

## 2009 DRAFTING REQUEST

### Bill

Received: **01/16/2009**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-5878**

By/Representing: **Dombrowski**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous  
Nat. Res. - miscellaneous**

Extra Copies: **RCT - 1**

Submit via email: **NO**

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### Pre Topic:

DOA:.....Dombrowski, BB0417 -

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### Topic:

Transfer of coastal zone management program

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### Instructions:

Per attached, 1/15/09.

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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>
/?	jkuesel 01/16/2009	wjackson 01/17/2009		_____			State
/1			rschluet 01/20/2009	_____	sbasford 01/20/2009		State
/2	jkuesel 01/20/2009	wjackson 01/20/2009	jfrantze 01/20/2009	_____	mbarman 01/21/2009		

FE Sent For:

<END>

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/1 /2	jkuesel 1/20/09	1/2 Wlj 1/20	rschluet 01/20/2009	_____	sbasford 01/20/2009		

FE Sent For:

*Jb*  
1/20  
*Jb/wls*  
1/20  
<END>

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1/1	jkuesel 1/16/09	WJ 1/17		MB			
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FE Sent For:

<END>

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Coastal Management
- Tracking Code: BB0417
- SBO team: GGED
- SBO analyst: Cindy Dombrowski CD
  - Phone: 266-5878
  - Email: cynthia.dombrowski@wisconsin.gov
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): Medium

### Intent:

The Coastal management program currently administered by DOA is transferred to DNR.

Date (time)  
needed

SCJN

LRB- 1577 / 1

**DOA BUDGET DRAFT**

LPS: Please fix request sheet.

JTK : WLj :

Use the appropriate components and routines developed for bills.

**>>FOR BUDGET — NOT READY FOR INTRODUCTION<<**

AN ACT ... [DO NOT generate catalog]; relating to: <sup>zone</sup> ~~the budget~~ transfer of

coastal management functions from the department of administration to the department of natural resources

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

( Next page )

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

**SECTION #.**

FWSA

DNR and makes the management of <sup>the</sup> that program a responsibility of DNR  
administration of this state's coastal management

This bill transfers the management of police services currently provided by DOA to ~~DOT~~. Under the bill, the number of officers performing these police services is not included in the statutory limitation on state traffic patrol officers. The powers of police officers transferred under the bill and the method of financing the services they perform remain the same as currently provided. The bill transfers all positions in DOA whose responsibilities relate to ~~police services to DOT~~, as well as the incumbents in those positions. Employees transferred under the bill retain all civil service protections and collective bargaining rights in ~~DOT~~ that they enjoy in DOA prior to the date of the transfer.

zone  
Program from  
Coastal zone management

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:***

**SECTION 1.** 16.515 (4) of the statutes is created to read:

16.515 (4) Notwithstanding s. 20.505 (5) (ka), if the appropriation under s. 20.505 (5) (ka) is supplemented under this section to finance police and security costs under s. 110.072, the amount transferred to the appropriation under s. 20.395 (5) (fk) for that purpose includes the amount supplemented in the fiscal year for which the supplement is made.

**SECTION 2.** 16.84 (2) of the statutes is renumbered 110.072 (1) and amended to read:

110.072 (1) Appoint such number of police officers as is necessary to safeguard all public property placed by law in the department's charge of the department of administration, and provide, by agreement with any other state agency, as defined in s. 16.70 (1e), police and security services at buildings and facilities owned, controlled, or occupied by the other state agency. The governor or the department may, to the extent it is necessary, authorize police officers employed by the department under this subsection to safeguard state officers, state employees, or other persons. A police officer who is employed by the department under this

1 **110.072 Police and security services.** (intro.) The department shall:

2 **SECTION 9.** 342.40 (3) (a) of the statutes is amended to read:

3 342.40 (3) (a) Any municipal or university police officer, police officer appointed  
 4 under s. 16.84 (2) 110.072, sheriff's deputy, county traffic patrolman, state traffic  
 5 officer or conservation warden who discovers any motor vehicle, trailer, semitrailer,  
 6 or mobile home on any public highway or private or public property which has been  
 7 abandoned shall cause the vehicle to be removed to a suitable place of impoundment.  
 8 Upon removal of the vehicle the officer or warden shall notify the sheriff or chief of  
 9 police of the abandonment and of the location of the impounded vehicle. Upon  
 10 causing the removal of the motor vehicle by a towing service, the officer or warden  
 11 shall, within 24 hours of ordering the removal, notify the towing service of the name  
 12 and last-known address of the registered owner and all lienholders of record of the  
 13 vehicle, unless the officer is employed by a municipality or county that has entered  
 14 into a towing services agreement which requires the municipality or county to  
 15 provide notice to such owner and lienholders of the towing.

16 **SECTION 9101. Nonstatutory provisions; administration.** \*

17 (1) TRANSFER OF <sup>COASTAL ZONE MANAGEMENT</sup> POLICE AND SECURITY FUNCTIONS.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
 19 liabilities of the department of administration that are primarily related to its ~~police~~  
 20 ~~and security~~ functions, as determined by the secretary of administration, shall  
 21 become assets and liabilities of the department of <sup>natural resources</sup> ~~transportation~~.

22 (b) *Positions and employees.*

23 1. On the effective date of this subdivision, all full-time equivalent positions  
 24 in the department of administration having duties that are primarily related to its

Handwritten notes: "RWS", "S-135" with an arrow pointing to the end of the first paragraph.

SECTION 9101

1 ~~police and security~~ functions, as determined by the secretary of administration, are  
 2 transferred to the department of ~~transportation~~ <sup>coastal zone management</sup>

3 2. All incumbent employees holding positions specified in subdivision 1. are  
 4 transferred on the effective date of this subdivision to the department of  
 5 ~~transportation~~ <sup>natural resources</sup>

6 3. Employees transferred under subdivision 2. have all of the rights and the  
 7 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
 8 department of ~~transportation~~ <sup>natural resources</sup> that they enjoyed in the department of administration  
 9 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
 10 no employee so transferred who has attained permanent status in class is required  
 11 to serve a probationary period.

12 (c) *Tangible personal property.* On <sup>zone</sup> the effective date of this paragraph, all  
 13 tangible personal property, including records, of the department of administration  
 14 that is primarily related to its ~~police and security~~ <sup>coastal management</sup> functions as determined by the  
 15 secretary of administration, is transferred to the department of ~~transportation~~ <sup>natural resources</sup>

16 (d) *Contracts.* All <sup>zone</sup> contracts entered into by the department of administration  
 17 in effect on the effective date of this paragraph that are primarily related to its ~~police~~  
 18 ~~and security~~ <sup>coastal management</sup> functions, as determined by the secretary of administration, are  
 19 transferred to the department of ~~transportation~~ <sup>natural resources</sup>. The department of ~~transportation~~ <sup>natural resources</sup>  
 20 shall carry out any contractual obligations under such a contract until the contract  
 21 is modified or rescinded by the department of ~~transportation~~ <sup>natural resources</sup> to the extent allowed  
 22 under the contract.

23 (e) *Rules and orders.* All rules promulgated by the department of  
 24 administration that are primarily related to its ~~police and security~~ <sup>coastal management</sup> functions and  
 25 that are in effect on the effective date of this paragraph remain in effect until their

1 specified expiration dates or until amended or repealed by the department of  
 2 ~~transportation~~ <sup>natural resources</sup> All orders issued by the department of administration that are  
 3 primarily related to its ~~police and security~~ <sup>coastal zone management</sup> functions and that are in effect on the  
 4 effective date of this paragraph remain in effect until their specified expiration dates  
 5 or until modified or rescinded by the department of ~~transportation~~ <sup>natural resources</sup>

6 (f) *Pending matters.* Any matter pending with the department of  
 7 administration that is primarily related to its ~~police and security~~ <sup>coastal/management zone</sup> functions on the  
 8 effective date of this paragraph is transferred to the department of ~~transportation~~ <sup>natural resources</sup>,  
 9 and all materials submitted to or actions taken by the department of administration  
 10 with respect to the pending matter are considered as having been submitted to or  
 11 taken by the department of ~~transportation~~ <sup>natural resources</sup>

(END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1577/1ins  
JTK.....

INS A:

Under the federal coastal zone management program, the U.S. Department of Commerce makes administrative grants as well as resource management and coastal zone enhancement grants to eligible states for the purpose of implementing a state's coastal zone management program. To be eligible for grants, a state must first obtain the approval of its coastal zone management program by the U.S. secretary of commerce. Currently, no state agency is designated by law to administer this state's coastal zone management program, but the program is administered by DOA.

INS 5-15:

SECTION ~~4~~ 281.12 (6) of the statutes is created to read:

281.12 (6) The department shall, in consultation with the coastal management  
\* council created under executive order number 62, dated August 2, 1984, administer  
this state's coastal zone management program submitted to the U.S. secretary of  
commerce under 16 USC 1455.

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

LRB-1577/1dn

JTK.../!...

WJ

Date

Cynthia Dombrowski:

1. If this draft is included in the budget bill and that bill becomes law, it may be necessary to amend this state's coastal zone management program to reflect a change in the administering agency and to apply to the U.S. secretary of commerce for approval of the amended plan. You may therefore want to insert a delayed effective date for the transfer in order to allow time to apply for approval of an amended plan and to obtain the required federal approval.
2. This draft does not transfer any appropriations or appropriation balances. I assume that DNR has the necessary appropriation structure to administer the program transferred by this draft. If not, please advise me and I will create such a structure.
3. Current law does not assign the responsibility for administration of this state's coastal zone management program to any agency. This draft provides that DNR shall administer this state's program in consultation with the coastal management council created by executive order in 1984. See proposed s. 281.12 (6). It seemed to me that this is the minimum required to implement your intent. If you want more detail than this, please let me know.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

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

LRB-1577/1dn  
JTK:wlj:rs

January 20, 2009

Cynthia Dombrowski:

1. If this draft is included in the budget bill and that bill becomes law, it may be necessary to amend this state's coastal zone management program to reflect a change in the administering agency and to apply to the U.S. secretary of commerce for approval of the amended plan. You may therefore want to insert a delayed effective date for the transfer in order to allow time to apply for approval of an amended plan and to obtain the required federal approval.
2. This draft does not transfer any appropriations or appropriation balances. I assume that DNR has the necessary appropriation structure to administer the program transferred by this draft. If not, please advise me and I will create such a structure.
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Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**Kuesel, Jeffery**

---

**To:** Dombrowski, Cynthia A - DOA  
**Subject:** RE: Transfer Coastal Programs

Cynthia,  
I will take care of it.  
Jeff Kuesel

---

**From:** Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]  
**Sent:** Tuesday, January 20, 2009 12:59 PM  
**To:** Kuesel, Jeffery  
**Subject:** Transfer Coastal Programs

Hi Jeff -  
For draft 09-1577/1 (transfer of coastal), there will be no incumbents transferring to DNR. Can you please remove that language from the draft?  
Thanks,  
Cindy

**Cynthia Dombrowski**  
Executive Policy and Budget Analyst  
Department of Administration  
Tel: (608)266-5878  
Fax: (608)267-0372  
cynthia.dombrowski@wisconsin.gov



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1577/1

JTK:wlj:rs

wanted wed 1/21

stays

DOA:.....Dombrowski, BB0417 - Transfer of coastal zone management program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1  
2

AN ACT ...; relating to: transfer of coastal zone management functions from the Department of Administration to the Department of Natural Resources.

*Analysis by the Legislative Reference Bureau*

Under the federal coastal zone management program, the U.S. Department of Commerce makes administrative grants as well as resource management and coastal zone enhancement grants to eligible states for the purpose of implementing a state's coastal zone management program. To be eligible for grants, a state must first obtain the approval of its coastal zone management program by the U.S. secretary of commerce. Currently, no state agency is designated by law to administer this state's coastal zone management program, but the program is administered by DOA.

This bill transfers the administration of this state's coastal zone management program from DOA to DNR, and makes the management of the program a responsibility of DNR. The bill transfers all positions in DOA whose responsibilities relate to coastal zone management, as well as the incumbents in those positions. Employees transferred under the bill retain all civil service protections and collective bargaining rights in DNR that they enjoyed in DOA prior to the date of the transfer.

does not transfer any positions or employees

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:*

1           **SECTION 1.** 281.12 (6) of the statutes is created to read:

2           281.12 (6) The department shall, in consultation with the coastal management  
3 council created under executive order 62, dated August 2, 1984, administer this  
4 state's coastal zone management program submitted to the U.S. secretary of  
5 commerce under 16 USC 1455.

6           **SECTION 9101. Nonstatutory provisions; Administration.**

7           (1) TRANSFER OF <sup>A</sup>COSTAL ZONE MANAGEMENT FUNCTIONS.

8           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
9 liabilities of the department of administration that are primarily related to its <sup>a</sup>costal  
10 zone management functions, as determined by the secretary of administration, shall  
11 become assets and liabilities of the department of natural resources.

12           (b) *Positions and employees.*

13           1. On the effective date of this subdivision, all full-time equivalent positions  
14 in the department of administration having duties that are primarily related to its  
15 costal zone management functions, as determined by the secretary of  
16 administration, are transferred to the department of natural resources.

17           2. All incumbent employees holding positions specified in subdivision 1. are  
18 transferred on the effective date of this subdivision to the department of natural  
19 resources.

20           3. Employees transferred under subdivision 2. have all of the rights and the  
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1 department of natural resources that they enjoyed in the department of  
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3 of the statutes, no employee so transferred who has attained permanent status in  
4 class is required to serve a probationary period.

5 (b) (c) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of administration  
7 that is primarily related to its <sup>a</sup>costal zone management functions as determined by  
8 the secretary of administration, is transferred to the department of natural  
9 resources.

10 (c) (d) *Contracts.* All contracts entered into by the department of administration  
11 in effect on the effective date of this paragraph that are primarily related to its <sup>a</sup>costal  
12 zone management functions, as determined by the secretary of administration, are  
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15 contract is modified or rescinded by the department of natural resources to the extent  
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18 administration that are primarily related to its <sup>c</sup>costal zone management functions  
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22 primarily related to its <sup>a</sup>costal zone management functions and that are in effect on  
23 the effective date of this paragraph remain in effect until their specified expiration  
24 dates or until modified or rescinded by the department of natural resources.

**SECTION 9101**

1 (e) ~~(f)~~ *Pending matters.* Any matter pending with the department of  
2 administration that is primarily related to its <sup>o</sup>costal zone management functions on  
3 the effective date of this paragraph is transferred to the department of natural  
4 resources, and all materials submitted to or actions taken by the department of  
5 administration with respect to the pending matter are considered as having been  
6 submitted to or taken by the department of natural resources.

7 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1577/2

JTK:wljfj

DOA:.....Dombrowski, BB0417 - Transfer of coastal zone management program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- 1     **AN ACT ...; relating to:** transfer of coastal zone management functions from the  
2     Department of Administration to the Department of Natural Resources.

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12 resources.

13           (b) *Tangible personal property.* On the effective date of this paragraph, all  
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