

**1999 DRAFTING REQUEST**

**Bill**

Received: **03/01/2000**

Received By: **nilsepe**

Wanted: **Soon**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Roger**

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

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - railroads**

Extra Copies: **JTK,PEN - 1**

**Pre Topic:**

No specific pre topic given

**Topic:**

Use surplus federal transportation funds to reduce backlog of rail crossing improvements

**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 03/01/2000 fasttn 03/16/2000	csicilia 03/16/2000		_____			State
/P1			kfollet 03/16/2000	_____	lrb_docadmin 03/16/2000		State
/1	fasttn 03/20/2000	csicilia 03/20/2000	martykr 03/20/2000	_____	lrb_docadmin 03/20/2000	lrb_docadmin 03/20/2000	

03/20/2000 03:15:44 PM  
Page 2

FE Sent For: 3/21/00

<END>

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/?	nilsepe 03/01/2000	csicilia 03/16/2000		_____			State
	fasttn 03/16/2000	1 cjs 3/20 00		_____			
/P1			kfollet 03/16/2000	_____	lrb_docadmin 03/16/2000		

*km 3/20*  
*don 3/20*

*\*Please jacket "1".  
Thank you!*

FE Sent For:

<END>

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1?	nilsepe 03/01/2000 fasttn	/P1 cjs 3/16 oo	KJF 3/16	KJF/JF 3/16			

FE Sent For:

<END>

## Fast, Timothy

---

**From:** Nilsen, Paul  
**Sent:** Tuesday, February 29, 2000 4:50 PM  
**To:** Fast, Timothy

I got a request last night to require DOT to allocate 'surplus' federal revenues to OCR for rail crossing ordered repaired but not yet paid for (clear out the backlog). OCR would not include that extra fed \$\$ in its budget request.

This all sounds VERY familiar, but I know I didn't draft it. Did you do something like this? It would involve s. 84.02 (3).

I'll talk with you Wed. 3/1.

--Paul

bill request

~~4660~~

-4660

Royer; Sen. Cowles ~

provide OCR with funds to address backlog  
in ordered rail crossing improvements.

# Am; 84.03(2) to require the first 2 M  
in surplus fed. funds to go to OCR - (Jon Dyck  
has figure)

# Reduce OCR appropriations so increase to even offset  
OCR base budget

See 97-4863

1999

D-NOTE  
Date (time)  
needed

FRIDAY <sup>Thanks!</sup>  
3/17/00 (if pass.)  
[turned in 3/16/00]

LRB - 4660 / P1

BILL

TNF : Y :  
          cjs

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** *federal funding for railroad crossing protection improvements and making an appropriation.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

**Analysis by the Legislative Reference Bureau**

For the 3 titles used in an analysis, in the component bar:

- For the main heading [old =M], execute: . . . . . **create** → **anal:** → **title:** → **head**
- For the subheading [old =S], execute: . . . . . **create** → **anal:** → **title:** → **sub**
- For the sub-subheading [old =P], execute: . . . . . **create** → **anal:** → **title:** → **sub-sub**

(Attached)

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

**SECTION #.**

1999

Nonstat File Sequence: **AAA**

LRB 4660 1 P1

TNF : \_\_\_\_\_ : \_\_\_\_\_

**NONSTAT SESSLAW**

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → nonstat

For the budget action phrase, execute: ..... create → action: → \*NS: → 91XX

For a subsection, execute: ..... create → text: → \*NS: → sub

For a paragraph, execute: ..... create → text: → \*NS: → par

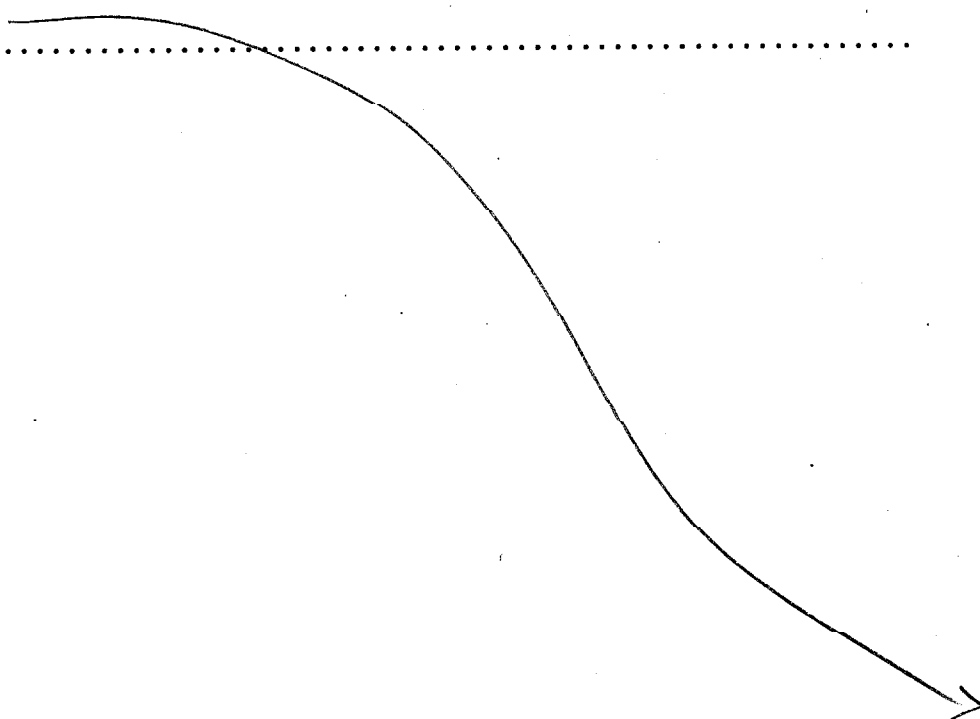
For a subdivision, execute: ..... create → text: → \*NS: → subd

For a subdivision paragraph, execute: ..... create → text: → \*NS: → subpar

2. Nonstatutory subunits are numbered automatically if "( #1 )", "(#a)", etc., is filled in. Below, for the budget, fill in the 9100 department code; and fill in "\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION #** ~~191~~ **Nonstatutory provisions** / ...

( #1 ) ~~191~~ .....





Section # 84.03 (2) (title) and (a) of the statutes are

no 9  
84.03 (2) (title) FEDERAL APPROPRIATIONS ADJUSTMENTS

CS

; RAILROAD CROSSING IMPROVEMENTS

History: 1971 c. 125; 1973 c. 243 s. 82; 1977 c. 29 ss. 928, 929, 1654 (1), (3), (8) (a), 1656 (43); 1977 c. 272; 1977 c. 418 ss. 572, 573, 929 (55); 1979 c. 34 s. 2102 (52) (a); 1979 c. 361; 1983 a. 130; 1987 a. 27; 1997 a. 86; 1999 a.

¶ (a) In this subsection: has the meaning given in section 84.03(2)(a) 1. of the statutes

¶ 1. "Amount of federal funds" means the sum of federal revenues received under the federal Intermodal Surface Transportation Efficiency Act of 1991, as amended, or under a substantially similar federal legislative act.

has the meaning given in section 84.03(2)(a) 2. of the statutes

¶ 2. "The schedule" means the schedule under s 20.005 (3) as published in the biennial budget act for the first fiscal year of a fiscal biennium and as approved by the joint committee on finance under s 20.004 (2) for the 2nd fiscal year of a fiscal biennium.

History: 1971 c. 125; 1973 c. 243 s. 82; 1977 c. 29 ss. 928, 929, 1654 (1), (3), (8) (a), 1656 (43); 1977 c. 272; 1977 c. 418 ss. 572, 573, 929 (55); 1979 c. 34 s. 2102 (52) (a); 1979 c. 361; 1983 a. 130; 1987 a. 27; 1997 a. 86; 1999 a.

¶ (b) If the department of transportation's most recent estimate of the amount of federal funds that the department will be appropriated under section 20.395 of the statutes in the 2000-01 fiscal year is more than 105% of the amount of federal funds shown in the schedule for the appropriations under section 20.395 of the statutes for that fiscal year, the secretary of transportation shall include in the plan submitted to the joint committee on finance under section 84.03

(2)(b) 1. of the statutes an adjustment to the appropriation under section 20.395 (2)(gx) of the statutes  
\$2,000,000.

that reflects  
an increase  
in that  
appropriation  
amount of

9 (c) If the department of transportation's most recent estimate of the amount of federal funds that the department ~~of transportation~~ will be appropriated under section 20.395 of the statutes in the 2000-01 fiscal year is more than 100% but not more than 105% of the amount of federal funds shown in the schedule for the appropriations under section 20.395 of the statutes for that fiscal year, the secretary of transportation shall, before making any other <sup>federal</sup> appropriation adjustments for that fiscal year, adjust the appropriation under section 20.395 (2)(g) of the statutes <sup>to reflect an increase in that appropriation amount</sup> by the amount that the estimate of federal funds that the department will be appropriated under section 20.395 of the statutes for that fiscal year exceeds 100% of the amount of federal funds shown in the schedule for the appropriations under section 20.395 of the statutes for that fiscal year or by \$2,000,000, whichever is less, the amount of

(END)

D-NOTE

## Analysis

¶ Under current law, the secretary of transportation is required to submit to the joint committee on finance (JCF) a proposed plan to adjust appropriations of federal funds to the department of transportation (DOT) for a fiscal year if the most recent estimate of federal funds available to DOT for that fiscal year is less than 95% or more than 105% of the amount shown in the appropriation schedule for federal funds appropriated to DOT. If, within 14 days after the cochairpersons of JCF determine that the proposed plan is complete, JCF does not meet to review the plan, the secretary of transportation shall implement the plan. If JCF meets and approves, or modifies and approves, the proposed plan, the secretary of transportation shall implement the approved plan.

¶ This bill provides that, if the most recent estimate of federal funds available to DOT for the 2000-01 fiscal year is more than 105% of the amount of federal funds shown in the appropriation

schedule for federal funds appropriated to DOT for that fiscal year, the secretary of transportation shall include in the proposed plan submitted to JCF an appropriation adjustment that reflects an increase of \$2,000,000 to the appropriation of federal funds in the 2000-01 fiscal year to pay the costs for certain railroad crossing protection improvements.

The bill also provides that, if the most recent estimate of federal funds available to DOT for the 2000-01 fiscal year is more than 100% but not more than 105% of the amount of federal funds shown in the appropriation schedule for federal funds appropriated to DOT for that fiscal year, the secretary of transportation shall, before making any other federal appropriation adjustments, make an adjustment that reflects an increase to the appropriation of federal funds in the 2000-01 fiscal year to pay the costs for certain railroad crossing protection improvements. by the amount that such federal funds available to DOT exceeds 100% or by \$2,000,000, whichever is less, ✓

LRB-4660/P1

DRAFTER'S NOTE

¶ This draft presupposes that the federal appropriation adjustment that is required by this draft will be permitted by the applicable federal legislation.

TNF

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

LRB-4660/P1dn  
TNF:cjs:kjf

March 16, 2000

This draft presupposes that the federal appropriation adjustment that is required by this draft will be permitted by the applicable federal legislation.

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [Tim.Fast@legis.state.wi.us](mailto:Tim.Fast@legis.state.wi.us)

# Memo

To: TNF

---

From: JTK

---

Subject: LRB-4660/P1

---

Date: 3/19/00

---

Tim, the existing text of s. 84.03 (2) (b) 1., stats. appears to require the secretary to provide a plan to adjust the sum certain (nonfederal) appropriations to DOT. This is because the other appropriations are not limited by the amounts in the schedule, but rather by the text (in the case of most federal appropriations, "all moneys received").

The text of this draft speaks in terms of an adjustment to the amount of a federal appropriation which appropriates "all moneys received". I think what the actual intent may be is to adjust the expenditure estimate for this appropriation as published in the budget act or approved by JFC. I also think that perhaps the text of s. 84.03 (2) (b) 1., stats. was intended to apply to expenditure estimates under non-sum certain appropriations (and perhaps to federal appropriations only), rather than to the amounts appropriated under sum certain appropriations.

TNF -

Because this is not a sum certain appropriation, I'm not sure how the estimates included in the biennial budget bill are arrived at. It wouldn't seem to make sense to impose the same controls that would be in place with sum certain appropriations if federal aid is increased. However, if it will make them happy, I would include language similar to RM, ex 20.06(2)(B), but change the last line to say "as though my change in estimated expenditures under this subsection had not occurred".

JTK





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4660/P1  
TNF:cjs:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT relating to: federal funding for railroad crossing protection  
2 improvements and making an appropriation.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the secretary of transportation is required to submit to the joint committee on finance (JCF) a proposed plan to adjust appropriations of federal funds to the department of transportation (DOT) for a fiscal year if the most recent estimate of federal funds available to DOT for that fiscal year is less than 95% or more than 105% of the amount shown in the appropriation schedule for federal funds appropriated to DOT. If, within 14 days after the cochairpersons of JCF determine that the proposed plan is complete, JCF does not meet to review the plan, the secretary of transportation shall implement the plan. If JCF meets and approves, or modifies and approves, the proposed plan, the secretary of transportation shall implement the approved plan.

This bill provides that, if the most recent estimate of federal funds available to DOT for the 2000-01 fiscal year is more than 105% of the amount of federal funds shown in the appropriation schedule for federal funds appropriated to DOT for that fiscal year, the secretary of transportation shall include in the proposed plan submitted to JCF an appropriation adjustment that reflects an increase of \$2,000,000 to the appropriation of federal funds in the 2000-01 fiscal year to pay the costs for certain railroad crossing protection improvements.

The bill also provides that, if the most recent estimate of federal funds available to DOT for the 2000-01 fiscal year is more than 100% but not more than 105% of the amount of federal funds shown in the appropriation schedule for federal funds

appropriated to DOT for that fiscal year, the secretary of transportation shall, before making any other federal appropriation adjustments, make an adjustment that reflects an increase by the amount that such federal funds available to DOT exceeds 100% or by \$2,000,000, whichever is less, to the appropriation of federal funds in the 2000-01 fiscal year to pay the costs for certain railroad crossing protection improvements.

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. Nonstatutory provisions.**

2           (1) FEDERAL APPROPRIATIONS ADJUSTMENTS; RAILROAD CROSSING IMPROVEMENTS.

3           (a) In this subsection:

4           1. "Amount of federal funds" has the meaning given in section 84.03 (2) (a) 1.  
5 of the statutes.

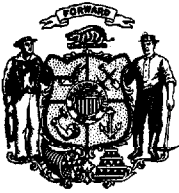
6           2. "The schedule" has the meaning given in section 84.03 (2) (a) 2. of the  
7 statutes.

8           (b) If the department of transportation's most recent estimate of the amount  
9 of federal funds that the department will be <sup>expended</sup> appropriated under section 20.395 of the  
10 statutes in the 2000-01 fiscal year is more than 105% of the amount of federal funds  
11 shown in the schedule for the appropriations under section 20.395 of the statutes for  
12 that fiscal year, the secretary of transportation shall include in the plan submitted  
13 to the joint committee on finance under section 84.03 (2) (b) 1. of the statutes an  
14 adjustment to the <sup>expenditure estimate</sup> appropriation under section 20.395 (2) (gx) of the statutes that  
15 reflects an increase in that <sup>estimate</sup> appropriation amount of \$2,000,000.

16           (c) If the department of transportation's most recent estimate of the amount of  
17 federal funds that the department will <sup>be expended</sup> be appropriated under section 20.395 of the  
18 statutes in the 2000-01 fiscal year is more than 100% but not more than 105% of the

1 amount of federal funds shown in the schedule for the appropriations under section  
2 20.395 of the statutes for that fiscal year, the secretary of transportation shall, before  
3 making any other federal appropriation ~~adjustments~~ *adjustment to the expenditure estimate for a*  
4 ~~appropriation~~ *expenditure estimate* under section 20.395 (2) (gx) of the statutes to reflect an increase in  
5 that ~~appropriation amount~~ *estimate* by the amount that the estimate of federal funds that the  
6 department will ~~be appropriated~~ *expend* under section 20.395 of the statutes for that fiscal  
7 year exceeds 100% of the amount of federal funds shown in the schedule for the  
8 appropriations under section 20.395 of the statutes for that fiscal year or by the  
9 amount of \$2,000,000, whichever is less.

10 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

1 (Redraft  
LRB-4660/PZ maker  
has been  
TNF:cjs:kjf run)

WANTED TODAY  
P.M. Mon 3/20/00

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

- 1 AN ACT relating to: federal funding for railroad crossing protection
- ② improvements ~~and making an appropriation.~~

**Analysis by the Legislative Reference Bureau**

Under current law, the secretary of transportation is required to submit to the joint committee on finance (JCF) a proposed plan to adjust appropriations of federal funds to the department of transportation (DOT) for a fiscal year if the most recent estimate of federal funds available to DOT for that fiscal year is less than 95% or more than 105% of the amount shown in the appropriation schedule for federal funds appropriated to DOT. If, within 14 days after the cochairpersons of JCF determine that the proposed plan is complete, JCF does not meet to review the plan, the secretary of transportation shall implement the plan. If JCF meets and approves, or modifies and approves, the proposed plan, the secretary of transportation shall implement the approved plan.

This bill provides that, if the most recent estimate of federal funds available to DOT for the 2000-01 fiscal year is more than 105% of the amount of federal funds shown in the appropriation schedule for federal funds appropriated to DOT for that fiscal year, the secretary of transportation shall include in the proposed plan submitted to JCF an ~~appropriation~~ adjustment that reflects an increase of \$2,000,000 to the ~~appropriation~~ of federal funds in the 2000-01 fiscal year to pay the costs for certain railroad crossing protection improvements.

The bill also provides that, if the most recent estimate of federal funds available to DOT for the 2000-01 fiscal year is more than 100% but not more than 105% of the amount of federal funds shown in the appropriation schedule for federal funds

expenditure  
estimate

expenditure estimate

appropriated to DOT for that fiscal year, the secretary of transportation shall, before making any other ~~federal appropriation~~ adjustments, make an adjustment that reflects an increase by the amount that such federal funds available to DOT exceeds 100% or by \$2,000,000, whichever is less, to the ~~appropriation~~ of federal funds in the 2000-01 fiscal year to pay the costs for certain railroad crossing protection improvements.

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. Nonstatutory provisions.**

(2)           (1) FEDERAL APPROPRIATIONS ~~ADJUSTMENTS~~; RAILROAD CROSSING IMPROVEMENTS.

3           (a) In this subsection:

4           1. "Amount of federal funds" has the meaning given in section 84.03 (2) (a) 1.  
5 of the statutes.

6           2. "The schedule" has the meaning given in section 84.03 (2) (a) 2. of the  
7 statutes.

8           (b) If the department of transportation's most recent estimate of the amount  
(9) of federal funds that the department will ~~be appropriated~~ under section 20.395 of the  
10 statutes in the 2000-01 fiscal year is more than 105% of the amount of federal funds  
11 shown in the schedule for the appropriations under section 20.395 of the statutes for  
12 that fiscal year, the secretary of transportation shall include in the plan submitted  
13 to the joint committee on finance under section 84.03 (2) (b) 1. of the statutes an  
(14) adjustment to the ~~appropriation~~ under section 20.395 (2) (gx) of the statutes that  
(15) reflects an increase in that ~~appropriation amount~~ of \$2,000,000.     estimate

16           (c) If the department of transportation's most recent estimate of the amount of  
(17) federal funds that the department will ~~be appropriated~~ under section 20.395 of the  
18 statutes in the 2000-01 fiscal year is more than 100% but not more than 105% of the

expenditure estimate

adjustment to the expenditure estimate for a

1 amount of federal funds shown in the schedule for the appropriations under section  
 2 20.395 of the statutes for that fiscal year, the secretary of transportation shall, before  
 3 making any other federal appropriation ~~adjustments~~ for that fiscal year, adjust the  
 4 ~~appropriation~~ under section 20.395 (2) (gx) of the statutes to reflect an increase in  
 5 that ~~appropriation amount~~ by the amount that the estimate of federal funds that the  
 6 department will ~~be appropriated~~ under section 20.395 of the statutes for that fiscal  
 7 year exceeds 100% of the amount of federal funds shown in the schedule for the  
 8 appropriations under section 20.395 of the statutes for that fiscal year or by the  
 9 amount of \$2,000,000, whichever is less.

10

expend

(END)

estimate

expenditure estimate

Insert 3-9

SENATE BILL 478

Insert 3-9

SECTION 10

1 concerning the appropriation under section 20.370 (5) (cq) of the statutes as though  
2 the increase in the dollar amount of that appropriation by SECTION 11 (6) of this act  
3 had not been made.

4 WPO:  
instead of

5 Sub.  
(2)

this should

6 come out  
as paragraph (d)



Notwithstanding section 16.42 (1) (e) of the statutes, in submitting  
information under section 16.42 of the statutes for purposes of the 2001-03 biennial  
budget bill, the department of ~~natural resources~~ shall submit information

transportation

20,395  
(2)(gx)

7 concerning the appropriation under section ~~20.370 (1) (a)~~ of the statutes as though  
8 the increase in the dollar amount of that appropriation by SECTION ~~11~~ (8) of this act  
9 had not been made. any change in estimated expenditures required by this subsection

~~SECTION 11. Appropriation changes.~~

(1) WILDLIFE BIOLOGIST AND TECHNICIAN POSITIONS. In the schedule under section  
20.005 (3) of the statutes for the appropriation to the department of natural  
resources under section 20.370 (1) (mu) of the statutes, as affected by the acts of 1999,  
the dollar amount is increased by \$86,000 for fiscal year 2000-01 to increase the  
authorized FTE positions for the department by 2.0 SEG wildlife biologist and  
technician positions.

(2) HUNTING AND FISHING PROMOTION. In the schedule under section 20.005 (3)  
of the statutes for the appropriation to the department of natural resources under  
section 20.370 (1) (mu) of the statutes, as affected by the acts of 1999, the dollar  
amount is increased by \$50,000 for fiscal year 2000-01 to provide funding to promote  
activities related to making hunting and fishing opportunities more available to the  
public.

(3) CONSERVATION WARDEN POSITIONS. In the schedule under section 20.005 (3)  
of the statutes for the appropriation to the department of natural resources under  
section 20.370 (3) (as) of the statutes, as affected by the acts of 1999, the dollar