

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB67)

Received: 02/16/2005

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing: katy

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: jkuesel

Subject: Education - miscellaneous

Extra Copies: PG

Submit via email: YES

Requester's email: Rep.Petrowski@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

School transportation bio-diesel fuel cost assistance

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>
/?	mlief 02/16/2005	wjackson 02/16/2005		_____			
/1	mlief 02/16/2005	wjackson 02/16/2005	pgreensl 02/16/2005	_____	sbasford 02/16/2005	sbasford 02/16/2005	
			pgreensl 02/16/2005	_____			
/2	mlief 02/23/2005	wjackson 02/23/2005	pgreensl 02/23/2005	_____	mbarman 02/23/2005	mbarman 02/23/2005	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

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#### Topic:

School transportation bio-diesel fuel cost assistance

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#### Instructions:

See Attached

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/?	mlief 02/16/2005	wjackson 02/16/2005		_____			
/1	mlief 02/16/2005	wjackson 02/16/2005	pgreensl 02/16/2005	_____	sbasford 02/16/2005	sbasford 02/16/2005	
		12/14/22	pgreensl 02/16/2005	_____			

FE Sent For:

2/23/05  
800

**2005 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB67)**

Received: **02/16/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Jerry Petrowski (608) 266-1182**

By/Representing: **katy**

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

Drafter: **mlief**

May Contact:

Addl. Drafters: **jkuesel**

Subject: **Education - miscellaneous**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Rep.Petrowski@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

School transportation bio-diesel fuel cost assistance

---

**Instructions:**

See Attached

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**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>
/?	mlief	1/16 WJ 2/16	2/16 PS	2/16 PS/R			

FE Sent For:

<END>

To editing 4/16  
Done 4/17

LRB Number: 50023, 1

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## Nonsubmittal Form

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**or**

**| 2 | Return only the camera-ready copy to the primary drafting attorney.**

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v  
+  
JKK

ASA to

# 2005 ASSEMBLY BILL 67

February 1, 2005 - Introduced by Representatives PETROWSKI, OTT, GRONEMUS, AINSWORTH, BLACK, DAVIS, FREESE, HAHN, KESTELL, LOEFFELHOLZ, LOTHIAN, MOLEPSKE, MONTGOMERY, MUSSER, POPE-ROBERTS, STONE, SUDER, TOWNSEND, VOS, VRAKAS, WARD, VRUWINK, SHILLING, ALBERS, BALLWEG, HINES, KRAWCZYK, POCAN, VAN ROY and WOOD, cosponsored by Senators LEIBHAM, COWLES, WIRCH, BRESKE, BROWN, DECKER, KAPANKE, A. LASEE, OLSEN, ROESSLER, HARS DORF and STEPP. Referred to Committee on State-Federal Relations.

Regenerate

1 AN ACT to amend 20.255 (2) (cr); and to create 16.954 and 20.505 (1) (kd) of the  
2 statutes; relating to: school transportation bio-diesel fuel cost assistance and  
3 making appropriations.

in consultation with the Department of Administration

substitute amendment

uses

### Analysis by the Legislative Reference Bureau

Public Instruction (DPI)

This bill permits the Department of Administration (DOA) to provide state financial assistance to school districts that utilize bio-diesel fuel for school bus transportation purposes to cover the increased cost of utilizing this fuel as compared to the cost of utilizing petroleum-diesel fuel for those purposes. The bill directs DOA to apply for federal financial assistance to cover the cost of providing state assistance, and ~~redirects~~ state school transportation aids currently appropriated to the Department of Public Instruction for the purpose of matching the federal aids received by DOA in the minimum amount required to obtain full federal financial participation. If in any fiscal year there are insufficient moneys available to reimburse school districts for the full amount of reimbursement for which school districts qualify, the bill directs DOA to prorate the available moneys among the school districts entitled thereto on a per pupil basis. Under the bill, aids are paid to each school district in each fiscal year based upon the costs incurred by the school district for the purchase of bio-diesel fuel for school bus transportation purposes in the preceding fiscal year as compared to the statewide average cost of petroleum-diesel fuel for that fiscal year.

DPI

to match

are

DPI

entitled

substitute amendment

DPI

substitute amendment

**ASSEMBLY BILL 67**

For further information see the *state* 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:**

<sup>121,575</sup>  
**SECTION 1.** ~~16.054~~ of the statutes is created to read:

<sup>1210575</sup>  
**16.954 School transportation bio-diesel fuel cost assistance.** (1) In this section:

(a) "Bio-diesel fuel" has the meaning given in s. 16.045 (1) (c).

(b) "Petroleum-diesel fuel" has the meaning given for "diesel fuel" in s. 78.005 (5), but does not include bio-diesel fuel.

(2) (a) The department may provide school transportation aids to school districts for the increased costs incurred by districts in utilizing bio-diesel fuel as compared with the costs of utilizing petroleum-diesel fuel for school bus transportation.

(b) If the department determines to provide aids to school districts under par. (a), the department shall apply to the federal government for bio-diesel fuel cost assistance for the purpose of financing payment of the aids. The department shall disburse federal aids received from the appropriation under s. 20.505 (1) <sup>255 me ✓</sup> (mb).

(3) If the federal government requires, as a condition of full federal financial participation under sub. (2) (b), that this state provide assistance for the purposes of sub. (2) (a) from state resources, the department shall provide the assistance from the appropriation under s. 20.505 (1) <sup>255 (2) (cr) ✓</sup> (mb) in the minimum amount required to obtain full federal financial participation.

(4) (a) Any school district that utilizes bio-diesel fuel for school bus transportation may apply to the department for state assistance to finance the costs

**ASSEMBLY BILL 67**

1 of utilizing that fuel. Except as provided in sub. (5), the department shall apportion  
2 assistance to school districts on the basis of the increased costs incurred by each  
3 school district in utilizing bio–diesel fuel as compared to the cost that the school  
4 district would have incurred in utilizing petroleum–diesel fuel for school bus  
5 transportation in the fiscal year preceding the fiscal year for which aids are paid, as  
6 adjusted to reflect any change in the statewide average cost of bio–diesel fuel for the  
7 current fiscal year as compared to the statewide average cost of such fuel for the  
8 preceding fiscal year.

9 (b) For purposes of par. (a), if a school district does not utilize bio–diesel fuel  
10 for some or all of the school bus transportation provided by the school district in any  
11 fiscal year, the department shall compute and utilize, for purposes of this subsection,  
12 the cost differential that the school district would have incurred in utilizing  
13 bio–diesel fuel on the basis of statewide average costs.

14 (c) The department shall annually determine the statewide average cost of  
15 bio–diesel fuel and petroleum–diesel fuel for purposes of administration of this  
16 subsection.

17 (d) If in any fiscal year there are insufficient moneys available to reimburse all  
18 school districts that apply for state assistance under par. (a) for the full amount of  
19 reimbursable costs under this subsection, the department shall, after making any  
20 required deduction under sub. (5), prorate the available moneys among the school  
21 districts entitled thereto on a per pupil basis.

22 (5) Each school district that receives aids under sub. (2) (a) for any fiscal year  
23 shall report to the department, in the form prescribed by the department, a  
24 statement of its actual costs incurred in utilizing bio–diesel fuel for school bus  
25 transportation purposes in that fiscal year. If the actual increased costs incurred by



**ASSEMBLY BILL 67**

**SECTION 1**

1 a school district in utilizing bio-diesel fuel for school bus transportation in any fiscal  
 2 year, as compared to the costs that the school district would have incurred in utilizing  
 3 petroleum-diesel fuel for <sup>school bus transportation</sup> those purposes, are less than the amount of the aids  
 4 received by the school district under sub. (2) (a) for that fiscal year, the department  
 5 shall deduct the amount of the difference from the amount of the aids payable to the  
 6 school district under sub. (2) (a) for the current fiscal year.

7 **(6)** Annually, by December 1, the department shall transfer from the  
 8 appropriation account under s. 20.255 (2) (cr) to the appropriation account under s.  
 9 20.505 (1) (kd) the minimum amount, if any, required to obtain full federal  
 10 participation under sub. (3).

11 **SECTION 2.** 20.255 (2) (cr) of the statutes is amended to read:

12 20.255 (2) (cr) *Aid for pupil transportation.* The amounts in the schedule for  
 13 the payment of state aid for transportation of public and private school pupils under  
 14 subch. IV of ch. 121 and for <sup>assistance under s. 1210575(3) in</sup> transfers to the appropriation account under s. 20.505

15 ~~(1) (kd)~~ STET

16 **SECTION 3.** 20.505 (1) (kd) of the statutes is created to read:

17 20.505 (1) (kd) *School transportation bio-diesel fuel aids.* All moneys  
 18 transferred from the appropriation account under s. 20.255 (2) (cr) for the purpose  
 19 of providing state matching assistance for school transportation bio-diesel fuel costs  
 20 under s. 16.954 (3).

21

(END)

INS 4-21 ✓

Section #. 121.58 (6) of the statutes is amended to read:

121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) (cr) in any one year is insufficient to pay the full amount of approved claims under this section, state aid payments shall be prorated among the school districts entitled thereto.

History: 1971 c. 125 s. 522 (1); 1973 c. 89, 333; 1975 c. 392; 1977 c. 29; 1979 c. 34 ss. 966d, 2102 (43) (a); 1979 c. 221; 1983 a. 27, 538; 1985 a. 29; 1993 a. 492; 1995 a. 27, 439; 1997 a. 27, 113, 164; 1999 a. 9, 117.

Woff

For school districts not participating in the program under s. 121.0575 shall be prorated as though the minimum amount under s. 121.0575(3) had not been made and state aid payments for school districts participating in the program under s. 121.0575 shall be prorated after deducting the minimum amount under s. 121.0575(3)

Score

**Lief, Madelon**

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**From:** Scott, Katie  
**Sent:** Monday, February 14, 2005 1:18 PM  
**To:** Kuesel, Jeffery; Lief, Madelon  
**Subject:** Question

Hi Jeff and Lonnie,

Thank you both so much for attending the meeting last week regarding the Subsitute Amendment for AB 67. Could you go ahead and draft the Sub?

Thank you,

**Katie Scott**  
Research Assistant/Committee Clerk  
Representative Jerry Petrowski

*M.M.*

*100*

*100*

*50*

*50*

*a*

*Answer 17-10*

*the*



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0023/1  
MJL&JTK:wlj:pg2

ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2005 ASSEMBLY BILL 67

Today  
please

1 AN ACT <sup>Regen</sup> to amend 20.255 (2) (cr) and 121.58 (6); and to create 121.575 of the  
2 statutes; relating to: school transportation bio-diesel fuel cost assistance and  
3 making <sup>91</sup> appropriations. ~~3~~

*Analysis by the Legislative Reference Bureau*

This substitute amendment permits the Department of Public Instruction (DPI) to provide state financial assistance to school districts that utilize bio-diesel fuel for school bus transportation to cover the increased cost of utilizing this fuel as compared to the cost of utilizing petroleum-diesel fuel for school bus transportation. The substitute amendment directs DPI, in consultation with the Department of Administration, to apply for federal financial assistance to cover the cost of providing state assistance, and uses state school transportation aids to match the federal aids received by DPI in the minimum amount required to obtain full federal financial participation. If in any fiscal year insufficient moneys are available to reimburse school districts for the full amount of reimbursement for which school districts qualify, the substitute amendment directs DPI to prorate the available moneys among the entitled school districts on a per pupil basis. Under the substitute amendment, aids are paid to each school district in each fiscal year based upon the costs incurred by the school district for the purchase of bio-diesel fuel for school bus

transportation in the preceding fiscal year as compared to the statewide average cost of petroleum–diesel fuel for that fiscal year.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 20.255 (2) (cr) of the statutes is amended to read:

2           20.255 (2) (cr) *Aid for pupil transportation.* The amounts in the schedule for  
3 the payment of state aid for transportation of public and private school pupils under  
4 subch. IV of ch. 121 and for assistance under s. 121.575 (3).

5           **SECTION 2.** 121.575 of the statutes is created to read:

6           **121.575 School transportation bio–diesel fuel cost assistance.** (1) In  
7 this section:

8           (a) “Bio–diesel fuel” has the meaning given in s. 16.045 (1) (c).

9           (b) “Petroleum–diesel fuel” has the meaning given for “diesel fuel” in s. 78.005  
10 (5), but does not include bio–diesel fuel.

11           (2) (a) The department may provide school transportation aids to school  
12 districts for the increased costs incurred by districts in utilizing bio–diesel fuel as  
13 compared with the costs of utilizing petroleum–diesel fuel for school bus  
14 transportation.

15           (b) If the department determines to provide aids to school districts under par.

16 (a), the department, in consultation with the department of administration, shall  
17 apply to the federal government for bio–diesel fuel cost assistance for the purpose of  
18 financing payment of the aids. The department shall disburse federal aids received  
19 from the appropriation under s. 20.<sup>2</sup>555 (1) (m~~g~~).<sup>2</sup>

20           (3) If the federal government requires, as a condition of full federal financial  
21 participation under sub. (2) (b), that this state provide assistance for the purposes

1 of sub. (2) (a) from state resources, the department shall provide the assistance from  
2 the appropriation under s. 20.255 (2) (cr) in the minimum amount required to obtain  
3 full federal financial participation.

4 (4) (a) Any school district that utilizes bio–diesel fuel for school bus  
5 transportation may apply to the department for state assistance to finance the costs  
6 of utilizing that fuel. Except as provided in sub. (5), the department shall apportion  
7 assistance to school districts on the basis of the increased costs incurred by each  
8 school district in utilizing bio–diesel fuel as compared to the cost that the school  
9 district would have incurred in utilizing petroleum–diesel fuel for school bus  
10 transportation in the fiscal year preceding the fiscal year for which aids are paid, as  
11 adjusted to reflect any change in the statewide average cost of bio–diesel fuel for the  
12 current fiscal year as compared to the statewide average cost of such fuel for the  
13 preceding fiscal year.

14 (b) For purposes of par. (a), if a school district does not utilize bio–diesel fuel  
15 for some or all of the school bus transportation provided by the school district in any  
16 fiscal year, the department shall compute and utilize, for purposes of this subsection,  
17 the cost differential that the school district would have incurred in utilizing  
18 bio–diesel fuel on the basis of statewide average costs.

19 (c) The department shall annually determine the statewide average cost of  
20 bio–diesel fuel and petroleum–diesel fuel for purposes of administration of this  
21 subsection.

22 (d) If in any fiscal year there are insufficient moneys available to reimburse all  
23 school districts that apply for state assistance under par. (a) for the full amount of  
24 reimbursable costs under this subsection, the department shall, after making any

1 required deduction under sub. (5), prorate the available moneys among the school  
2 districts entitled thereto on a per pupil basis.

3 (5) Each school district that receives aids under sub. (2) (a) for any fiscal year  
4 shall report to the department, in the form prescribed by the department, a  
5 statement of its actual costs incurred in utilizing bio-diesel fuel for school bus  
6 transportation in that fiscal year. If the actual increased costs incurred by a school  
7 district in utilizing bio-diesel fuel for school bus transportation in any fiscal year, as  
8 compared to the costs that the school district would have incurred in utilizing  
9 petroleum-diesel fuel for school bus transportation, are less than the amount of the  
10 aids received by the school district under sub. (2) (a) for that fiscal year, the  
11 department shall deduct the amount of the difference from the amount of the aids  
12 payable to the school district under sub. (2) (a) for the current fiscal year.

13 **SECTION 3.** 121.58 (6) of the statutes is amended to read:

14 121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) (cr)  
15 in any one year is insufficient to pay the full amount of approved claims under this  
16 section, state aid payments shall be prorated among the school districts entitled  
17 thereto for school districts not participating in the program under s.121.575 shall be  
18 prorated as though the minimum amount under s. 121.575 (3) had not been made  
19 and state aid payments for school districts participating in the program under s.  
20 121.575 shall be prorated after deducting the minimum amount under s. 121.575 (3).

21 (END)

## Lief, Madelon

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**From:** Scott, Katie  
**Sent:** Tuesday, February 22, 2005 3:36 PM  
**To:** Kuesel, Jeffery; Lief, Madelon  
**Subject:** Question

Hi Lonnie and Jeff,

Thank you for drafting this legislation.

Only a one-word change: On page 2, line 16, could "consultation" be deleted and "conjunction" be added in its place? DPI would like a stronger word there so that DOA truly will help them with this grant.

Thank you,

**Katie Scott**

Research Assistant/Committee Clerk  
Representative Jerry Petrowski



LRB s0023\_1





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0023/1<sup>2</sup>  
MJL&JTK:wlj:pg

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2005 ASSEMBLY BILL 67

Now

~~SOON~~

RM run

To editing 2/22

Due 10 AM 2/23

Regen

1 AN ACT *to amend* 20.255 (2) (cr) and 121.58 (6); and *to create* 121.575 of the  
2 statutes; **relating to:** school transportation bio-diesel fuel cost assistance and  
3 making an appropriation.

conjunction

*Analysis by the Legislative Reference Bureau*

This substitute amendment permits the Department of Public Instruction (DPI) to provide state financial assistance to school districts that utilize bio-diesel fuel for school bus transportation to cover the increased cost of utilizing this fuel as compared to the cost of utilizing petroleum-diesel fuel for school bus transportation. The substitute amendment directs DPI, in ~~consultation~~ with the Department of Administration, to apply for federal financial assistance to cover the cost of providing state assistance, and uses state school transportation aids to match the federal aids received by DPI in the minimum amount required to obtain full federal financial participation. If in any fiscal year insufficient moneys are available to reimburse school districts for the full amount of reimbursement for which school districts qualify, the substitute amendment directs DPI to prorate the available moneys among the entitled school districts on a per pupil basis. Under the substitute amendment, aids are paid to each school district in each fiscal year based upon the costs incurred by the school district for the purchase of bio-diesel fuel for school bus

transportation in the preceding fiscal year as compared to the statewide average cost of petroleum–diesel fuel for that fiscal year.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 20.255 (2) (cr) of the statutes is amended to read:

2           20.255 (2) (cr) *Aid for pupil transportation.* The amounts in the schedule for  
3 the payment of state aid for transportation of public and private school pupils under  
4 subch. IV of ch. 121 and for assistance under s. 121.575 (3).

5           **SECTION 2.** 121.575 of the statutes is created to read:

6           **121.575 School transportation bio–diesel fuel cost assistance.** (1) In  
7 this section:

8           (a) “Bio–diesel fuel” has the meaning given in s. 16.045 (1) (c).

9           (b) “Petroleum–diesel fuel” has the meaning given for “diesel fuel” in s. 78.005  
10 (5), but does not include bio–diesel fuel.

11           (2) (a) The department may provide school transportation aids to school  
12 districts for the increased costs incurred by districts in utilizing bio–diesel fuel as  
13 compared with the costs of utilizing petroleum–diesel fuel for school bus  
14 transportation.

15           (b) If the department determines to provide aids to school districts under par.

16           (a), the department, in <sup>conjunction</sup> ~~consultation~~ with the department of administration, shall  
17 apply to the federal government for bio–diesel fuel cost assistance for the purpose of  
18 financing payment of the aids. The department shall disburse federal aids received  
19 from the appropriation under s. 20.255 (2) (m).

20           (3) If the federal government requires, as a condition of full federal financial  
21 participation under sub. (2) (b), that this state provide assistance for the purposes

1 of sub. (2) (a) from state resources, the department shall provide the assistance from  
2 the appropriation under s. 20.255 (2) (cr) in the minimum amount required to obtain  
3 full federal financial participation.

4 (4) (a) Any school district that utilizes bio-diesel fuel for school bus  
5 transportation may apply to the department for state assistance to finance the costs  
6 of utilizing that fuel. Except as provided in sub. (5), the department shall apportion  
7 assistance to school districts on the basis of the increased costs incurred by each  
8 school district in utilizing bio-diesel fuel as compared to the cost that the school  
9 district would have incurred in utilizing petroleum-diesel fuel for school bus  
10 transportation in the fiscal year preceding the fiscal year for which aids are paid, as  
11 adjusted to reflect any change in the statewide average cost of bio-diesel fuel for the  
12 current fiscal year as compared to the statewide average cost of such fuel for the  
13 preceding fiscal year.

14 (b) For purposes of par. (a), if a school district does not utilize bio-diesel fuel  
15 for some or all of the school bus transportation provided by the school district in any  
16 fiscal year, the department shall compute and utilize, for purposes of this subsection,  
17 the cost differential that the school district would have incurred in utilizing  
18 bio-diesel fuel on the basis of statewide average costs.

19 (c) The department shall annually determine the statewide average cost of  
20 bio-diesel fuel and petroleum-diesel fuel for purposes of administration of this  
21 subsection.

22 (d) If in any fiscal year there are insufficient moneys available to reimburse all  
23 school districts that apply for state assistance under par. (a) for the full amount of  
24 reimbursable costs under this subsection, the department shall, after making any

1 required deduction under sub. (5), prorate the available moneys among the school  
2 districts entitled thereto on a per pupil basis.

3 (5) Each school district that receives aids under sub. (2) (a) for any fiscal year  
4 shall report to the department, in the form prescribed by the department, a  
5 statement of its actual costs incurred in utilizing bio–diesel fuel for school bus  
6 transportation in that fiscal year. If the actual increased costs incurred by a school  
7 district in utilizing bio–diesel fuel for school bus transportation in any fiscal year, as  
8 compared to the costs that the school district would have incurred in utilizing  
9 petroleum–diesel fuel for school bus transportation, are less than the amount of the  
10 aids received by the school district under sub. (2) (a) for that fiscal year, the  
11 department shall deduct the amount of the difference from the amount of the aids  
12 payable to the school district under sub. (2) (a) for the current fiscal year.

13 SECTION 3. 121.58 (6) of the statutes is amended to read:

14 121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) (cr)  
15 in any one year is insufficient to pay the full amount of approved claims under this  
16 section, state aid payments shall be prorated among the school districts entitled  
17 thereto for school districts not participating in the program under s.121.575 shall be  
18 prorated as though the minimum amount under s. 121.575 (3) had not been made  
19 and state aid payments for school districts participating in the program under s.  
20 121.575 shall be prorated after deducting the minimum amount under s. 121.575 (3).

21 (END)