

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/14/1999**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing:

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

State motor vehicle and aircraft purchases

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 11/08/1999	ygeller 11/10/1999		_____			State
/1	nilsepe 11/22/1999	ygeller 11/22/1999	martykr 11/10/1999	_____	lrb_docadmin 11/10/1999		State
/2	nilsepe 01/04/2000	ygeller 01/04/2000	mclark 11/23/1999	_____	lrb_docadmin 11/23/1999		State
/3			jfrantze 01/04/2000	_____	lrb_docadmin 01/04/2000	lrb_docadmin 01/21/2000	

FE Sent For:

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2/16/00

<END>

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/3			jfrantze 01/04/2000	_____	lrb_docadmin 01/04/2000		

01/04/2000 03:15:47 PM

Page 2

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/?	nilsepe 11/08/1999	jgeller 11/10/1999		_____			State
/1		<i>1/2 11/22 jlg</i>	martykr 11/10/1999	_____	lrb_docadmin 11/10/1999		
FE Sent For:			<i>MRC 11/23</i>	<i>mre/11/23</i>			

<END>

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May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies:

Pre Topic:

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Topic:

State motor vehicle and aircraft purchases

Instructions:

See Attached

*Birke  
(715) 685-8721*

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>
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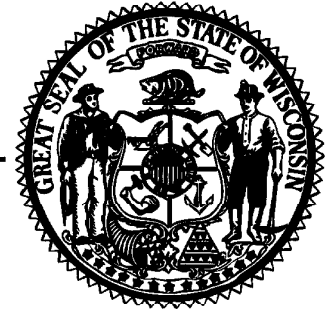
FE Sent For:

<END>

*9/15/99*

*9/78*

-3618



**FRED A. RISSER**  
President  
Wisconsin State Senate

To: Paul Nilsen  
Legislative Reference Bureau

From: Senate President Fred Risser

Date: 13 September 1999

RE: changes to Wisconsin Statute 20.915

I am interested in having changes made to Wisconsin Statute 20.915 (1). I have enclosed a copy of the current law. The language in italics should replace the current wording of this statute.

**Section 20.915 (1)**

**Purchase.** Each state agency, upon written approval of the governor, may purchase necessary aircraft, trucks and automobiles for its general use. All aircraft, trucks and automobiles shall be purchased through the department of administration under *ss 16.70 to 16.82*. The department of administration *shall take into account safety ratings and fuel economy ratings of vehicles in determining procurement policies*. Law enforcement and work vehicles for heavy passenger or equipment loads *are exempt from any fuel economy policies*.

Thank you in advance for your assistance. If you should have any questions about these changes, please do not hesitate to contact Sarah Bridgeman in my Senate office.



show cause why he or she should not be removed from office in the manner provided by law.

History: 1977 c. 29; 1981 c. 317; 1995 a. 201.

**20.912 Cancellation and reissue of checks and share drafts.** (1) CANCELLATION OF OUTSTANDING CHECKS AND SHARE DRAFTS. If any check, share draft or other draft drawn and issued by the state treasurer upon the funds of the state in any state depository is not paid within the time period designated by the state treasurer under s. 14.58 (12) as shown on the check or other draft, the state treasurer shall cancel the check or other draft and credit the amount thereof to the fund on which it is drawn.

(2) RESERVE FOR CANCELED DRAFTS. All amounts credited pursuant to sub. (1) shall be credited by the department of administration to a continuing reserve for checks, share drafts and other drafts canceled of the fund concerned, to be used for the payment of demands under sub. (3). Any check, share draft or other draft canceled on which demand for payment has not been presented within 6 years from date of issue shall be reverted from the reserve for canceled checks, share drafts and other drafts to the general revenues of the fund concerned by the department of administration.

(3) REISSUE OF CANCELED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. When the payee or person entitled to any check, share draft or other draft canceled under sub. (1) by the state treasurer, or the payee or person entitled to any warrant so canceled by the department of administration, demands such check, share draft, other draft or warrant or payment thereof, the department of administration shall issue a new warrant therefor, to be paid out of the proper fund by the state treasurer.

(3m) CONFIDENTIALITY OF CANCELED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. Information appearing in the register of canceled checks, share drafts and other drafts about a check, share draft or other draft canceled under sub. (1) is not available for inspection or copying under s. 19.35 (1) until 6 years after the date of issue or until the check, share draft or other draft is reissued under sub. (3), whichever is earlier.

(4) INSOLVENT DEPOSITORIES. When the bank, savings and loan association, savings bank or credit union on which any check, share draft or other draft is drawn by the state treasurer before payment of such check, share draft or other draft becomes insolvent or is taken over by the division of banking, division of savings and loan, the federal home loan bank board, the U.S. office of thrift supervision, the federal deposit insurance corporation, the resolution trust corporation, the office of credit unions, the administrator of federal credit unions or the U.S. comptroller of the currency, the state treasurer shall on the demand of the person in whose favor such check, share draft or other draft was drawn and upon the return to the treasurer of such check, share draft or other draft issue a replacement for the same amount.

(5) LOST, STOLEN OR DESTROYED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. If any check, share draft or other draft drawn and issued by the state treasurer is lost, stolen or destroyed and the bank, savings and loan association, savings bank or credit union on which the check, share draft or other draft is drawn has been notified to stop payment thereon, the state treasurer may, after acknowledgment by the bank, savings and loan association, savings bank or credit union that the check, share draft or other draft has not been paid, issue a replacement check, share draft or other draft and thereafter the state treasurer shall be relieved from all liability thereon.

History: 1973 c. 243; 1977 c. 29; 1983 a. 27, 368, 538; 1987 a. 399; 1991 a. 221, 299; 1995 a. 27.

**20.913 Refunds.** Moneys may be refunded from each state fund as follows:

(1) TAXES AND FEES. (a) *Advance payments.* Moneys paid as a deposit or advance payment. If such moneys have been credited to an appropriation, such appropriation shall, at the time of making such refunds, be charged therewith. License fees may be refunded under this section when the license for which a fee was paid cannot be issued for any reason, or when a refund is requested

prior to the beginning of the period for which the fee was paid or when a change in state laws or regulations prevents the licensee from availing himself or herself of the privileges of the license.

(b) *Excess tax payments.* Taxes collected in excess of lawful taxation, when claims therefor have been established as provided in ss. 71.30 (4), 71.74 (13), 71.75, 71.89 (1), 72.24, 74.35, 74.37, 76.13 (3), 76.39, 76.84, 76.91, 78.19, 78.20, 78.68 (10), 78.75, 78.80 (1m), 139.092, 139.25 (1), 139.36, 139.365 and 139.39 (4).

(c) *Insurance fees.* Any balances remaining at the end of any calendar year, of any deposits made by insurers in anticipation of fees, as provided in s. 601.13 (11).

(2) ERRORS. (a) *General.* Moneys paid in error, or in overpayment, such refunds to be made by voucher in accordance with procedure established by the department of administration.

(3) ESCHEATED PROPERTY. (a) *General.* Any moneys escheated to the state for which claims are established as provided by statute.

(b) *Lands.* For repayment of moneys paid to the state on purchases of public or escheated lands, as provided in ss. 24.11, 24.33, 24.34 and 24.35.

(bm) *Corrections.* For repayment of moneys paid under s. 301.32 (1), the payments to be made upon the certification of the department of corrections.

(c) *Health and family services.* For repayment of moneys paid under s. 46.07, the payments to be made upon the certification of the department of health and family services.

(d) *Canceled drafts.* For payment of moneys under s. 20.912. History: 1971 c. 310 s. 4; 1975 c. 39; 1977 c. 418; 1985 a. 29, 120; 1987 a. 312 s. 17; 1987 a. 378, 399, 403; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 1185, 9126 (19); 1995 a. 351.

**20.914 Acquisition of land and buildings.** All appropriations made by law for the purchase of land and for the construction of new buildings or additions to existing buildings shall be expended only in accordance with the following conditions:

(1) LAND PURCHASE, GOVERNOR'S APPROVAL. No land shall be purchased and no contract or contracts entered into for the purchase of any land by any state agency until complete estimates of the total cost thereof shall have been submitted to and approved in writing by the governor. The governor shall withhold such approval until the governor is satisfied by a personal investigation, or by such other means as the governor adopts, that such land is required for the purpose proposed, and can be purchased for the sum proposed out of the appropriations made for such purpose.

(2) CONSTRUCTION IN ORDER OF NEED. Except as expressly provided otherwise, all construction shall be in the order of the greatest need therefor, as determined by the state agency to whom the appropriation is made.

History: 1973 c. 333; 1991 a. 316.

**20.915 State motor vehicles and aircraft.** (1) PURCHASE. Each state agency, upon written approval of the governor, may purchase necessary aircraft, trucks and automobiles for its general use. All aircraft, trucks and automobiles shall be purchased through the department of administration under ss. 16.70 to 16.82. The department of administration shall ensure that each general fleet passenger automobile at the time of procurement has a fuel economy rating of no less miles per gallon than the fleet average miles per gallon required of automobile manufacturers by the federal government at that time. Law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from the mileage requirement.

(2) INSURANCE. Every state agency may secure public liability, property damage and fire, theft and windstorm insurance for the protection of state automobiles, trucks and aircraft. Such insurance may provide public liability and property damage coverage for state traffic patrol officers and conservation division employees when, in the performance of their official duties, it is necessary to move other vehicles. The cost of such insurance by such state agencies shall be audited and paid in the same manner as other expenses.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3618  
PEN.....

Handwritten initials and a signature.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Handwritten note: "gen cat" circled.

- 1 AN ACT, relating to: state fleet management and consideration of vehicle's fuel
- 2 economy and safety ratings.

**Analysis by the Legislative Reference Bureau**

Current law requires the department of administration (DOA) to ensure optimum efficiency and economy in the fleet management and maintenance activities of all state agencies. In addition to other management responsibilities, DOA is required to develop uniform state policies and guidelines for vehicle acquisition, use, maintenance, recording of operational and other costs, performance evaluation and replacement of vehicles. DOA must ensure that each general fleet passenger automobile at the time of procurement has a fuel economy rating of no less miles per gallon than the fleet average miles per gallon required of automobile manufacturers by the federal government at that time. Law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from the mileage requirement.

This bill eliminates the requirement that newly acquired vehicles meet or exceed federal fleet vehicle mileage standards. Instead, this bill requires DOA to consider the fuel economy rating when acquiring new fleet vehicles, except that law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from considerations of fuel economy. The bill also requires DOA to consider vehicle's safety ratings.



**Nilsen, Paul**

---

**To:** Bridgeman, Sarah  
**Subject:** RE: LRB 3618

Ok. I'll redraft it to delete "federal", as requested. Thanks for clarifying.

\_\_\_\_\_  
Attorney Paul E. Nilsen  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2307  
Tel: (608) 261-6926  
Fax: (608) 264-8522  
Email: Paul.Nilsen@legis.state.wi.us

-----Original Message-----

**From:** Bridgeman, Sarah  
**Sent:** Friday, November 19, 1999 2:54 PM  
**To:** Nilsen, Paul  
**Subject:** RE: LRB 3618

Paul,

I just spoke with Ken Opin. It was his intention to include "any and all" safety and fuel economy rating standards, not just to limit it to the Federal Government. He would like it to be more general. That way, groups such as Consumer Reports could be included also.

Sarah



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3618/1  
PEN:jlgrkm

1999 BILL

Regen

1 AN ACT *to amend* 16.04 (1) (a) and 20.915 (1) of the statutes; **relating to:** state  
2 fleet management and consideration of vehicle's fuel economy and safety  
3 ratings.

*Analysis by the Legislative Reference Bureau*

Current law requires the department of administration (DOA) to ensure optimum efficiency and economy in the fleet management and maintenance activities of all state agencies. In addition to other management responsibilities, DOA is required to develop uniform state policies and guidelines for vehicle acquisition, use, maintenance, recording of operational and other costs, performance evaluation and replacement of vehicles. DOA must ensure that each general fleet passenger automobile at the time of procurement has a fuel economy rating of no less miles per gallon than the fleet average miles per gallon required of automobile manufacturers by the federal government at that time. Law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from the mileage requirement.

This bill eliminates the requirement that newly acquired vehicles meet or exceed federal fleet vehicle mileage standards. Instead, this bill requires DOA to consider the fuel economy rating when acquiring new fleet vehicles, except that law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from considerations of fuel economy. The bill also requires DOA to consider vehicle's safety ratings.

\*

2

When acquiring new fleet vehicles

**BILL**

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.** 16.04 (1) (a) of the statutes is amended to read:

2           16.04 (1) (a) ~~Develop~~ Subject to s. 20.915 (1), develop uniform state policies and  
3 guidelines for vehicle and aircraft acquisition, use, maintenance, recording of  
4 operational and other costs, performance evaluation and replacement of vehicles and  
5 aircraft.

6           **SECTION 2.** 20.915 (1) of the statutes is amended to read:

7           20.915 (1) PURCHASE. Each state agency, upon written approval of the governor,  
8 may purchase necessary aircraft, trucks and automobiles for its general use. All  
9 aircraft, trucks and automobiles shall be purchased through the department of  
10 administration under ss. 16.70 to 16.82. The department of administration shall  
11 ensure that each general fleet passenger automobile at the time of procurement has  
12 a consider the ~~fleet~~ safety rating and fuel economy rating of no less miles per gallon  
13 than the fleet average miles per gallon required of automobile manufacturers by the  
14 federal government at that time vehicles in establishing procurement policy. Law  
15 enforcement vehicles and work vehicles for heavy passenger or equipment loads are  
16 exempt from the ~~mileage requirement~~ considerations of fuel economy rating.

17           **SECTION 3. Initial applicability.**

18           (1) This act first applies to vehicles procured under a contract executed on the  
19 effective date of this subsection.

20

(END)

**Nilsen, Paul**

---

**From:** Bridgeman, Sarah  
**Sent:** Wednesday, December 29, 1999 2:20 PM  
**To:** Nilsen, Paul  
**Subject:** FW: lrb 3618/2 vehicle safety

Paul,

Ken Opin sent the following message requesting changes to LRB 3618/2. Please let me know if you should have any questions.

Sarah Bridgeman  
Office of Sen. Risser

-----Original Message-----

**From:** Ken Opin [mailto:opin@wft.org]  
**Sent:** Tuesday, December 28, 1999 10:45 AM  
**To:** sarah.bridgeman@legis.state.wi.us  
**Subject:** lrb 3618/2 vehicle safety

On page 2, lines 12 and 16, can we change "rating" to "ratings" to reflect the fact that there are more than one ratings available in each category?

May we make the following changes in the Analysis:

Paragraph two, line one: change "eliminates" to "change".

Starting with the next sentence, may we make the following changes, starting on line three: consider the fuel economy ratings and vehicle safety ratings when acquiring new fleet vehicles, except that .... (to end of sentence).

Delete last sentence.

Our reason for suggesting the analysis language changes is that the current draft seems to overemphasize the change in the role of vehicle mileage standards, and understate the significance of adding the safety ratings.

**Nilsen, Paul**

---

**From:** Bridgeman, Sarah  
**Sent:** Friday, November 19, 1999 2:43 PM  
**To:** Nilsen, Paul  
**Subject:** LRB 3618

Paul,

We have been working with the state employees union to firm up the language in LRB 3618, relating to state fleet management. There has been one change requested in this bill.

On page 2, line 12, please replace:

*"consider the federal safety rating and fuel economy rating of"*

with

***"consider safety ratings and fuel economy ratings of".***

Thank you for your help in drafting this bill. Please let me know if there are any questions that you may have regarding this change.

Sarah

Sarah Bridgeman  
Legislative Assistant  
Office of Senate President Fred Risser  
(608) 266-1627



13

1999 BILL

d-note

Regen

1 AN ACT to amend 16.04 (1) (a) and 20.915 (1) of the statutes; relating to: state  
 2 fleet management and consideration of vehicle's fuel economy and safety  
 3 ratings.

*Analysis by the Legislative Reference Bureau*

Current law requires the department of administration (DOA) to ensure optimum efficiency and economy in the fleet management and maintenance activities of all state agencies. In addition to other management responsibilities, DOA is required to develop uniform state policies and guidelines for vehicle acquisition, use, maintenance, recording of operational and other costs, performance evaluation and replacement of vehicles. DOA must ensure that each general fleet passenger automobile at the time of procurement has a fuel economy rating of no less miles per gallon than the fleet average miles per gallon required of automobile manufacturers by the federal government at that time. Law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from the mileage requirement.

This bill eliminates the requirement that newly acquired vehicles meet or exceed federal fleet vehicle mileage standards. Instead, this bill requires DOA to consider ~~the~~ fuel economy ~~rating~~ when acquiring new fleet vehicles, except that law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from considerations of fuel economy. ~~The bill also requires DOA to consider vehicle safety ratings when acquiring new fleet vehicles.~~

and safety ratings

**BILL**

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. 16.04 (1) (a) <sup>X</sup> of the statutes is amended to read:

2 16.04 (1) (a) ~~Develop~~ Subject to s. 20.915 (1), develop uniform state policies and  
3 guidelines for vehicle and aircraft acquisition, use, maintenance, recording of  
4 operational and other costs, performance evaluation and replacement of vehicles and  
5 aircraft.

6 SECTION 2. 20.915 (1) <sup>X</sup> of the statutes is amended to read:

7 20.915 (1) PURCHASE. Each state agency, upon written approval of the governor,  
8 may purchase necessary aircraft, trucks and automobiles for its general use. All  
9 aircraft, trucks and automobiles shall be purchased through the department of  
10 administration under ss. 16.70 to 16.82. The department of administration shall  
11 ensure that each general fleet passenger automobile at the time of procurement has  
12 a consider ~~the~~ safety rating <sup>f</sup> and fuel economy ~~rating~~ <sup>r</sup> of no less miles per gallon than  
13 the fleet average miles per gallon required of automobile manufacturers by the  
14 federal government at that time <sup>ratings of</sup> vehicles in establishing procurement policy. Law  
15 enforcement vehicles and work vehicles for heavy passenger or equipment loads are  
16 exempt from the ~~mileage requirement~~ considerations of fuel economy rating.

17 SECTION 3. **Initial applicability.**

18 (1) This act first applies to vehicles procured under a contract executed on the  
19 effective date of this subsection.

20 (END)

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

LRB-3618/3dn

PEN: x:...

Jg

January 4, 2000

I modified the analysis based on suggestions made by Ken Opin.

I did not change "eliminates" to "changes" in the first sentence of the second paragraph because the bill in fact eliminates a standard. The bill requires only a consideration of fuel economy (and safety), which ratings DOA may, after consideration, disregard. This bill will allow DOA to establish procurement policy that authorizes (or requires) the purchase of vehicles with fuel economy worse than the minimum fuel economy required under current law.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

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

LRB-3618/3dn  
PEN:jljgf

January 4, 2000

I modified the analysis based on suggestions made by Ken Opin.

I did not change "eliminates" to "changes" in the first sentence of the second paragraph because the bill in fact eliminates a standard. The bill requires only a consideration of fuel economy (and safety), which ratings DOA may, after consideration, disregard. This bill will allow DOA to establish procurement policy that authorizes (or requires) the purchase of vehicles with fuel economy worse than the minimum fuel economy required under current law.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 01/04/2000

To: Senator Risser

Relating to LRB drafting number: LRB-3618

**Topic**

State motor vehicle and aircraft purchases

**Subject(s)**

Transportation - motor vehicles

1. **JACKET** the draft for introduction Risser

in the **Senate**  or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney  
Telephone: (608) 261-6926