

**2013 DRAFTING REQUEST**

**Senate Amendment (SA-SB31)**

Received: 4/2/2013 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Various changes related to local bridge grant program

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**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>
/P1	agary 1/14/2014	jdyer 4/4/2013	jfrantze 4/4/2013	_____	sbasford 4/4/2013		
/1		jdyer 1/14/2014	jmurphy 1/14/2014	_____	lparisi 1/14/2014	lparisi 1/14/2014	

FE Sent For:

<END>

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FE Sent For:

*T 4/14 jld* *jd* *Jmks 4/14*

<END>

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/P1	agary	PI	4/4 jld	2/6	4/4		
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FE Sent For:

<END>

**Gary, Aaron**

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**From:** Fiocchi, Tim  
**Sent:** Friday, March 29, 2013 1:16 PM  
**To:** Gary, Aaron  
**Cc:** Krieser, Steven - DOT  
**Subject:** FW: SB 31

Hi Aaron,

Can you please send me a draft of a sub as described below? For the position authority let's go with the .67 FTE. Let me know if you have any questions.

Thanks and have a good weekend,

Tim

---

**From:** Krieser, Steven - DOT [<mailto:Steven.Krieser@dot.wi.gov>]  
**Sent:** Thursday, February 28, 2013 11:46 AM  
**To:** Fiocchi, Tim  
**Subject:** FW: SB 31

Hi Tim,

Some of our budget and program area experts recently provided me with some additional input on the local freight bridge program bill. I imagine these would require a sub.

Please do review them and we can talk about your willingness to do any / some / all of them. Sorry – these things are complicated and the broader audience that these bills get upon introduction sometimes results in feedback that is more comprehensive than what I receive during the pre-introduction vetting phase here.

BTW, we're not going to amend the current fiscal note at this time, as Karl suggests below.



**Steve Krieser**

Executive Assistant | Office of the Secretary | Wisconsin Department of Transportation  
Phone: 608-266-1114

*Check Out Our DMV Self-Service Options on the Web!*  
<http://www.dot.wisconsin.gov/drivers/online.htm>

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**From:** Kuecker, Karl - DOT  
**Sent:** Wednesday, February 27, 2013 4:49 PM  
**To:** Krieser, Steven - DOT  
**Cc:** Nilsen, Paul - DOT; Hammer, Paul - DOT; Donlin, James - DOT  
**Subject:** FW: SB 31

Hi Steve,

SB 31/AB 41 was discussed at the leg. Committee meeting this afternoon and given a support position. Per your request, here is a list of items to consider to help improve the referenced bills (creating a local freight bridge program) for DOT.

1. The bill would create an annual GPR appropriation. An annual appropriation does not lend itself well to an infrastructure program and is generally only used for operating or aids programs. Would suggest we recommend an amendment to the bill to create a continuing appropriation, or at the very least a biennial appropriation.
2. The provision for .4 FTE is problematic for the following reasons:
  - a. Unlikely to be sufficient to administer the program;
  - b. The position amount is not sufficient to earn benefits so will be difficult to fill or will need to be combined with some other position; and
  - c. The GPR funding of the position may create issues if have to combine with another position as the other position would be SEG funded.

Would suggest we recommend an amendment to increase the FTE to 1.0 or, at minimum, .67.

3. It is not clear if administrative expenses beyond funding the .4 FTE are eligible under the program. Would suggest that this be clarified and, if possible, permitted. Otherwise, this new program would create an additional administrative expense for the Transportation Fund to manage a GPR funded program and the fiscal estimate would need to be changed to say it would increase the Department's costs.

**Gary, Aaron**

---

**From:** Fiocchi, Tim  
**Sent:** Monday, April 01, 2013 8:00 PM  
**To:** Gary, Aaron  
**Subject:** RE: SB 31

I'm good with a simple.

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

**From:** "Gary, Aaron" <[Aaron.Gary@legis.wisconsin.gov](mailto:Aaron.Gary@legis.wisconsin.gov)>  
**Date:** 04/01/2013 7:30 PM (GMT-06:00)  
**To:** "Fiocchi, Tim" <[Tim.Fiocchi@legis.wisconsin.gov](mailto:Tim.Fiocchi@legis.wisconsin.gov)>  
**Subject:** RE: SB 31

Tim,

The changes seem pretty minor. Do you care whether this is done as a sub or as a simple amendment? Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

---

**From:** Fiocchi, Tim  
**Sent:** Friday, March 29, 2013 3:40 PM  
**To:** Gary, Aaron  
**Subject:** RE: SB 31

Aaron,

In looking at this I just realized I forgot one thing – please add a 5 year sunset on the program.

Thanks,

Tim

---

**From:** Gary, Aaron  
**Sent:** Friday, March 29, 2013 3:27 PM



Soon



in 4/2

JLD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO SENATE BILL 31**

D-Note

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 7: delete "A" and substitute "C".
- 3 **2.** Page 2, line 10: after "fund," insert "as a continuing appropriation,".
- 4 **3.** Page 2, line 10: after "for" insert "reimbursing political subdivisions under,
- 5 and administering,".
- 6 **4.** Page 2, line 11: after "84.182." insert "No moneys may be encumbered from
- 7 this appropriation account after the first day of the 61st month beginning after the
- 8 effective date of this paragraph .... [LRB inserts date]."
- 9 **5.** Page 6, line 17: after that line insert:
- 10 "(6) PROGRAM TERMINATION. This section does not apply after the first day of the
- 11 61st month beginning after the effective date of this subsection .... [LRB inserts date].
- 12 Any rule promulgated under sub. (4) (b) or (5) (a) does not apply after the first day

1 of the 61st month beginning after the effective date of this subsection<sup>✓</sup>.... [LRB inserts  
2 date].<sup>✓</sup>

3 **6.** Page 8, line 7: delete "0.4" and substitute "0.67".<sup>✓</sup>

4 (END)

*D-Note*

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

LRBa0250/P1dn

ARG: ^:...

date

JLD

ATTN: Tim Fiocchi ✓

Please review the attached draft carefully to ensure that it is consistent with your intent.

I do not believe the change in item 3. ✓ is necessary. I believe that the language "the amounts in the schedule for the local freight bridge program under s. 84.182" ✓ sufficiently authorizes expenditures for administering the program.

It may be desirable to terminate the program at the end of a fiscal year or fiscal biennium, perhaps June 30, 2018, ✓ instead of approximately five ✓ years from the effective date.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

amendment

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

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

LRBa0250/P1dn  
ARG:jld:jf

April 4, 2013

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent.

I do not believe the change in item 3. is necessary. I believe that the language "the amounts in the schedule for the local freight bridge program under s. 84.182" sufficiently authorizes expenditures for administering the program.

It may be desirable to terminate the program at the end of a fiscal year or fiscal biennium, perhaps June 30, 2018, instead of approximately five years from the effective date.

Please let me know if you would like any changes made to the attached amendment or if you have any questions. If the attached amendment meets with your approval, let me know and I will convert it to an introducible "1" amendment.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

## Gary, Aaron

---

**From:** Punches, Derek  
**Sent:** Tuesday, January 14, 2014 1:04 PM  
**To:** Gary, Aaron  
**Subject:** RE: Bridge program

Aaron,

Unfortunately, I made a mistake regarding the appropriation type. Please make that an annual appropriation to be sunset after three years.

Please let me know if you have any questions, and thank you very much for all the assistance you've given.

Best regards,  
Derek

---

Derek Punches  
Clerk, Senate Committee on Transportation,  
Public Safety, and Veterans and Military Affairs  
Office of Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

---

**From:** Gary, Aaron  
**Sent:** Tuesday, January 14, 2014 12:53 PM  
**To:** Punches, Derek  
**Cc:** Fiocchi, Tim  
**Subject:** Bridge program

Derek,

Following up on your call, your recollection of the sunset date may be from an amendment that your office requested awhile back. I have attached that amendment draft, which includes a sunset date.

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

SB-31 *Heu/ Derek* 1/14

- sunset after 3 years

January 1, 2015

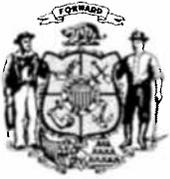
→ 3 years from then  
thru 2017

Dec. 31, 2017

→ end after 3 years

• change time period, and sunset

• today → by tomorrow



TODAY



LRBa0250/1

ARG:jld:jf

in 1/14

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,

TO SENATE BILL 31

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

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5 and administering,".

6 **4.** Page 2, line 11: after "84.182." insert "No moneys may be encumbered from

7 this appropriation account after ~~the first day of the 61st month beginning after the~~  
8 ~~effective date of this paragraph .... [LRB inserts date].~~ December 31, 2017

9 **5.** Page 6, line 17: after that line insert:

10 "(6) PROGRAM TERMINATION. This section does not apply after ~~the first day of the~~  
11 ~~61st month beginning after the effective date of this subsection ... [LRB inserts date].~~ this date

12 Any rule promulgated under sub. (4) (b) or (5) (a) does not apply after ~~the first day~~

1 of the 61st month beginning after the effective date of this subsection ... ~~LRB inserts~~

2 ~~add~~.

3 6. Page 8, line 7: delete "0.4" and substitute "0.6M"

4  
Insert  
2 - 3 ✓

(END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0250/1ins  
ARG:.....

1  
2  
3  
4  
5  
6  
7  
8  
9

**INSERT 2-3**

**1.** Page 6, line 22: delete the material beginning with “the first” and ending with “subsection” on line 23 and substitute “December 31, 2014”.

**2.** Page 8, line 11: delete the material beginning with “the first” and ending with “later,” on line 13 and substitute “January 1, 2015,”.