



State of Wisconsin
2023 - 2024 LEGISLATURE

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2023 ASSEMBLY BILL 256

May 8, 2023 - Introduced by Representatives MACCO, O'CONNOR, ALLEN, ARMSTRONG, BEHNKE, DITTRICH, GUNDRUM, MAGNAFICI and SCHRAA. Referred to Committee on Local Government.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to repeal** 20.835 (1) (c), 20.835 (1) (db), 20.835 (1) (dm), 20.835 (1) (e),
2 20.835 (1) (f), 20.835 (1) (fa), 20.835 (1) (r), 49.45 (51), 79.01, 79.02 (3) (e) and
3 79.035 (1); **to renumber** 79.02 (3) (a); **to amend** 79.035 (4) (c) 2., 79.035 (4) (d)
4 2., 79.035 (4) (e) 2., 79.035 (4) (f) 2., 79.035 (4) (g), 79.035 (4) (h), 79.035 (4) (i),
5 79.035 (5) and 79.05 (3) (d); **to repeal and recreate** 79.035 (5) and 79.035 (9)
6 (intro.); and **to create** 16.5185 (3), 16.5186, 20.835 (1) (s), 20.835 (1) (t), 20.835
7 (1) (u), 20.835 (1) (v), 20.835 (1) (w), 20.835 (1) (x), 25.17 (1) (jf), 25.491, 79.035
8 (9) and 79.05 (4) of the statutes; **relating to:** increasing county and municipal
9 aid payments and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, each county and municipality annually receives county and municipal aid payments. With certain exceptions, each county and municipality receives a county and municipal aid payment equal to the amount of the payment the county or municipality received in 2012. This bill creates a trust fund designated as the local government aid fund, to consist of moneys transferred each fiscal year from the general fund. In the 2024-25 fiscal year, the amount transferred into the local government aid fund is equal to 20 percent of the amount of state sales and use tax

ASSEMBLY BILL 256

revenues, and in subsequent fiscal years the amounts transferred into the fund for public utility aid, county and municipal aid, per capita deficiency aid, and additional county and municipal aid will increase by the percentage increase in the amount of sales and use tax revenue from the previous fiscal year to the current fiscal year. In 2024, counties and municipalities will receive a county and municipal aid payment equal to the amount of the payment received by the county or municipality in 2012, and in subsequent years, each payment will increase by the percentage increase in the amount of sales and use tax revenue. The bill also requires the Department of Revenue to distribute a per capita deficiency aid payment to certain towns, cities, villages, and counties. The total amount available to be distributed as per capita deficiency aid payments will increase each year by the percentage increase in the amount of sales and use tax revenue.

In addition, each county and municipality will receive an additional payment from the local government aid fund to use for hiring, training, and retaining law enforcement officers, members of a paid fire department, and emergency medical responders and for local highways. Under the bill, this payment is equal to 10 percent of the total amounts that a county or municipality receives for county and municipal aid payment and for per capita deficiency aid. If in any year a county or municipality decreases the amount of its budget dedicated to hiring, training, and retaining law enforcement officers, members of the paid fire department, and emergency medical responders and for local highways, so that the amount is less than the amount so dedicated in the previous year, the secretary of the Department of Administration will reduce the county's or municipality's additional payment by the amount of the decrease in the county's or municipality's budget dedicated to hiring, training, and retaining law enforcement officers, members of the paid fire department, and emergency medical responders and for local highways.

The bill also makes the following fiscal and appropriation changes:

1. Creates a segregated fund appropriation from the local government aid fund for the expenditure restraint program payments and repeals the general purpose revenue appropriation for those payments. Under current law, a municipality is eligible to receive an expenditure restraint payment if its property tax levy is greater than five mills and if the annual increase in its municipal budget, subject to certain exceptions, is less than the sum of factors based on inflation and the increased value of property in the municipality as a result of new construction. The bill also provides that in 2025, each municipality will receive an expenditure restraint program payment that is equal to the payment received by the municipality in 2024.

2. Creates a segregated fund appropriation from the local government aid fund for public utility aid payments to counties and municipalities and repeals the general purpose revenue appropriation existing for those payments. Under current law, counties and municipalities where power production plants, electric substations, and general public utility structures are located receive public utility aid payments based on a statutory formula.

3. Creates a segregated fund appropriation from the local government aid fund for computer aid payments to taxing jurisdictions and repeals the general purpose revenue appropriation existing for those payments. Under current law, computers

ASSEMBLY BILL 256

and certain computer-related equipment are exempt from local personal property taxes, and DOA makes computer aid payments to taxing jurisdictions to compensate them for the corresponding loss of property tax revenue.

4. Creates a segregated fund appropriation from the local government aid fund for exempt personal property aid payments to taxing jurisdictions and repeals the general purpose revenue appropriation existing for those payments. Under current law, machinery, tools, and patterns not used for manufacturing purposes are exempt from local personal property taxes, and DOA makes exempt personal property aid payments to taxing jurisdictions to compensate them for the corresponding loss of property tax revenue. The bill also appropriates funds from the local government aid fund to make aid payments to taxing jurisdictions during the 2024-25 fiscal year if the personal property tax is repealed during the 2023-24 legislative session.

5. Creates a segregated fund appropriation from the local government aid fund for video service provider fee aid payments to municipalities and repeals the general purpose revenue appropriation existing for those payments. Under current law, the state provides an aid payment to municipalities to compensate the municipalities for a state-mandated reduction in the amount of video service provider franchise fees that a municipality may impose and collect.

7. Repeals the appropriation from the police and fire protection fund that provides funds for county and municipal aid payments.

8. Eliminates the general purpose revenue provided to local government units through the Medical Assistance program for providing transportation for medical care.

9. Transfers, beginning in the 2024-25 fiscal year, \$8,000,000 from the local government aid fund to the transportation fund in each fiscal 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.** 16.5185 (3) of the statutes is created to read:

2 16.5185 (3) On December 30, 2024, and on each December 30 thereafter, the
3 secretary shall transfer from the local government aid fund to the transportation
4 fund \$8,000,000.

5 **SECTION 2.** 16.5186 of the statutes is created to read:

6 **16.5186 Transfers involving the local government aid fund. (1)**

7 Beginning in fiscal year 2024-25, on the 2nd Monday in July in each fiscal year, the

ASSEMBLY BILL 256

1 secretary shall transfer from the general fund to the local government aid fund 15
2 percent of the amount specified under s. 25.491, and on the 2nd Monday in November
3 in each fiscal year, the secretary shall transfer from the general fund to the local
4 government aid fund 85 percent of the amount specified under s. 25.491.

5 (2) On June 30, 2025, and on each June 30 thereafter, the secretary shall
6 transfer the unencumbered balance of the local government aid fund in excess of 0.1
7 percent of the amounts deposited under s. 25.491 during that fiscal year, from the
8 local government aid fund to the general fund.

9 **SECTION 3.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
10 the following amounts for the purposes indicated:

			2023-24	2024-25
11	20.835	Shared revenue and tax relief		
12	(1)	SHARED REVENUE PAYMENTS		
13	(x)	State aid; video service provider		
14	fee	SEG A	-0-	10,008,200

15 **SECTION 4.** 20.835 (1) (c) of the statutes is repealed.

16 **SECTION 5.** 20.835 (1) (db) of the statutes is repealed.

17 **SECTION 6.** 20.835 (1) (dm) of the statutes is repealed.

18 **SECTION 7.** 20.835 (1) (e) of the statutes is repealed.

19 **SECTION 8.** 20.835 (1) (f) of the statutes is repealed.

20 **SECTION 9.** 20.835 (1) (fa) of the statutes is repealed.

21 **SECTION 10.** 20.835 (1) (r) of the statutes is repealed.

22 **SECTION 11.** 20.835 (1) (s) of the statutes is created to read:

ASSEMBLY BILL 256

1 20.835 (1) (s) *Expenditure restraint program*. From the local government aid
2 fund, a sum sufficient to make the payments under s. 79.05 (3).

3 **SECTION 12.** 20.835 (1) (t) of the statutes is created to read:

4 20.835 (1) (t) *County and municipal aid*. From the local government aid fund,
5 a sum sufficient to make the payments under s. 79.035 (9).

6 **SECTION 13.** 20.835 (1) (u) of the statutes is created to read:

7 20.835 (1) (u) *Public utility distribution account*. From the local government
8 aid fund, a sum sufficient to make the payments under s. 79.04.

9 **SECTION 14.** 20.835 (1) (v) of the statutes is created to read:

10 20.835 (1) (v) *State aid; computer aid payments*. From the local government
11 aid fund, a sum sufficient to make the payments under s. 79.095.

12 **SECTION 15.** 20.835 (1) (w) of the statutes is created to read:

13 20.835 (1) (w) *State aid; personal property tax exemption*. From the local
14 government aid fund, a sum sufficient to make the payments under s. 79.096 and
15 2023 Wisconsin Act (this act), section 37 (1).

16 **SECTION 16.** 20.835 (1) (x) of the statutes is created to read:

17 20.835 (1) (x) *State aid; video service provider fee*. From the local government
18 aid fund, the amounts in the schedule to make the state aid payments under s.
19 79.097.

20 **SECTION 17.** 25.17 (1) (jf) of the statutes is created to read:

21 25.17 (1) (jf) Local government aid fund (s. 25.491);

22 **SECTION 18.** 25.491 of the statutes is created to read:

23 **25.491 Local government aid fund.** (1) There is established a separate
24 nonlapsible trust fund designated as the local government aid fund, to consist of the
25 following moneys transferred from the general fund:

ASSEMBLY BILL 256**SECTION 18**

1 (a) In fiscal year 2024-25, 20 percent of the amount of revenues received from
2 the taxes imposed under ss. 77.52 and 77.53 as specified for that fiscal year under
3 s. 20.005 (1) by the biennial budget act.

4 (b) In fiscal year 2025-26, and in each fiscal year thereafter, the sum of the
5 following:

6 1. The amount transferred from the general fund in the previous fiscal year.

7 2. The percentage change in the amount of revenues received from the taxes
8 imposed under ss. 77.52 and 77.53 for the current fiscal year from the previous fiscal
9 year, as specified for that fiscal year under s. 20.005 (1) by the biennial budget act
10 multiplied by the sum of the amounts credited to the accounts under subs. (2), (3),
11 (4), and (5) in the previous fiscal year.

12 **(2)** (a) There is established in the local government aid fund a separate account
13 that is designated the public utility distribution account. In fiscal year 2024-25, and
14 in each fiscal year thereafter, the sums specified in s. 79.04 shall be credited to this
15 account.

16 (b) Each fiscal year, the department of administration shall make payments
17 under this subsection before any other payments under this section. If the amount
18 remaining after making the payments under this subsection is not sufficient to make
19 the full payments under subs. (3), (4), and (5), the department of administration shall
20 make payments in proportion to the amount owed and the total remaining amount
21 available for distribution.

22 **(3)** There is established in the local government aid fund a separate account
23 that is designated the county and municipal base aid account. In fiscal year 2024-25,
24 the total amount of payments made in the previous fiscal year under s. 79.035 shall
25 be credited to this account. In fiscal year 2025-26, and in each fiscal year thereafter,

ASSEMBLY BILL 256

1 an amount equal to the amount credited to this account in the previous fiscal year,
2 and subject to sub. (2) (b), increased by the percentage change in the amount of
3 revenues received from the taxes imposed under ss. 77.52 and 77.53 from the
4 previous fiscal year to the current fiscal year as determined under sub. (1), shall be
5 credited to this account.

6 (4) There is established in the local government aid fund a separate account
7 that is designated the per capita deficiency aid account to make the payments under
8 s. 79.035 (9) (b). The following amounts shall be credited to this account:

9 (a) In fiscal year 2024-25, for distribution to towns, \$65,000,000. In fiscal year
10 2025-26, and in each fiscal year thereafter, an amount equal to the amount credited
11 to this account under this paragraph in the previous fiscal year, and subject to sub.
12 (2) (b), increased by the percentage change in the amount of revenues received from
13 the taxes imposed under ss. 77.52 and 77.53 from the previous fiscal year to the
14 current fiscal year as determined under sub. (1), shall be credited to this account.

15 (b) In fiscal year 2024-25, for distribution to cities and villages, \$75,000,000.
16 In fiscal year 2025-26, and in each fiscal year thereafter, an amount equal to the
17 amount credited to this account under this paragraph in the previous fiscal year, and
18 subject to sub. (2) (b), increased by the percentage change in the amount of revenues
19 received from the taxes imposed under ss. 77.52 and 77.53 from the previous fiscal
20 year to the current fiscal year as determined under sub. (1), shall be credited to this
21 account.

22 (c) In fiscal year 2024-25, for distribution to counties, \$57,500,000. In fiscal
23 year 2025-26, and in each fiscal year thereafter, an amount equal to the amount
24 credited to this account under this paragraph in the previous fiscal year, and subject
25 to sub. (2) (b), increased by the percentage change in the amount of revenues received

ASSEMBLY BILL 256

1 from the taxes imposed under ss. 77.52 and 77.53 from the previous fiscal year to the
2 current fiscal year as determined under sub. (1), shall be credited to this account.

3 (5) There is established in the local government aid fund a separate account
4 that is designated the additional county and municipal aid account to make the
5 payments under s. 79.035 (9) (c). In fiscal year 2024-25, and in each fiscal year
6 thereafter, an amount equal to 10 percent of the sum of the amounts credited to the
7 accounts under subs. (3) and (4) shall be credited to this account.

8 (6) There is established in the local government aid fund a separate account
9 that is designated the expenditure restraint program account to make the payments
10 under s. 79.05.

11 (7) There is established in the local government aid fund a separate account
12 that is designated “state aid; computers” to make the payments under s. 79.095.

13 (8) There is established in the local government aid fund a separate account
14 that is designated “state aid; personal property” to make the payments under s.
15 79.096.

16 (9) There is established in the local government aid fund a separate account
17 that is designated “state aid; video service provider fee” to make the payments under
18 s. 79.097.

19 **SECTION 19.** 49.45 (51) of the statutes is repealed.

20 **SECTION 20.** 79.01 of the statutes is repealed.

21 **SECTION 21.** 79.02 (3) (a) of the statutes is renumbered 79.02 (3).

22 **SECTION 22.** 79.02 (3) (e) of the statutes is repealed.

23 **SECTION 23.** 79.035 (1) of the statutes is repealed.

24 **SECTION 24.** 79.035 (4) (c) 2. of the statutes is amended to read:

ASSEMBLY BILL 256

1 79.035 (4) (c) 2. Except as provided under par. (h), the reduction determined
2 under this paragraph may not exceed the lesser of an amount equal to 15 percent of
3 the municipality's payment under this section in 2011, prior to any reduction under
4 s. 79.02 (3) (e), 2021 stats., or 10 cents for each \$1,000 of the municipality's equalized
5 value, as determined under s. 70.57.

6 **SECTION 25.** 79.035 (4) (d) 2. of the statutes is amended to read:

7 79.035 (4) (d) 2. Except as provided in par. (h), the reduction determined under
8 this paragraph may not exceed the lesser of an amount equal to 15 percent of the
9 municipality's payment under this section in 2011, prior to any reduction under s.
10 79.02 (3) (e), 2021 stats., or 15 cents for each \$1,000 of the municipality's equalized
11 value, as determined under s. 70.57.

12 **SECTION 26.** 79.035 (4) (e) 2. of the statutes is amended to read:

13 79.035 (4) (e) 2. Except as provided in par. (h), the reduction determined under
14 this paragraph may not exceed the lesser of an amount equal to 15 percent of the
15 municipality's payment under this section in 2011, prior to any reduction under s.
16 79.02 (3) (e), 2021 stats., or 25 cents for each \$1,000 of the municipality's equalized
17 value, as determined under s. 70.57.

18 **SECTION 27.** 79.035 (4) (f) 2. of the statutes is amended to read:

19 79.035 (4) (f) 2. Except as provided in par. (h), the reduction determined under
20 this paragraph may not exceed the lesser of an amount equal to 15 percent of the
21 municipality's payment under this section in 2011, prior to any reduction under s.
22 79.02 (3) (e), 2021 stats., or 30 cents for each \$1,000 of the municipality's equalized
23 value, as determined under s. 70.57.

24 **SECTION 28.** 79.035 (4) (g) of the statutes is amended to read:

ASSEMBLY BILL 256**SECTION 28**

1 79.035 (4) (g) The reduction for a municipality that has a population greater
2 than 110,000 is an amount equal to 30 cents for each \$1,000 of the municipality's
3 equalized value, as determined under s. 70.57, plus an amount equal to the
4 municipality's population multiplied by the amount determined under par. (b) 1.,
5 except that the reduction determined under this paragraph may not exceed the
6 lesser of an amount equal to 25 percent of the municipality's payment under this
7 section in 2011, prior to any reduction under s. 79.02 (3) (e), 2021 stats., or 35 cents
8 for each \$1,000 in equalized value, as determined under s. 70.57.

9 **SECTION 29.** 79.035 (4) (h) of the statutes is amended to read:

10 79.035 (4) (h) The reduction determined under par. (c), (d), (e), or (f) for a town
11 or village may not exceed the lesser of an amount equal to 25 percent of the town's
12 or village's payment under this section in 2011, prior to any reduction under s. 79.02
13 (3) (e), 2021 stats., or the amount determined under par. (c) 2., (d) 2., (e) 2., or (f) 2.
14 based on equalized value.

15 **SECTION 30.** 79.035 (4) (i) of the statutes is amended to read:

16 79.035 (4) (i) The reduction for a county is the amount determined under par.
17 (b) 2. multiplied by the county's population, except that the reduction determined
18 under this paragraph may not exceed the lesser of an amount equal to 25 percent of
19 the county's payment under this section in 2011, prior to any reduction under s. 79.02
20 (3) (e), 2021 stats., or 15 cents for each \$1,000 of the county's equalized value, as
21 determined under s. 70.57.

22 **SECTION 31.** 79.035 (5) of the statutes is amended to read:

23 79.035 (5) Except as provided in subs. (6), (7), and (8), for the distribution in
24 2013 and in subsequent years ending with 2023, each county and municipality shall

ASSEMBLY BILL 256

1 receive a payment under this section that is equal to the amount of the payment
2 determined for the county or municipality under this section for 2012.

3 **SECTION 32.** 79.035 (5) of the statutes, as affected by 2019 Wisconsin Act 19 and
4 2023 Wisconsin Act (this act), is repealed and recreated to read:

5 79.035 (5) Except as provided in subs. (7) and (8), for the distribution in 2013
6 and in subsequent years ending with 2023, each county and municipality shall
7 receive a payment under this section that is equal to the amount of the payment
8 determined for the county or municipality under this section for 2012.

9 **SECTION 33.** 79.035 (9) (intro.) of the statutes, as created by 2023 Wisconsin Act
10 (this act), is repealed and recreated to read:

11 79.035 (9) (intro.) Except as provided in subs. (7) and (8), for the distribution
12 in 2024 and subsequent years, each county and municipality shall receive payments
13 under this section as follows:

14 **SECTION 34.** 79.035 (9) of the statutes is created to read:

15 79.035 (9) Except as provided in subs. (6), (7), and (8), for the distribution in
16 2024 and subsequent years, each county and municipality shall receive payments
17 under this section as follows:

18 (a) 1. For the distribution in 2024, each county and municipality shall receive
19 a payment equal to the amount it received under this section in 2023.

20 2. For the distribution in 2025 and subsequent years, each county and
21 municipality shall receive a payment equal to the proportion of the total payments
22 from the county and municipal base aid account under s. 25.491 (3) that the county
23 or municipality received in 2024 multiplied by the amount for the year in the county
24 and municipal base aid account under s. 25.491 (3).

ASSEMBLY BILL 256**SECTION 34**

1 (b) 1. The department of revenue shall distribute the amount determined under
2 s. 25.491 (4) (a) to towns to maximize across all towns the minimum per capita
3 amount of total payments received under this subdivision and par. (a) by any town.

4 2. The department of revenue shall distribute the amount determined under
5 s. 25.491 (4) (b) to cities and villages to maximize across all cities and villages the
6 minimum per capita amount of total payments received under this subdivision and
7 par. (a) by any city or village.

8 3. The department of revenue shall distribute the amount determined under
9 s. 25.491 (4) (c) to counties to maximize across all counties the minimum per capita
10 amount of total payments received under this subdivision and par. (a) by any county.

11 (c) 1. From the appropriation account under s. 20.835 (1) (t), each county and
12 municipality shall receive a payment that equals 10 percent of the total amount
13 received by the municipality or county under pars. (a) and (b) to be used for hiring,
14 training, and retaining law enforcement officers, as defined in s. 165.85 (2) (c),
15 members of the paid fire department, as defined in s. 213.10 (1g), and emergency
16 medical responders, as defined in s. 256.01 (4p), and for local highways.

17 2. a. For the distribution in 2024 and subsequent years, if in any year a county
18 or municipality decreases the amount of its budget dedicated to hiring, training, and
19 retaining law enforcement officers, as defined in s. 165.85 (2) (c), so that the amount
20 is less than the amount so dedicated in the previous year, the secretary of
21 administration shall reduce the county's or municipality's payment under subd. 1.
22 by the amount of the decrease in the county's or municipality's budget dedicated to
23 hiring, training, and retaining law enforcement officers. This subd. 2. a. does not
24 apply to a county or municipality that transfers responsibility for providing law
25 enforcement to another local unit of government or that enters into a cooperative

ASSEMBLY BILL 256

1 agreement to share law enforcement responsibilities with another local unit of
2 government.

3 b. For the distribution in 2024 and subsequent years, if in any year a county
4 or municipality decreases the amount of its budget dedicated to hiring, training, and
5 retaining members of the paid fire department, as defined in s. 213.10 (1g), so that
6 the amount is less than the amount so dedicated in the previous year, the secretary
7 of administration shall reduce the county's or municipality's payment under subd.
8 1. by the amount of the decrease in the county's or municipality's budget dedicated
9 to hiring, training, and retaining members of the paid fire department. This subd.
10 2. b. does not apply to a county or municipality that transfers responsibility for
11 providing fire protection to another local unit of government or that enters into a
12 cooperative agreement to share fire protection responsibilities with another local
13 unit of government.

14 c. For the distribution in 2024 and subsequent years, if in any year a county
15 or municipality decreases the amount of its budget dedicated to hiring, training, and
16 retaining emergency medical responders, as defined in s. 256.01 (4p), so that the
17 amount is less than the amount so dedicated in the previous year, the secretary of
18 administration shall reduce the county's or municipality's payment under subd. 1.
19 by the amount of the decrease in the county's or municipality's budget dedicated to
20 hiring, training, and retaining emergency medical responders. This subd. 2. c. does
21 not apply to a county or municipality that transfers responsibility for providing
22 emergency medical services to another local unit of government or that enters into
23 a cooperative agreement to share emergency medical services responsibilities with
24 another local unit of government.

ASSEMBLY BILL 256**SECTION 34**

1 d. For the distribution in 2024 and subsequent years, if in any year a county
2 or municipality decreases the amount of its budget dedicated to local highways, so
3 that the amount is less than the amount so dedicated in the previous year, the
4 secretary of administration shall reduce the county's or municipality's payment
5 under subd. 1. by the amount of the decrease in the county's or municipality's budget
6 dedicated to local highways.

7 **SECTION 35.** 79.05 (3) (d) of the statutes is amended to read:

8 79.05 (3) (d) Multiply the amount under par. (c) by the amount for the year
9 under s. 79.01 (1), 2021 stats.

10 **SECTION 36.** 79.05 (4) of the statutes is created to read:

11 79.05 (4) Notwithstanding subs. (2) and (3), in 2025 each municipality shall
12 receive a payment under this section that is equal to the amount of the payment
13 received by the municipality under this section in 2024.

14 **SECTION 37. Nonstatutory provisions.**

15 (1) STATE AID; PERSONAL PROPERTY TAX EXEMPTION. If legislation is enacted during
16 the 2023-24 legislative session to eliminate the personal property tax imposed under
17 ch. 70, effective with the January 1, 2024, assessments, the department of revenue
18 shall certify the amount of property taxes that would have been levied by each taxing
19 jurisdiction on all items of personal property for the property tax assessments of
20 January 1, 2024, to the department of administration, and the department of
21 administration shall make a payment to the taxing jurisdiction for that amount from
22 the appropriation under s. 20.835 (1) (w).

23 **SECTION 38. Fiscal changes.**

24 (1) MEDICAL CARE TRANSPORTATION SERVICES. In the schedule under s. 20.005 (3)
25 for the appropriation to the department of health services under s. 20.435 (4) (b), the

ASSEMBLY BILL 256

1 dollar amount for fiscal year 2024-25 is decreased by \$2,000,000 as a result of
2 eliminating the supplement payments to local governmental units for the provision
3 of transportation for medical care.

4 **SECTION 39. Effective dates.** This act takes effect on July 1, 2024, except as
5 follows:

6 (1) COUNTY AND MUNICIPAL AID. The repeal and recreation of s. 79.035 (5) and
7 (9) (intro.) takes effect on June 30, 2036.

8 (END)