



2001 ASSEMBLY BILL 229

March 20, 2001 - Introduced by COMMITTEE ON STATE AND LOCAL FINANCE (SELECT).
Referred to Committee on State and Local Finance (Select).

1 **AN ACT** *to repeal* 79.03 (2), 79.03 (3) (b) 4. b., 79.03 (3) (b) 4. bg., 79.03 (3) (b) 4.
2 bm. and 79.03 (3) (b) 4. h.; *to amend* 20.835 (1) (d), 25.50 (3) (b), 33.32 (3) (b),
3 79.005 (1), 79.005 (2), 79.01 (1), 79.01 (2), 79.015, 79.02 (2) (b), 79.02 (3), 79.03
4 (1), 79.03 (3) (a), 79.03 (3) (b) 1., 79.03 (3) (b) 3., 79.03 (3) (b) 4. (intro.), 79.03
5 (3) (b) 4. a., 79.03 (3) (b) 4. d., 79.03 (3) (b) 4. e., 79.03 (3) (b) 4. f., 79.03 (3) (b)
6 5., 79.03 (3) (b) 6., 79.03 (4), 79.06 (1) and 79.06 (2); and *to create* 20.835 (1) (db),
7 20.835 (1) (dd), 66.1001 (3) (rm), 79.01 (5), 79.01 (6) and 79.065 of the statutes;
8 **relating to:** restructuring municipal shared revenue.

Analysis by the Legislative Reference Bureau

Under current law, a municipality receives a shared revenue payment based on the municipality's population. The payment is equal to the municipality's population multiplied by the product of the following: the 1982 state population multiplied by \$30 divided by the state's current population. This bill eliminates the current shared revenue payment to a municipality based on population.

Under current law, a municipality also receives an aidable revenues payment that is equal to the product of the municipality's aidable revenues and the municipality's tax base weight. Aidable revenues are, generally, revenues raised by the municipality, such as local taxes and regulation revenues. Tax base weight is

ASSEMBLY BILL 229

based, generally, on the value of property in the municipality compared to the municipality's population. This bill eliminates a municipality's aidable revenues payment.

This bill creates an aidable expenditures payment for a municipality. The bill also creates a "growth-sharing region" payment for a municipality. Beginning in 2002, a municipality receives an aidable expenditures payment that is equal to the product of the municipality's aidable expenditures and the municipality's tax base weight. Aidable expenditures include a municipality's expenditures for general government operations; law enforcement, fire protection, ambulance services, and other public safety services; and health and human services. Aidable expenditures do not include a municipality's expenditures for highway maintenance, administration, or construction; road-related facilities or other transportation; solid waste collection and disposal or other sanitation; culture; education; parks and recreation; conservation; or development.

Annually, the department of revenue (DOR) determines the amount of each municipality's aidable expenditures. The amount of a municipality's aidable expenditures in a year is the lesser of: 1) the amount of the municipality's aidable expenditures in the year that was two years before the municipality receives an aidable expenditures payment or 2) the average of the municipality's aidable expenditures in 1998, 1999, and 2000, adjusted for inflation and for the property value in the municipality.

Under the bill, a municipality in a growth-sharing region may also receive a growth-sharing region payment. DOR must define "growth-sharing region" by rule and in such a way so that the state consists of at least seven but not more than 25 growth-sharing regions. A municipality will receive a growth-sharing region payment if the municipality limits the annual increase in its municipal budget to the allowable increase, based on the inflation rate and the property value in the municipality, to qualify for the expenditure restraint program under current law and if the municipality enters into an area cooperation compact (compact).

Beginning in 2002 and ending in 2005, to receive a payment, a municipality must enter into a compact with at least two municipalities or counties, or with any combination of at least two such entities, to perform at least two specified functions. Beginning in 2006, to receive a payment, a municipality must enter into a compact with at least four municipalities or counties, or with any combination of at least four such entities, to provide law enforcement and to perform at least five other specified functions. The specified functions are housing, emergency services, fire protection, solid waste collection and disposal, recycling, public health, animal control, transportation, mass transit, land use planning, boundary agreements, libraries, parks and recreation, culture, purchasing, and electronic government. A municipality that is not adjacent to at least two other municipalities may enter into a compact with any adjacent municipality or with the county in which the municipality is located.

A compact must provide a plan for any municipalities or counties that enter into the compact to collaborate to provide the specified functions. The compact must also provide benchmarks to measure the plan's progress and provide outcome-based

ASSEMBLY BILL 229

performance measures to evaluate the plan's success. Municipalities and counties that enter into the compact must structure the compact in a way that results in significant tax savings to taxpayers within the municipalities and counties. Annually, the municipality that is to receive a payment must certify to DOR that the municipality has complied with all of the compact requirements.

The total amount of the growth-sharing region payments allocated to all growth-sharing regions is an amount equal to the sales and use taxes collected in the state in a year multiplied by .05, and each growth-sharing region is allocated an amount that is proportional to the sales and use taxes that are collected in the region. A municipality that is eligible to receive a growth-sharing region payment receives an amount, from the amount allocated to the growth-sharing region in which the municipality is located, in proportion to its population within the growth-sharing region.

In 2002, a municipality is guaranteed a combined minimum aidable expenditures and growth-sharing region payment equal to 95% of the amount of the aidable revenues and per capita payments the municipality received in 2001. In 2003 and subsequent years, a municipality is guaranteed a combined minimum aidable expenditures and growth-sharing region payment equal to 95% of the combined amounts of the aidable expenditures and the growth-sharing region payments the municipality received in the previous year, if the municipality received growth-sharing region payments in both the current year and the previous year.

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

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

1 **SECTION 1.** 20.835 (1) (d) of the statutes is amended to read:

2 20.835 (1) (d) *Shared County shared revenue account.* A sum sufficient to meet
3 the requirements of the county shared revenue account established under s. 79.01
4 (2) to provide for the distributions from the shared revenue account to counties,
5 towns, villages and cities under ss. 79.03, 79.04, and 79.06.

6 **SECTION 2.** 20.835 (1) (db) of the statutes is created to read:

7 20.835 (1) (db) *Municipal services aid account.* A sum sufficient to make the
8 payments to municipalities under ss. 79.04 and 79.065 (2) and to make the payments
9 to municipalities under s. 79.065 (5) that are not paid from s. 20.835 (1) (dd).

10 **SECTION 3.** 20.835 (1) (dd) of the statutes is created to read:

ASSEMBLY BILL 229**SECTION 3**

1 20.835 (1) (dd) *Municipal growth sharing account*. A sum sufficient in the
2 amount determined under s. 79.01 (5) to make the payments to municipalities under
3 s. 79.065 (3) and to make the payments to municipalities under s. 79.065 (5) that are
4 not paid from s. 20.835 (1) (db).

5 **SECTION 4.** 25.50 (3) (b) of the statutes is amended to read:

6 25.50 (3) (b) On the dates specified and to the extent to which they are
7 available, subject to s. 16.53 (10), funds payable to local governments under ss. 79.03,
8 79.04, 79.05, 79.058, 79.06, 79.065, 79.08, and 79.10 shall be considered local funds
9 and, pursuant to the instructions of local officials, may be paid into the separate
10 accounts of all local governments established in the local government
11 pooled-investment fund and, pursuant to the instructions of local officials, to the
12 extent to which they are available, be disbursed or invested.

13 **SECTION 5.** 33.32 (3) (b) of the statutes is amended to read:

14 33.32 (3) (b) If a county or municipality fails to pay a special assessment levied
15 by a district, the clerk of the district may certify this fact to the department of
16 administration, and shall state the amount due. The department, at the time of
17 making the next scheduled distribution under s. 79.03 or 79.065, shall deduct the
18 amount claimed from the payment due the county or municipality, and shall forward
19 it to the district.

20 **SECTION 6.** 66.1001 (3) (rm) of the statutes is created to read:

21 66.1001 (3) (rm) Area cooperation compacts under s. 79.065 (4).

22 **SECTION 7.** 79.005 (1) of the statutes is amended to read:

23 79.005 (1) "Municipality" means any town, village, or city in this state. If a
24 municipality is located in more than one county, payments under this subchapter
25 shall be computed using data for the municipality as a whole. If a municipality is

ASSEMBLY BILL 229

1 located in more than one growth-sharing region, as defined in s. 79.065 (1) (d),
2 payments under s. 79.065 (3) shall be computed using data for the portion of the
3 municipality that is located in each growth-sharing region.

4 **SECTION 8.** 79.005 (2) of the statutes is amended to read:

5 79.005 (2) "Population" means the number of persons residing in each
6 municipality and county of the state as last determined by the department of
7 administration under s. 16.96, except that under s. 79.065 (3) (b), if a municipality
8 is located in more than one growth-sharing region, "population" means the number
9 of persons residing in the portion of the municipality located in each growth-sharing
10 region.

11 **SECTION 9.** 79.01 (1) of the statutes is amended to read:

12 79.01 (1) There is established an account in the general fund entitled the
13 "Expenditure Restraint Program Account". Account. There shall be appropriated
14 to that account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994;
15 \$48,000,000 in each year beginning in 1995 and ending in 1999 and; \$57,000,000
16 beginning in the year 2000 and ending in 2001; and \$63,000,000 in 2002 and in each
17 year thereafter.

18 **SECTION 10.** 79.01 (2) of the statutes is amended to read:

19 79.01 (2) There is established an account in the general fund entitled the
20 "~~Municipal and County Shared Revenue Account,~~", referred to in this chapter as the
21 "shared revenue account.". There shall be appropriated to the shared revenue
22 account the sums specified in ss. 79.03 and, 79.04, and 79.06.

23 **SECTION 11.** 79.01 (5) of the statutes is created to read:

24 79.01 (5) There is established an account in the general fund entitled the
25 "Municipal Growth-Sharing Account." There shall be appropriated to that account

ASSEMBLY BILL 229**SECTION 11**

1 an amount, determined by the department of revenue, that is equal to the sales and
2 use tax revenue collected under subch. III of ch. 77 in the fiscal year prior to the fiscal
3 year that any municipality receives the statement under s. 79.015 multiplied by .05.

4 **SECTION 12.** 79.01 (6) of the statutes is created to read:

5 79.01 (6) There is established an account in the general fund entitled the
6 "Municipal Services Aid Account." There shall be appropriated to that account the
7 amounts necessary to make the payments to municipalities under ss. 79.04 (1) and
8 (4) (a) and 79.065 (2) and to make the payments to municipalities under s. 79.065 (5)
9 that are not paid from s. 20.835 (1) (dd).

10 **SECTION 13.** 79.015 of the statutes is amended to read:

11 **79.015 Statement of estimated payments.** The department of revenue, on
12 or before September 15 of each year, shall provide to each municipality and county
13 a statement of estimated payments to be made in the next calendar year to the
14 municipality or county under ss. 79.03, 79.04, 79.05, 79.058 ~~and~~, 79.06, and 79.065.

15 **SECTION 14.** 79.02 (2) (b) of the statutes is amended to read:

16 79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the
17 municipality's or county's estimated payments under ss. 79.03, 79.04, 79.058 ~~and~~,
18 79.06, and 79.065 and 100% of the municipality's estimated payments under s. 79.05.

19 **SECTION 15.** 79.02 (3) of the statutes is amended to read:

20 79.02 (3) Subject to s. 59.605 (4), payments to each municipality and county in
21 November shall equal that municipality's or county's entitlement to shared revenues
22 under ss. 79.03, 79.04, 79.05, 79.058 ~~and~~, 79.06, and 79.065 for the current year,
23 minus the amount distributed to the municipality or county in July.

24 **SECTION 16.** 79.03 (1) of the statutes is amended to read:

ASSEMBLY BILL 229**SECTION 16**

1 79.03 (1) Each ~~municipality and~~ county is entitled to shared revenue,
2 consisting of an in the amount determined ~~on the basis of population under sub. (2),~~
3 plus an amount determined under sub. (3).

4 **SECTION 17.** 79.03 (2) of the statutes is repealed.

5 **SECTION 18.** 79.03 (3) (a) of the statutes is amended to read:

6 79.03 (3) (a) The amount in the shared revenue account for ~~municipalities and~~
7 ~~the amount in the shared revenue account for~~ counties, less the payments under sub.
8 (2) and s. 79.04, shall be allocated to each ~~municipality and~~ county respectively in
9 proportion to its entitlement. In this paragraph, "entitlement" means the product
10 of aidable revenues and tax base weight.

11 **SECTION 19.** 79.03 (3) (b) 1. of the statutes is amended to read:

12 79.03 (3) (b) 1. "Aidable revenues" means:

13 a. ~~For a municipality, the average local purpose revenues.~~

14 b. ~~For a county, 85% of the average local purpose revenue.~~

15 **SECTION 20.** 79.03 (3) (b) 3. of the statutes is amended to read:

16 79.03 (3) (b) 3. "Full valuation" means the full value of property that is exempt
17 under s. 70.11 (39) as determined under s. 79.095 (3) plus the full value of all taxable
18 property for the preceding year as equalized for state tax purposes, except that for
19 ~~municipalities the value of real estate assessed under s. 70.995 is excluded. Value~~
20 value increments under s. 66.1105 plus the full value of property that is exempt
21 under s. 70.11 (39) that would otherwise be part of a value increment are included
22 ~~for municipalities but excluded for counties.~~ Environmental remediation value
23 increments under s. 66.1106 are included for ~~municipalities and~~ counties that create
24 the environmental remediation tax incremental district and are excluded for ~~units~~
25 of ~~government~~ counties that do not create the district. ~~If property that had been~~

ASSEMBLY BILL 229**SECTION 20**

1 assessed under s. 70.995 and that has a value exceeding 10% of a municipality's value
2 is assessed under s. 70.10, 30% of that property's full value is included in "full
3 valuation" for purposes of the shared revenue payments in the year after the
4 assessment under s. 70.10, 65% of that property's full value is included in "full
5 valuation" for purposes of the shared revenue payments in the year 2 years after the
6 assessment under s. 70.10 and 100% of that property's full value is included in "full
7 valuation" for purposes of subsequent shared revenue payments.

8 **SECTION 21.** 79.03 (3) (b) 4. (intro.) of the statutes is amended to read:

9 79.03 (3) (b) 4. (intro.) "Local purpose revenues" means the sum of payments
10 under s. 79.095, local general purpose taxes, regulation revenues, revenues for
11 services to private parties by a county's or municipality's general operations or
12 enterprises, revenue for sanitation services to private parties, special assessment
13 revenues, and tax base equalization aids and, for municipalities only, a proxy for
14 private sewer service costs, a proxy for private solid waste and recycling service costs
15 and a proxy for retail charges for fire protection purposes. In this subdivision:

16 **SECTION 22.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

17 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax
18 increments collected for payment to a municipality under s. 66.1105 which is
19 attributable to that municipality's own levy, the portion of environmental
20 remediation tax increments collected for payment to a municipality or county under
21 s. 66.1106 that is attributable to that municipality's or county's own levy, general
22 property taxes, excluding taxes for a county children with disabilities education
23 board, collected to finance the general purpose government unit, property taxes
24 collected for sewage and sanitary districts, mobile home fees, the proceeds of county

ASSEMBLY BILL 229

1 sales and use taxes, and ~~municipal~~ and county vehicle registration fees under s.
2 341.35 (1).

3 **SECTION 23.** 79.03 (3) (b) 4. b. of the statutes is repealed.

4 **SECTION 24.** 79.03 (3) (b) 4. bg. of the statutes is repealed.

5 **SECTION 25.** 79.03 (3) (b) 4. bm. of the statutes is repealed.

6 **SECTION 26.** 79.03 (3) (b) 4. d. of the statutes is amended to read:

7 79.03 (3) (b) 4. d. "Revenue for sanitation services to private parties" means
8 revenues collected from private parties by a county's ~~or municipality's~~ general
9 operations or enterprises and by sewerage, sanitation, or inland lake rehabilitation
10 districts as refuse collection fees, sewerage service fees, and landfill fees.

11 **SECTION 27.** 79.03 (3) (b) 4. e. of the statutes is amended to read:

12 79.03 (3) (b) 4. e. "Revenues for services to private parties by a county's ~~or~~
13 ~~municipality's~~ general operations or enterprises" means revenues collected from
14 private parties for the following services: general government services consisting of
15 license publication fees, sale of publications, clerk's fees, and treasurer's fees; public
16 safety services, consisting of police or sheriff's department fees, fire department fees,
17 and ambulance fees; inspection services, consisting of building, electrical, heat,
18 plumbing, elevator, and weights and measures; sidewalk replacement or
19 construction fees, storm sewer construction fees, street lighting fees; parking ramps,
20 meters and lot fees; library fines or fees; and museum and zoo users or admission
21 fees.

22 **SECTION 28.** 79.03 (3) (b) 4. f. of the statutes is amended to read:

23 79.03 (3) (b) 4. f. "Special assessment revenues" means charges assessed
24 against benefited properties for capital improvements by a ~~municipality~~ or county

ASSEMBLY BILL 229**SECTION 28**

1 placed on the current tax roll for collection or collected during the year in advance
2 of being placed on the tax roll.

3 **SECTION 29.** 79.03 (3) (b) 4. h. of the statutes is repealed.

4 **SECTION 30.** 79.03 (3) (b) 5. of the statutes is amended to read:

5 79.03 (3) (b) 5. "Standardized valuation" means the product of the standardized
6 valuation per person times the population of a ~~municipality or a county~~ in the
7 preceding year.

8 **SECTION 31.** 79.03 (3) (b) 6. of the statutes is amended to read:

9 79.03 (3) (b) 6. "Standardized valuation per person" is that number that when
10 used in the computation under par. (a) most nearly approximates the sum of
11 entitlements for all ~~municipalities or for all~~ counties respectively to the funds
12 distributable under par. (a).

13 **SECTION 32.** 79.03 (4) of the statutes is amended to read:

14 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
15 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
16 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
17 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
18 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
19 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
20 municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent
21 years ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04, and
22 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to
23 counties. In 2002, the total amount to be distributed to municipalities under ss.
24 79.04 and 79.065 (2) from s. 20.835 (1) (db) is \$755,478,000, less the amounts
25 distributed under s. 79.065 (3) from s. 20.835 (1) (dd). In 2003 and subsequent years,

ASSEMBLY BILL 229**SECTION 32**

1 the total amount to be distributed to municipalities under ss. 79.04 and 79.065 (2)
2 from s. 20.835 (1) (db) is the amount distributed under ss. 79.04 and 79.065 (2) to
3 municipalities in 2002. In 2002 and subsequent years, the total amount to be
4 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$168,981,800.

5 **SECTION 33.** 79.06 (1) of the statutes is amended to read:

6 79.06 (1) MINIMUM PAYMENTS. (b) If the payments to any ~~municipality or county~~
7 under s. 79.03, ~~excluding payments under s. 79.03 (3e)~~, in 1986 or any year thereafter
8 are less than 95% of the combined payments to the ~~municipality or county~~ under this
9 section and s. 79.03, ~~excluding payments under s. 79.03 (3e)~~, for the previous year,
10 the ~~municipality or county~~ has an aids deficiency. The amount of the aids deficiency
11 is the amount by which 95% of the combined payments to the ~~municipality or county~~
12 under this section and s. 79.03, ~~excluding payments under s. 79.03 (3e)~~, in the
13 previous year exceeds the payments to the ~~municipality or county~~ under s. 79.03,
14 ~~excluding payments under s. 79.03 (3e)~~, in the current year.

15 (c) A ~~municipality or county~~ that has an aids deficiency shall receive a payment
16 from the amounts withheld under sub. (2) equal to its proportion of all the aids
17 deficiencies of ~~municipalities or counties~~ respectively for that year.

18 **SECTION 34.** 79.06 (2) of the statutes is amended to read:

19 79.06 (2) MAXIMUM PAYMENTS. (b) If the payments to a ~~municipality or county~~,
20 except any county in which there are no cities or villages, in any year exceed its
21 combined payments under this section and s. 79.03, ~~excluding payments under s.~~
22 ~~79.03 (3e)~~, in the previous year by more than the maximum allowable increase, the
23 excess shall be withheld to fund minimum payments in that year under sub. (1) (c).

24 (c) In this subsection, "maximum allowable increase" in any year means a
25 percentage such that the sum for all ~~municipalities or counties~~ respectively in that

ASSEMBLY BILL 229**SECTION 34**

1 year of the excess of payments under ss. 79.02 and 79.03, ~~excluding payments under~~
2 ~~s. 79.03 (3e)~~, over the payments as limited by the maximum allowable increase is
3 equal to the sum of the aids deficiencies under sub. (1) in that year.

4 **SECTION 35.** 79.065 of the statutes is created to read:

5 **79.065 Municipal growth sharing. (1) DEFINITIONS.** In this section:

6 (a) "Aidable expenditures" means a municipality's expenditures for general
7 government operations; law enforcement, fire protection, ambulance services, and
8 other public safety services; and health and human services. "Aidable expenditures"
9 does not include a municipality's expenditures for highway maintenance,
10 administration, or construction; road-related facilities or other transportation; solid
11 waste collection and disposal or other sanitation; culture; education; parks and
12 recreation; conservation; or development.

13 (b) "Entitlement" means the product of aidable expenditures and tax base
14 weight.

15 (c) "Full valuation" means the full value of all taxable property of a
16 municipality for the preceding year as equalized for state tax purposes, including the
17 value increments under s. 66.1105, the environmental remediation value increments
18 under s. 66.1106 for municipalities that create the environmental remediation tax
19 incremental district, and the value of real estate assessed under s. 70.995, but
20 excluding the full value of property that is exempt under s. 70.11 (39) as determined
21 under s. 79.095 (3).

22 (d) "Growth-sharing region" means "growth-sharing region" as defined by
23 rule, no later than September 1, 2001, by the department of revenue so that this state
24 is divided into at least 7 but not more than 25 growth-sharing regions.

25 (e) "Sales tax" means the tax imposed under ss. 77.52 and 77.53.

ASSEMBLY BILL 229**SECTION 35**

1 (f) "Standardized valuation" means the product of the standardized valuation
2 per person times the population of a municipality in the preceding year.

3 (g) "Standardized valuation per person" is that number that when used in the
4 computation under sub. (2) most nearly approximates the sum of entitlements for all
5 municipalities to the funds distributable under sub. (2).

6 (h) "Tax base weight" means one minus the decimal obtained by dividing the
7 full valuation by the standardized valuation, except that "tax base weight" shall be
8 a decimal of at least 0.0.

9 **(2) AIDABLE EXPENDITURES ENTITLEMENTS.** (a) Beginning in 2002, the amount
10 in the municipal services aid account for municipalities, less the payments under s.
11 79.04 (1) and (4) (a), shall be allocated to each municipality in proportion to its
12 entitlement.

13 (b) Annually, the department of revenue shall determine the amount of each
14 municipality's aidable expenditures. For purposes of calculating a municipality's
15 entitlement, the amount of a municipality's aidable expenditures in a year is the
16 lesser of the following:

17 1. The amount of the municipality's aidable expenditures in the year prior to
18 the year in which the municipality receives the statement under s. 79.015.

19 2. The average of the amount of the municipality's aidable expenditures in
20 1998, 1999, and 2000, increased by the cumulative percentage under s. 79.05 (2) (c)
21 by which the municipality could have increased its budget and still be eligible for a
22 payment under s. 79.05, regardless of whether the municipality was eligible for a
23 payment under s. 79.05. The cumulative percentage shall be calculated from 1999
24 to the year prior to the year of the statement under s. 79.015.

ASSEMBLY BILL 229**SECTION 35**

1 **(3) GROWTH-SHARING REGIONS ENTITLEMENT.** (a) Except for payments made in
2 2002, a municipality in a growth-sharing region shall receive a payment under par.

3 (b) if the following applies:

4 1. The municipality limits the growth in its municipal budget to the increase
5 specified under s. 79.05 (2) (c) for the year of the statement under s. 79.015.

6 2. The municipality enters into an area cooperation compact under sub. (4) for
7 the year of the statement under s. 79.015.

8 (b) In 2002, a municipality in a growth-sharing region, and in 2003 and
9 subsequent years, a municipality in a growth-sharing region that fulfills the
10 requirements under par. (a), shall receive a payment that is equal to the total amount
11 allocated to the growth-sharing region, as determined under par. (c), multiplied by
12 a fraction the numerator of which is the municipality's current population in the
13 growth-sharing region, and the denominator of which is the current population in
14 the growth-sharing region of all the municipalities that are eligible for payments
15 under this subsection that are located in the growth-sharing region.

16 (c) The total amount allocated to a growth-sharing region shall be equal to the
17 total amount to be distributed under s. 20.835 (1) (dd) multiplied by a fraction the
18 numerator of which is the amount of sales tax collected in the growth-sharing region,
19 as determined by the department of revenue, in the fiscal year prior to the fiscal year
20 in which any municipality receives the statement under s. 79.015, and the
21 denominator of which is the total amount of sales tax collected in this state, as
22 determined by the department of revenue, in the fiscal year prior to the fiscal year
23 in which any municipality receives the statement under s. 79.015.

24 **(4) AREA COOPERATION COMPACTS.** (a) 1. Except as provided in subd. 3., beginning
25 in 2003 and ending in 2005, to receive payments under sub. (3), a municipality shall

ASSEMBLY BILL 229

1 enter into an area cooperation compact with at least 2 municipalities or counties, or
2 with any combination of at least 2 such entities, to perform at least 2 of the functions
3 listed in par. (b).

4 2. Except as provided in subd. 3., beginning in 2006 and in each subsequent
5 year, to receive payments under sub. (3), a municipality shall enter into an area
6 cooperation compact with at least 4 municipalities or counties, or with any
7 combination of at least 4 such entities, to provide law enforcement and to perform
8 at least 5 of the other functions listed in par. (b).

9 3. A municipality that is not adjacent to at least 2 other municipalities may
10 enter into a cooperation compact with any adjacent municipality or with the county
11 in which the municipality is located to perform the number and type of functions as
12 specified under subds. 1. or 2., as applicable to the year of the payment.

13 (b) An area cooperation compact may involve the following functions:

- 14 1. Law enforcement.
- 15 2. Housing.
- 16 3. Emergency services.
- 17 4. Fire protection.
- 18 5. Solid waste collection and disposal.
- 19 6. Recycling.
- 20 7. Public health.
- 21 8. Animal control.
- 22 10. Transportation.
- 23 11. Mass transit.
- 24 12. Land use planning.
- 25 13. Boundary agreements.

ASSEMBLY BILL 229**SECTION 35**

1 14. Libraries.

2 15. Parks and recreation.

3 16. Culture.

4 17. Purchasing.

5 18. Electronic government.

6 (c) An area cooperation compact shall provide a plan for any municipalities or
7 counties that enter into the compact to collaborate to provide any functions under
8 par. (b), as selected under par. (a). The compact shall provide benchmarks to measure
9 the plan's progress and provide outcome-based performance measures to evaluate
10 the plan's success. Municipalities and counties that enter into the compact shall
11 structure the compact in a way that results in significant tax savings to taxpayers
12 within those municipalities and counties.

13 (d) Annually, beginning in 2002, to receive a payment under sub. (3), a
14 municipality shall certify to the department of revenue, in a manner prescribed by
15 the department, by May 1 of the year of the statement under s. 79.015, that the
16 municipality complied with pars. (a) to (c) for the year of the statement under s.
17 79.015.

18 (e) Annually, beginning in 2004, the legislative audit bureau shall prepare a
19 report on the performance of area cooperation compacts and shall submit copies of
20 the report to the chief clerk of each house of the legislature for distribution to the
21 appropriate standing committees under s. 13.172 (3) by June 30.

22 **(5) MINIMUM PAYMENTS.** (a) In 2002, if the combined payments to a municipality
23 under subs. (2) and (3) are less than 95% of the combined payments to the
24 municipality under s. 79.06, 1999 stats., and s. 79.03 (3), 1999 stats., excluding
25 payments under s. 79.03 (3c), 1999 stats., for 2001, the municipality has an aids

ASSEMBLY BILL 229

1 deficiency. The amount of the aids deficiency is the amount by which 95% of the
2 amount of the combined payments to the municipality under s. 79.06, 1999 stats.,
3 and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999 stats., for
4 2001 exceeds the payments to the municipality under subs. (2) and (3) in 2002. A
5 municipality that has an aids deficiency under this paragraph shall receive a
6 payment from the amounts withheld under sub. (6) (a) that is equal to its proportion
7 of all the aids deficiencies of municipalities under this paragraph in 2002.

8 (b) Except as provided in par. (c), in 2003 and subsequent years, if the combined
9 payments to a municipality under subs. (2) and (3) are less than 95% of the combined
10 payments to the municipality under this subsection and subs. (2), (3), and (6) for the
11 previous year, the municipality has an aids deficiency. The amount of the aids
12 deficiency is the amount by which 95% of the amount of the combined payments to
13 the municipality under this subsection and subs. (2), (3), and (6) in the previous year
14 exceeds the combined payments to the municipality under subs. (2) and (3) in the
15 current year. A municipality that has an aids deficiency under this paragraph shall
16 receive a payment from the amounts withheld under sub. (6) (b) that is equal to its
17 proportion of all the aids deficiencies of municipalities under this paragraph for the
18 current year.

19 (c) In 2003 and subsequent years, if a municipality receives a payment under
20 sub. (3) in the year following the year of the statement under s. 79.015 but did not
21 receive a payment in the year of the statement, or if a municipality does not receive
22 a payment under sub. (3) in the year following the year of the statement under s.
23 79.015 but received a payment in the year of the statement, the payment under sub.
24 (3) shall be excluded from the calculation for determining the minimum payment
25 under par. (b).

ASSEMBLY BILL 229**SECTION 35**

1 **(6) MAXIMUM PAYMENTS.** (a) In 2002, if the combined payments to a municipality
2 under subs. (2) and (3) exceed combined payments to the municipality under s. 79.06,
3 1999 stats., and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999
4 stats., for 2001 by more than the maximum allowable increase, the excess shall be
5 withheld to fund minimum payments in 2002 under sub. (5) (a). In this paragraph,
6 “maximum allowable increase” means a percentage such that the sum for all
7 municipalities of the excess of payments in 2002 under subs. (2) and (3) over the
8 payment as limited by the maximum allowable increase is equal to the sum of the
9 aids deficiencies under sub. (5) (a) in 2002.

10 (b) In 2003 and subsequent years, if the combined payments to a municipality
11 under subs. (2) and (3) exceed the combined payments to the municipality under this
12 subsection and subs. (2), (3), and (5) for the previous year by more than the maximum
13 allowable increase, the excess shall be withheld to fund minimum payments in the
14 current year under sub. (5) (b). In this paragraph, “maximum allowable increase”
15 in any year means a percentage such that the sum for all municipalities of the excess
16 of payments in that year under subs. (2) and (3) over the payment as limited by the
17 maximum allowable increase is equal to the sum of the aids deficiencies under sub.
18 (5) (b) in that year.

19 (c) In 2003 and subsequent years, if a municipality receives a payment under
20 sub. (3) in the year following the year of the statement under s. 79.015 but did not
21 receive a payment in the year of the statement, or if a municipality does not receive
22 a payment under sub. (3) in the year following the year of the statement under s.
23 79.015 but received a payment in the year of the statement, the payment under sub.
24 (3) shall be excluded from the calculation for determining the maximum payment
25 under par. (b).

