

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/21/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Dyck**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **TNF, PJH**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Dyck, Mot 457, #9 -

Topic:

Require allocation of funds for southeast Wisconsin freeway rehabilitation projects other than the Marquette interchange

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>
/1	agary 05/22/2003	wjackson 05/23/2003	rschluet 05/23/2003	_____	lemery 05/23/2003		
/2	agary 05/23/2003	wjackson 05/23/2003	pgreensl 05/23/2003	_____	lemery 05/23/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	agary 05/27/2003	wjackson 05/27/2003	pgreensl 05/27/2003	_____	sbasford 05/27/2003		

FE Sent For:

<END>

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13 WLJ 5/27
5/27 PG
Pg/RS.

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/1	agary 05/22/2003	wjackson 05/23/2003	rschluet 05/23/2003	<i>[Handwritten signature]</i> 5/23	lemery 05/23/2003		
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1/2 Wlj 5/23
5/23
selo
PR

FE Sent For:

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/1 agary

1 WLJ 5/23

5-23-03
<END>

FE Sent For:

Senator Darling
Representative Kaufert
Senator Welch
Representative Stone

TRANSPORTATION

Transportation Program Provisions

Motion:

Move to adopt the following changes to transportation provisions of the bill:

AG
1. *Reduce Transportation Revenue Bonding Provided for the Highway Program.* Delete a total of \$184,836,000 SEG-S in 2003-04 and \$235,052,500 SEG-S in 2004-05 in revenue bond budget authority, which is the sum of the following: (a) reductions of \$147,708,000 SEG-S in 2003-04 and \$128,135,700 SEG-S in 2004-05 for state highway rehabilitation to eliminate transportation revenue bonding provided for the program in the bill; (b) reductions of \$37,128,000 SEG-S in 2003-04 and \$21,416,800 SEG-S in 2004-05 for major highway development to partially eliminate above-base increases in bonding for the program, leaving increases of \$6,028,300 SEG-S in 2003-04 and \$6,665,300 SEG-S in 2004-05; and (c) a reduction of \$85,500,000 SEG-S in 2004-05 for the Marquette Interchange reconstruction project. Reduce the amount of revenue bonding authority by \$820,819,100, to delete bonding authorization provided by the bill for state highway rehabilitation, the Marquette Interchange reconstruction project (including \$394,719,000 that was authorized for use in the 2005-07 biennium), part of the above-base increase in the major highway development program, and amounts provided for the cost of issuance of these bonds. Increase estimated transportation fund revenue by \$7,884,200 in 2003-04 and \$32,961,700 in 2004-05 to reflect a reduction in revenue bond debt service on these bonds.

PJK
2. *Pledge of Revenues for the Payment of Revenue Bond Debt Service.* Adopt Alternative #1 of LFB Issue Paper #739, which would make technical modifications to the provision in the bill that would expand the types of revenue that are pledged for the payment of debt service on transportation revenue bonds to include all vehicle registration-related and vehicle title transfer fees.

AG
3. *Provide General Fund-Supported, General Obligation Bonds.* Authorize a total of \$377,082,100 in general obligation bonds, as follows: (a) \$275,843,700 for state highway rehabilitation to replace the transportation revenue bonds provided by the bill with equal amounts of general obligation bonds; and (b) \$101,238,400 for major highway development to replace the above-base increases in transportation revenue bonds provided by the bill with equal amounts of general obligation bonds, plus an additional \$30,000,000, an amount equal to the biennial transfer in the bill from the transportation fund to the general fund. Modify the current GPR

for southeast Wisconsin freeway rehabilitation to allow funds that are allocated for the Marquette Interchange project to be transferred to the appropriation for the payment of the debt service on these bonds and require DOT to make such transfers to the maximum extent possible, while minimizing the overall bond issuance for the project; and (g) allow DOT to submit a request to the Co-Chairs of the Joint Committee on Finance for review under a 14-day passive review process to transfer FED in the appropriation for southeast Wisconsin freeway rehabilitation (other than federal funds that are received under a congressional earmark for the Marquette Interchange project) that are not allocated to non-Marquette Interchange freeway projects to either the state highway rehabilitation or major highway development programs and to transfer an equal amount of SEG from those programs to the appropriation for the payment of debt service on the bonds issued for the project. Estimate debt service payments of \$82,300 SEG in 2004-05 for bonds issued to meet expenditure obligations for the project in that year. (These funding changes would increase total funding for southeast Wisconsin freeway rehabilitation projects, including the Marquette Interchange, to \$95,294,400 in 2003-04 and \$245,294,400 in 2004-05.)

Require DOT, in submitting its agency budget request for the 2005-07 biennium, to include a request for any bonding authorization and adjustments to the southeast Wisconsin freeway rehabilitation appropriation levels necessary to implement a funding policy for the remainder of the Marquette Interchange reconstruction project that does the following: (a) minimizes the overall use of bonds, by using SEG or FED funds whenever possible to make expenditures on the project; and (b) utilizes short-term bonds, when the use of bonds is required, structured so that debt service payments do not extend beyond 2008-09.

60252
AG
9. *Require Allocation of Funds for Southeast Wisconsin Freeway Rehabilitation Projects Other than the Marquette Interchange.* Require DOT to allocate at least \$49,350,000 annually in the 2003-05 biennium and annually thereafter for southeast Wisconsin freeway rehabilitation projects other than the Marquette Interchange project from the appropriations for southeast Wisconsin freeway rehabilitation. Specify that any amounts that are not encumbered out of the annual allocation in one fiscal year for these projects would carry over to the next year and have the effect of increasing the allocation for projects in that year by the amount that is carried over. Specify that the Department could encumber funds that are allocated to the non-Marquette Interchange freeway projects on the Marquette Interchange project in a fiscal year as long as all of the following apply: (a) the annual allocation to non-Marquette Interchange projects in the following year, as specified above, is increased by an amount equal to the amount reallocated to the Marquette Interchange project, from funds in the appropriation that are available for the Marquette Interchange project in that year; (b) the non-Marquette Interchange allocation was not reduced for the purposes of encumbering funds on the Marquette Interchange project in the previous year; and (c) the reallocation is approved by the Joint Committee on Finance under a 14-day passive review process. (With this allocation of funds for non-Marquette Interchange southeast Wisconsin freeway projects, the amount of funding available for the Marquette Interchange would be \$45,944,400 in 2003-04 and \$195,944,400 in 2004-05.)

no draft
10. *Restore Limited Term Employee and Consultant Funding.* Increase funding by \$3,995,400 SEG in 2003-04 and \$4,416,600 SEG in 2004-05 for state highway rehabilitation and

LPS: Please
Fix request sheet

LFB:.....Dyck, Mot 457, #9 - Require allocation of funds for Southeast Wisconsin freeway rehabilitation projects other than the Marquette interchange

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 727, line 23: after that line insert:

3 "SECTION 1672c. 84.014 (3m) of the statutes is created to read:

4 84.014 (3m) (a) Beginning in fiscal year 2003-04, and in each fiscal year
5 thereafter until the end of fiscal year 2010-11, from the amounts appropriated under
6 s. 20.395 (3) (cr) or (cy) or both, the department shall allocate a total of at least
7 \$49,350,000 in each fiscal year, or the total unencumbered balance of both
8 appropriations at the beginning of the fiscal year for each fiscal year, whichever is
9 less, for southeast Wisconsin freeway rehabilitation projects other than the
10 Marquette interchange reconstruction project. The department shall allocate the

1 full amount under this paragraph in each fiscal year, and any amount allocated
2 under this paragraph that remains unencumbered at the end of the fiscal year shall
3 be added to the allocation under this paragraph for the subsequent fiscal year, and
4 shall not otherwise affect the subsequent fiscal year's allocation under this
5 paragraph.

6 (b) Notwithstanding par. (a), the department may, in any fiscal year, reallocate
7 funds for purposes of the Marquette interchange reconstruction project that were,
8 for the same fiscal year, previously allocated under par. (a) for southeast Wisconsin
9 freeway rehabilitation projects other than the Marquette interchange
10 reconstruction project if all of the following apply:

11 1. In the subsequent fiscal year, the department, from funds that otherwise
12 would have been allocated to the Marquette interchange reconstruction project,
13 increases the allocation under par. (a) for the subsequent fiscal year for southeast
14 Wisconsin freeway rehabilitation projects other than the Marquette interchange
15 reconstruction project by an amount equal to the amount reallocated to the
16 Marquette interchange reconstruction project in the current fiscal year under this
17 paragraph.

18 2. The department did not reduce under this paragraph, in the preceding fiscal
19 year, the allocation under par. (a) for southeast Wisconsin freeway rehabilitation
20 projects other than the Marquette interchange reconstruction project.

21 3. The department has submitted, for consideration at any regularly scheduled
22 meeting of the joint committee on finance under ~~section~~^{s.} 13.10 ~~of the statutes,~~^g a
23 request to reallocate funds under this paragraph and the committee has approved,
24 or modified and approved, the request under par. (c).

1

(c) If the department submits a request under par. (b) 3,¹ and the cochairpersons
2 of the joint committee on finance do not notify the department within 14 working
3 days after the date of the submittal that the committee has scheduled a meeting for
4 the purpose of reviewing the request, the department may take the action specified
5 in the request. If, within 14 working days after the date of the submittal, the
6 cochairpersons of the committee notify the department that the committee has
7 scheduled a meeting for the purpose of reviewing the plan, the department may not
8 take the action specified in the request until it is approved by the committee, as
9 submitted or as modified.”.

10

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0252/12

ARG:wlj:fs

RMR

LFB:.....Dyck, Mot 457, #9 – Require allocation of funds for southeast Wisconsin freeway rehabilitation projects other than the Marquette interchange

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

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1 At the locations indicated, amend the bill as follows:

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4 84.014 (3m) (a) Beginning in fiscal year 2003-04, and in each fiscal year
5 thereafter until the end of fiscal year 2010-11, from the amounts appropriated under
6 s. 20.395 (3) (cr) or (cy) or both, the department shall allocate a total of at least
7 \$49,350,000 in each fiscal year, or the total unencumbered balance of both
8 appropriations at the beginning of the fiscal year for each fiscal year, whichever is
9 less, for southeast Wisconsin freeway rehabilitation projects other than the
10 Marquette interchange reconstruction project. The department shall allocate the

1 full amount under this paragraph in each fiscal year, and any amount allocated
2 under this paragraph that remains unencumbered at the end of the fiscal year shall
3 be added to the allocation under this paragraph for the subsequent fiscal year, and
4 shall not otherwise affect the subsequent fiscal year's allocation under this
5 paragraph.

6 (b) Notwithstanding par. (a), the department may, in any fiscal year, reallocate
7 funds for purposes of the Marquette interchange reconstruction project that were,
8 for the same fiscal year, previously allocated under par. (a) for southeast Wisconsin
9 freeway rehabilitation projects other than the Marquette interchange
10 reconstruction project if all of the following apply:

11 1. In the subsequent fiscal year, the department, from funds that otherwise
12 would have been allocated to the Marquette interchange reconstruction project,
13 increases the allocation under par. (a) for the subsequent fiscal year for southeast
14 Wisconsin freeway rehabilitation projects other than the Marquette interchange
15 reconstruction project by an amount equal to the amount reallocated to the
16 Marquette interchange reconstruction project in the current fiscal year under this
17 paragraph.

18 2. The department did not reduce under this paragraph, in the preceding fiscal
19 year, the allocation under par. (a) for southeast Wisconsin freeway rehabilitation
20 projects other than the Marquette interchange reconstruction project.

21 3. The department has submitted, for consideration at any regularly scheduled
22 meeting of the joint committee on finance under s. 13.10, a request to reallocate funds
23 under this paragraph and the committee has approved, or modified and approved,
24 the request under par. (c).

b0252

5/27/03

H/c of Jon Dych at CFB

- make attached changes

Gary, Aaron

From: Dyck, Jon
Sent: Tuesday, May 27, 2003 2:00 PM
To: Gary, Aaron
Subject: RE: LRBb0252 (Allocation of funds)

I think that's a good point. Let's use his first suggestion to create a paragraph (d).

Jon Dyck, Fiscal Analyst
Legislative Fiscal Bureau
1 E. Main, Suite 301
(608) 266-9919

-----Original Message-----

From: Gary, Aaron
Sent: Tuesday, May 27, 2003 1:53 PM
To: Dyck, Jon
Subject: FW: LRBb0252 (Allocation of funds)

Jon,

Tim raises a good technical point here, although I don't think it makes much practical difference. (He means s. 84.014 (3m) (b).) Do you want me to make any changes to b0252 in light of Tim's comments?

Let me know. I have made the changes we discussed this morning in b0252 but am holding onto it until I know whether you want any additional changes. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Fast, Timothy
Sent: Tuesday, May 27, 2003 12:59 PM
To: Gary, Aaron
Subject: LRBb0252 (Allocation of funds)

Aaron -- FYI, the condition in proposed s. 84.013 (3m) (b) 1. can't be satisfied at the time of the reallocation of funds under proposed s. 84.013 (3m) (b) (intro.). Usually when some action is required or permitted and "if all of the following apply" is used, the "following" are preconditions to the action taking place. In this case, the action takes place beforehand.

If you were going to fix this, a few possible solutions come to mind:

1. Remove subd. 1. and create a par. (d) that reads: "If funds are reallocated in any fiscal year under par. (b), the department shall, in the subsequent fiscal year....". This would seem to work and clearly makes it a postcondition.
2. Same as Item #1 but also leave in a subd. 1. that reads, in pertinent part: "The department agrees, in the subsequent fiscal year....". This one doesn't thrill me because I don't think it's necessary and seems to suggest DOT has to agree to comply with a state law.
3. Move the text of subd. 1. up into (intro.) so as to read, in pertinent part: "Marquette interchange reconstruction project if, in the subsequent fiscal year ... and if all of the following apply". I'm not sure this is much different than leaving subd. 1. in but it doesn't look as much like a precondition to me.

Timothy N. Fast
Senior Legislative Attorney



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb025214 3
ARG:wlj:pg

RMR

LFB:.....Dyck, Mot 457, #9 – Require allocation of funds for southeast Wisconsin freeway rehabilitation projects other than the Marquette interchange

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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5 thereafter until the end of fiscal year 2010-11, from the amounts appropriated under
6 s. 20.395 (3) (cr) or (cy) or both, the department shall allocate a total of at least
7 \$49,350,000 in each fiscal year, or the total unencumbered balance of both
8 appropriations at the beginning of the fiscal year for each fiscal year, whichever is
9 less, for southeast Wisconsin freeway rehabilitation projects other than the
10 Marquette interchange reconstruction project. The department shall allocate the

1 full amount under this paragraph in each fiscal year, and any amount allocated
2 under this paragraph that remains unencumbered at the end of the fiscal year shall
3 be added to the allocation under this paragraph for the subsequent fiscal year, and
4 shall not otherwise affect the subsequent fiscal year's allocation under this
5 paragraph.

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8 for the same fiscal year, previously allocated under par. (a) for southeast Wisconsin
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10 reconstruction project if all of the following apply:

11 ~~the~~ ⁱⁿ (the subsequent fiscal year, the department, ^{shall} from funds that otherwise
12 would have been allocated to the Marquette interchange reconstruction project,
13 increases ^{the} the allocation under par. (a) for the subsequent fiscal year for southeast
14 Wisconsin freeway rehabilitation projects other than the Marquette interchange
15 reconstruction project by an amount equal to the amount reallocated to the
16 Marquette interchange reconstruction project ^{under par (b)} in the ^{preceding} ~~current~~ fiscal year ~~under this~~
17 ~~paragraph~~

18 1. The department did not reduce under this paragraph, in the preceding fiscal
19 year, the allocation under par. (a) for southeast Wisconsin freeway rehabilitation
20 projects other than the Marquette interchange reconstruction project.

21 2. The department has submitted ^{to} ~~for consideration at any regularly scheduled~~
22 ~~meeting of the joint committee on finance~~ ^{under s. 13.10} a request to reallocate funds
23 under this paragraph and the ^{request is} ~~committee has~~ approved, or modified and approved,
24 ~~the request~~ under par. ^(d) ~~(c)~~

> If (c) if funds are reallocated in any fiscal year under par (b),

(1) ^(d)
~~(a)~~ If the department submits a request under par. (b) ^{2. ✓}~~1.~~, and the
2 cochairpersons of the joint committee on finance do not notify the department within
3 14 working days after the date of the submittal that the committee has scheduled a
4 meeting for the purpose of reviewing the request, the department may take the
5 action specified in the request. If, within 14 working days after the date of the
6 submittal, the cochairpersons of the committee notify the department that the
7 committee has scheduled a meeting for the purpose of reviewing the request, the
8 department may not take the action specified in the request until it is approved by
9 the committee, as submitted or as modified.”.

10

(END)

*The request is considered approved for purposes of
para (b) 20 and*



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0252/3
ARG:wlj:pg

LFB:.....Dyck, Mot 457, #9 – Require allocation of funds for southeast Wisconsin freeway rehabilitation projects other than the Marquette interchange

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13 projects other than the Marquette interchange reconstruction project.

14 2. The department has submitted to the joint committee on finance a request
15 to reallocate funds under this paragraph and the request is approved, or modified
16 and approved, under par. (d).

17 (c) If funds are reallocated in any fiscal year under par. (b), in the subsequent
18 fiscal year, the department shall, from funds that otherwise would have been
19 allocated to the Marquette interchange reconstruction project, increase the
20 allocation under par. (a) for the subsequent fiscal year for southeast Wisconsin
21 freeway rehabilitation projects other than the Marquette interchange
22 reconstruction project by an amount equal to the amount reallocated to the
23 Marquette interchange reconstruction project under par. (b) in the preceding fiscal
24 year.

