

1999 DRAFTING REQUEST

Bill

Received: **01/7/99**

Received By: **rkite**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 266-7973**

By/Representing: **Grinde**

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

Drafter: **rkite**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

DOA:.....Grinde -

Topic:

Public safety radio costs

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>
/1	rkite 01/18/99		hhagen 01/19/99	_____	lrb_docadmin 01/19/99		State
/2	rkite 01/23/99	jgeller 01/23/99	hhagen 01/24/99	_____	lrb_docadmin 01/25/99		State
		jgeller 02/11/99		_____			
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2/11/99 12:56:51 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/4			jfrantze 02/11/99	_____ _____	lrb_docadmin 02/11/99		State

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/2	rkite 01/23/99	jgeller 01/23/99	hhagen 01/24/99	_____	lrb_docadmin 01/25/99		State
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FE Sent For: *14-2-11-99* *JG* *2/11* **<END>**

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/2	rkite 01/23/99	jjgeller 01/23/99	hhagen 01/24/99	_____	lrb_docadmin 01/25/99		State

FE Sent For:

13 2/11 jg *h 2/12* *h/rh*
2/12
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/1	rkite 01/18/99	12/23/99 jlg	hhagen 01/19/99	_____	lrb_docadmin 01/19/99		State
			ca h24	ca JF/24			

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1?	rkite	1/16 jlg	att/1/19	att/pst 1/19			

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: January 4, 1999
To: Steve Miller
Chief, Legislative Reference Bureau
From: Kirsten Grinde *KG*
Policy and Budget Analyst, State Budget Office
Subject: FY 1999-2001 Budget Statutory Language Proposal

The following is an additional statutory language proposal for the FY1999-2001 biennial budget. I have indicated my priority ranking below.

The intent of this request is to modify the purpose of two Department of Natural Resources' appropriations to allow payments to the Department of Transportation for public safety radio and radio installation and maintenance costs.

- Modify s. 20.370(8)(mt) to include language to allow the moneys received to also be used for payments at the beginning of each quarter of each fiscal year to the Department of Transportation for public safety radio activities and radio installation and maintenance costs.
- Modify s. 20.370(8)(mu) to include language to allow conservation fund revenues to also make payments at the beginning of each quarter of each fiscal year to the Department of Transportation for radio installation and maintenance costs.

add radio services

<u>Issue</u>	<u>Status</u>	<u>Analyst</u>	<u>Priority</u>
Public Safety Radio Payments	Proposal above	Kirsten	High

This replaces a Department of Transportation statutory language request to transfer moneys from DNR conservation fund appropriations to DOT appropriations at the beginning of each fiscal year. If you have any questions, please contact me at 266-7973.

cc: Dave Schmiedicke
John Etzler



5072
State of Wisconsin
1999 - 2000 LEGISLATURE

RNR
LRB-1639/1
RNK...
jg

D-Note

DOA:.....Grinde - Public safety radio costs

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

WFO-check auto
refs

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES ✓

OTHER NATURAL RESOURCES ✓

*

Under current law, the ~~Department of Natural Resources~~ (DNR) is authorized to expend amounts received from DNR or other state agencies from certain vehicle pools and from information technology and radio pools for the operation, maintenance, replacement and purchase of vehicles, equipment and information technology. This bill provides that the amounts received by DNR may also be used for radio services.

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:

2 SECTION 1. 20.370 (8) (mt) ^X of the statutes is amended to read:

3 20.370 (8) (mt) *Equipment pool operations.* All moneys received by the

4 department from the department or from other state agencies from car, truck,

- 1 airplane, heavy equipment, information technology or radio pools for operation,
- 2 maintenance, replacement and purchase of vehicles, equipment, radio services and
- 3 information technology.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

4

(END) ✓

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

LRB-1639/700
RNK.....
1 dn
jlg

Kirsten:

Your instructions for this draft were to amend s. 20.370 (8) (mt) and (mu) to provide that the appropriated amounts may be used for certain radio costs. Although the draft amends s. 20.370 (8) (mt) to authorize expenditures for radio services, it does not amend s. 20.370 (8) (mu) because the language of that appropriation is broad enough to cover those expenditures. Furthermore, the draft does not specify that the payments are authorized to be paid to the Department of Transportation (DOT) because the statutes do not typically identify which state agencies are authorized to receive payments. If we include such language in only certain appropriation statutes, there is a risk that a court would interpret this to mean that in other appropriation statutes payments may not be made except to specified state agencies. Also, because DNR has authority to enter into a contract for radio services with DOT, this language is unnecessary.

The draft also does not include language as to when payments should be made. If you want to specify when the payments must be made, that language must be contained in a provision outside of chapter 20.

require DNR to make payments or

Robin N. Kite
Legislative Attorney
266-7291

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

LRB-1639/1dn
RNK;jlg:hmh

Tuesday, January 19, 1999

Kirsten:

Your instructions for this draft were to amend s. 20.370 (8) (mt) and (mu) to provide that the appropriated amounts may be used for certain radio costs. Although the draft amends s. 20.370 (8) (mt) to authorize expenditures for radio services, it does not amend s. 20.370 (8) (mu) because the language of that appropriation is broad enough to cover those expenditures. Furthermore, the draft does not specify that the payments are authorized to be paid to the Department of Transportation (DOT) because the statutes do not typically identify which state agencies are authorized to receive payments. If we include such language in only certain appropriation statutes, there is a risk that a court would interpret this to mean that in other appropriation statutes payments may not be made except to specified state agencies. Also, because DNR has authority to enter into a contract for radio services with DOT, this language is unnecessary.

The draft also does not include language as to when payments should be made. If you want to require DNR to make payments or specify when the payments must be made, that language must be contained in a provision outside of chapter 20.

Robin N. Kite
Legislative Attorney
266-7291

Kite, Robin

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Wednesday, January 20, 1999 2:15 PM
To: Kite, Robin
Subject: LRB 1639/1

Robin,

Please make the following changes to LRB 1639/1:

- 1) Include a nonstatutory provision transferring 7.0 FTE positions and the incumbents from DNR to DOT. These positions are related to radio service activities. The incumbents should retain all rights, benefits, etc.
- 2) Include a nonstatutory provision that would require DNR to make payments to DOT at the beginning of each quarter of fiscal year 1999-2000 and fiscal year 2000-2001. The first payment would be made July 31, 1999 or within 10 days after the effective date of the budget bill. The payments would be for radio services and public safety radio activities.

Let me know if you have any questions.

Thanks,

Kirsten

1-20 -

per Kirsten - the employees are classified



D-Note

DOA:.....Grinde - Public safety radio costs

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

(NO \$) The bill also requires DNR to make quarterly payments to the department of transportation (DOT) for radio services that DOT provides to DNR in fiscal years 1999-2000 and 2000-2001.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) is authorized to expend amounts received from DNR or other state agencies from certain vehicle pools and from information technology and radio pools for the operation, maintenance, replacement and purchase of vehicles, equipment and information technology. This bill provides that the amounts received by DNR may also be used for radio services.

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:

2 SECTION 1. 20.370 (8) (mt) of the statutes is amended to read:

3 20.370 (8) (mt) *Equipment pool operations.* All moneys received by the
4 department from the department or from other state agencies from car, truck,

1 airplane, heavy equipment, information technology or radio pools for operation,
2 maintenance, replacement and purchase of vehicles, equipment, radio services and
3 information technology.

✓
Insert →
4

(END)

D-NOTE



✓
SECTION 9136. Nonstatutory provisions; natural resources.

(1) RADIO SERVICES.

(a) *Position transfers.* There are transferred from the department of natural resources to the department of transportation 7.0 FTE incumbent employees holding positions in the department of natural resources performing duties primarily related to radio services.

(b) *Employe status.* Employes transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of transportation that they enjoyed in the department of natural resources immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Payments to the department of transportation.* The department of natural resources shall make payments to the department of transportation for radio services provided to the department of natural resources by the department of transportation under section 20.370 (8)(mt), as affected by this act, on the first day of each quarter of fiscal years 1999-2000 and 2000-2001, except that the department of natural resources shall make its first payment in fiscal year 1999-2000 on July 31, 1999, or 10 days after the effective date of this act, whichever occurs first.

If the department of transportation provides radio services to the department of natural resources under section 85.12 of the statutes in fiscal years 1999-2000 and 2000-2001,

the department of natural resources shall make payments to the department of transportation from the appropriations under section 20.370 (8)(mt) of the statutes, as affected by this act, and 20.370 (8)(mu) of the statutes

for these services

MOVE

a.r.

~~20.370 (8)(mt)~~

D-Note

LRB-1639/2 dln
RNK: jlg

P Please look closely at the language in the draft related to the date on which DNR must make its first payment to DOT in fiscal year 1999-2000. The draft requires the payment to be made on July 31, 1999⁽¹⁾ or 10 days after the effective date, whichever occurs first. I did not use the language "within 10 days after the effective date" because this could create some ambiguity as to when the payment must be made if, for example, July 31st falls five days after the bill's effective date. Is this OK?

RNK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1639/2dn
RNK:jlg:hmh

Sunday, January 24, 1999

Please look closely at the language in the draft related to the date on which DNR must make its first payment to DOT in fiscal year 1999-2000. The draft requires the payment to be made on July 31, 1999, or 10 days after the effective date, whichever occurs first. I did not use the language "within 10 days after the effective date" because this could create some ambiguity as to when the payment must be made if, for example, July 31st falls five days after the bill's effective date. Is this OK?

Robin N. Kite
Legislative Attorney
266-7291

2-10-99

Per Kirsten

DNR positions all funded from 20.370(8)(mu)

(she will find out about the DOT appropriation

20.395(5)(dg)



D-Note

DOA:.....Grinde - Public safety radio costs

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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By Noon
of Thurs.

do not gen

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3 information technology.

4 **SECTION 9136. Nonstatutory provisions; natural resources.**

5 (1) RADIO SERVICES.

insert
7-5

6 ~~(b) Position~~ ^{Employee} transfers. There are transferred from the department of natural
7 resources to the department of transportation 7.0 FTE incumbent employes holding
8 positions in the department of natural resources performing duties primarily related
9 to radio services.

10 ~~(c) (a)~~ ^{(b) autoref} *Employe status.* Employes transferred under paragraph ~~(a)~~ have all the
11 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
12 statutes in the department of transportation that they enjoyed in the department of
13 natural resources immediately before the transfer. Notwithstanding section 230.28
14 (4) of the statutes, no employe so transferred who has attained permanent status in
15 class is required to serve a probationary period.

16 ~~(d) (a)~~ *Payments to the department of transportation.* If the department of
17 transportation provides radio services to the department of natural resources under
18 section 85.12 of the statutes in fiscal years 1999-2000 and 2000-01, the department
19 of natural resources shall make payments to the department of transportation for
20 these services from the appropriations under section 20.370 (8) (mt) of the statutes,
21 as affected by this act, and section 20.370 (8) (mu) of the statutes on the first day of
22 each quarter of fiscal years 1999-2000 and 2000-01, except that the department of
23 natural resources shall make its first payment in fiscal year 1999-2000 on July 31,
1999, or 10 days after the effective date of this paragraph, whichever occurs ~~first~~ ^{later}.

✓ (24)
Insert 25
2-24

(END)

D-NOTE
↓

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1639/3ins
RNK.....

Insert 2-5

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Insert 2-24 ✓

SECTION 9150. Nonstatutory provisions; transportation.

(1) RADIO SERVICES POSITIONS. ✓ The authorized FTE positions for the department of transportation are decreased by 7.0 SEG positions, funded from the appropriation under section 20.395 (5) (dq) of the statutes, for the performance of duties primarily related to radio services.

D-Note

¶ This draft adds language to the non-statutory provisions to make clear that positions, as well as employees, are being transferred under the draft.

RNK

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

LRB-1639/3dn
RNK;jlg:jf

February 11, 1999

This draft adds language to the nonstatutory provisions to make clear that positions, as well as employes, are being transferred under the draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

Today - 2-11-99

1999 - 2000 LEGISLATURE

LRB-1639

RNK:jlj:jf

4
↑
stays

DOA:.....Grinde – Public safety radio costs

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

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Green, Cost.*
AN ACT ... relating to: the budget.

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9 duties primarily related to radio services.

10 (b) *Employe transfers.* There are transferred from the department of natural
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12 positions in the department of natural resources performing duties primarily related
13 to radio services.

14 (c) *Employe status.* Employes transferred under paragraph (b) have all the
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25 as affected by this act, and section 20.370 (8) (mu) of the statutes on the first day of

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2 natural resources shall make its first payment in fiscal year 1999–2000 on July 31,
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4 **SECTION 9150. Nonstatutory provisions; transportation.**

5 (1) RADIO SERVICES POSITIONS. The authorized FTE positions for the department
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9

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1639/4
RNK:jlg:jf

DOA:.....Grinde - Public safety radio costs

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1 **AN ACT ...; relating to:** the budget.

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9

(END)