+4+6)/3 \rceil$.

If the next year's deposit is 3, the
balance must reach at least 3; $\lceil (2+4+3)/3 \rceil$. OK?

- PEN

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

LRBb1065/2dn
PEN:kmg:kjf

June 26, 1999

This draft requires that the locals achieve (but not retain) a balance that is at least equal to the amount deposited during a single year. For example, if deposits for each of the preceding 5 years are 10, 2, 4, 9 and 6, the required balance must reach at least 4; $[(2+4+6)/3]$. If the next year's deposit is 3, the balance must reach at least 3; $[(2+4+3)/3]$. Ok?

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

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FROM THE
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LRBb1065/2dn
PEN:kmg:kjf

June 26, 1999

This draft requires that the locals achieve (but not retain) a balance that is at least equal to the amount deposited during a single year. For example, if deposits for each of the preceding 5 years are 10, 2, 4, 9 and 6, the required balance must reach at least 4; $[(2+4+6)/3]$. If the next year's deposit is 3, the balance must reach at least 3; $[(2+4+3)/3]$. Ok?

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



ARC:.....Dake - 303(1), Local segregated transportation accounts

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

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4 85.20 (6m) LOCAL SEGREGATED FUND REQUIRED. (a) Notwithstanding sub. (4m),

5 the department may not pay state aid under this section to an eligible applicant

6 unless the eligible applicant does all of the following:

7 1. Establishes and administers a separate segregated fund from which moneys

8 may be used only for purposes related to a mass transit system.

9 2. Deposits in the fund established under subd. 1. all of the following:

1 a. All moneys received from this state and from the federal government for a
2 mass transit system.

3 b. All local moneys required by this state, or by the federal government, to
4 match moneys described under subd. 2. a. as a condition of receiving or expending
5 those state or federal moneys.

6 c. All local moneys allocated for a mass transit system by the eligible applicant.

7 d. All moneys received from a local revenue source that is dedicated to a mass
8 transit system.

9 3. Achieves in the fund established under subd. 1., during the year for which
10 aid is payable under this section, a balance of moneys that is at least equal to the
11 quotient determined under subd. 3. c. as follows:

12 a. Determine, for each of the preceding 5 years, the annual sum of deposits,
13 made by the eligible applicant, of moneys described in subd. 2. c.

14 b. Add the 3 lowest annual totals determined under subd. 3. a.

15 c. Divide the sum determined under subd. 3. b. by 3.

16 (b) If an eligible applicant does not meet the requirements under par. (a) at the
17 time that aid should be paid under this section, the department shall withhold the
18 aid payment until the eligible applicant meets the requirements under par. (a).
19 When the eligible applicant meets the requirements under par. (a), the department
20 shall pay the aid withheld under this paragraph, without interest, except that, if the
21 eligible applicant fails to meet the requirements under par. (a) within 180 days after
22 the time that the aid should be paid, that aid is forfeited and may not be paid to that
23 eligible applicant. Aid that is forfeited under this paragraph shall be counted under
24 this section as if the aid had been paid.

25 (c) The department shall promulgate rules implementing this subsection.”

1 **2.** Page 976, line 23: after that line insert:

2 “**SECTION 1863md.** 86.30 (11) of the statutes is created to read:

3 **86.30 (11) LOCAL SEGREGATED FUND REQUIRED.** (a) Notwithstanding sub. (2), the
4 department may not pay state aid under this section to a municipality or county
5 unless the municipality or county does all of the following:

6 1. Establishes and administers a separate segregated fund from which moneys
7 may be used only for purposes related to local highways.

8 2. Deposits in the fund established under subd. 1. all of the following:

9 a. All moneys received from this state and from the federal government for local
10 highway purposes.

11 b. All local moneys required by this state, or by the federal government, to
12 match moneys described under subd. 2. a. as a condition of receiving or expending
13 those state or federal moneys.

14 c. All local moneys allocated for local highway purposes by the local governing
15 body.

16 d. All moneys received from a local revenue source that is dedicated to local
17 highways.

18 3. Achieves in the fund established under subd. 1., during the year for which
19 aid is payable under this section, a balance of moneys that is at least equal to the
20 quotient determined under subd. 3. c. as follows:

21 a. Determine, for each of the preceding 5 years, the annual sum of deposits,
22 made by the municipality or county, of moneys described in subd. 2. c.

23 b. Add the 3 lowest annual totals determined under subd. 3. a.

24 c. Divide the sum determined under subd. 3. b. by 3.

1 (b) If a municipality or county does not meet the requirements under par. (a)
2 at the time that aid should be paid under this section, the department shall withhold
3 the aid payment until the municipality or county meets the requirements under par.
4 (a). When the municipality or county meets the requirements under par. (a), the
5 department shall pay the aid withheld under this paragraph, without interest,
6 except that, if the municipality or county fails to meet the requirements under par.
7 (a) within 180 days after the time that the aid should be paid, that aid is forfeited and
8 may not be paid to that municipality or county. Aid that is forfeited under this
9 paragraph shall be counted under sub. (2) as if the aid had been paid.

10 (c) The department shall promulgate rules implementing this subsection.”.

11 **3.** Page 1601, line 20: after that line insert:

12 “(4t) LOCAL SEGREGATED FUND.

13 (a) The treatment of section 86.30 (11) (a) (intro.) and (b) of the statutes first
14 applies to aids payable under section 86.30 of the statutes, as affected by this act, for
15 calendar year 2000.

16 (b) The treatment of section 86.30 (11) (a) 2. of the statutes first applies to
17 moneys received or allocated for local highway purposes on January 1, 2000.

18 (c) The treatment of section 85.20 (6m) (a) (intro.) and (b) of the statutes first
19 applies to aids payable for calendar year 2000 under a contract under section 85.20
20 of the statutes.

21 (d) The treatment of section 85.20 (6m) (a) 2. of the statutes first applies to
22 moneys received or allocated for a mass transit system, as defined in section 85.20
23 (1) (e) of the statutes, on January 1, 2000.”.

24

(END)