

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/20/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - railroads**

Extra Copies: **TNF, ISR**

**Topic:**

DOA:.....Etzler - Interest charges for freight rail infrastructure loans

**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 01/21/99	jgeller 01/21/99		_____			State
/P1			hhagen 01/22/99	_____	lrb_docadmin 01/22/99		State

FE Sent For:

<END>

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1/?	nilsepe	1/21/99 jlg	1/22	1/22			

FE Sent For:

<END>

**CORRESPONDENCE MEMORANDUM**

**STATE OF WISCONSIN  
Department of Administration**

**Date:** January 20, 1999  
**To:** Steve Miller  
Legislative Reference Bureau  
**From:** John M. Etzler  
Budget and Policy Analyst  
**Subject:** Statutory Language Change

Please draft legislation for the budget that would allow for the following:

-1886

1. Allow for State Patrol Officers to be granted complete "policing authority". ~~(Same authorities granted to a county sheriff)~~

-1887

2. Ammend s.85.08 (4m) ~~(b) and (d)~~, to require the Department of Transportation to determine an interest rate for loans made available under the Freight Rail Infrastructure Program.

Please call me at 266-1039 if you have any questions or concerns.

cc: David Schmiedicke

per John Etzler 1/21/99  
create 1 interest rate  
determinance by DOT, applicable  
to all loans under s. 85.08  
-PEW

100.03(9)(g)

(g) **Interest** on claims. If the department's proposed or final order allows a producer claim, the order shall also require the contractor to pay **interest** on the claim, at a **rate** determined by the department by **rule**, computed from the date on which payment was first due.

100.06(4)(b)

(b) The licensee or trustee, or surety or sureties of either of them, shall pay the **interest** on any claim that the department allows unless the claimant has waived the payment of that **interest** in writing. The **interest** shall accrue from the first day of the breach of the obligation under this section for which the verified claim is filed until full payment of the allowed claim is made. The department, by **rule**, shall establish the **interest rate** that applies to any claimant except that if the claimant has contracted the **interest rate** in writing with the licensee or has specified the **interest rate** in a written confirmation of purchase delivered to the licensee within a reasonable time of purchase to which **interest rate** the licensee did not object in writing within 10 days of receipt of that confirmation, the **interest rate** in the contract or confirmation shall apply to the claimant under this subsection.

138.04

**138.04 Legal rate.** The rate of interest upon the loan or forbearance of any money, goods or things in action shall be \$5 upon the \$100 for one year and according to that rate for a greater or less sum or for a longer or a shorter time; but parties may contract for the payment and receipt of a rate of interest not exceeding the rate allowed in ss. 138.041 to 138.056, 138.09 to 138.12, 218.01 or 422.201, in which case such rate shall be clearly expressed in writing.

605.21(2)

(2) **Premium payment.** Upon receipt of certification of premium due, the premium shall be paid into the state treasury for the benefit of the property fund, within 60 days after the date of certification or the effective date of the policy, whichever is the later. Premiums for property insured effective at a later date shall be paid within 60 days after the effective date of each addition. The amount of a premium in default shall be a special charge against the local governing unit, and be included in the next certification of state taxes and charged and collected as other special charges are collected, with **interest** from the due date at a **rate** set by the commissioner by **rule** or, in the absence of a **rule**, at twice the most common prime **rate** charged by major banks in this state.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1887/7

PEN.....

SOON

Handwritten initials and scribbles

DOA:.....Etzler - Interest charges for freight rail infrastructure loans

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

do not gen

- 1 AN ACT ...; relating to: the interest rate on loans under the freight rail
- 2 infrastructure program and requiring the exercise of rule-making authority.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**RAIL AND AIR TRANSPORTATION**

Under current law, the department of transportation (DOT) administers a freight railroad assistance program, under which DOT may make loans to cities, villages, towns and counties for acquiring freight railroad facilities, rehabilitating or constructing rail property improvements or to improve freight railroad infrastructure. The loans are made at the legal rate of interest of 5%, unless DOT and the borrower agree in writing to a different rate.

This bill requires DOT to promulgate a rule specifying a rate of interest applicable to loans under the freight rail infrastructure program.

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:*

3

Handwritten circled text: "insert 1-2" with an arrow pointing to "(END)"

(END)

85.08 (h)  
# 85.08 (4m) NSA  
1-3

Sec. 4. CR; 85.08<sup>x</sup> (4m) (h) Interest<sup>+</sup>  
rate. The department, by rule, shall  
establish the rate of interest applicable to  
loans under this subsection.

(end insert)

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

LRB-1887/4in

PEN.....

January 21, 1999

Font

Jlg  
A/dn

John Etzler:

See s. 138.04, stats., establishing the legal rate of interest on loans. The legal rate may be varied only by written agreement, which I assume could include a rate of 0%.

Paul E. Nilsen  
Legislative Attorney  
261-6926



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

LRB-1887/P1dn  
PEN:jlg:hmh

Friday, January 22, 1999

John Etzler:

See s. 138.04, stats., establishing the legal rate of interest on loans. The legal rate may be varied only by written agreement, which I assume could include a rate of 0%.

Paul E. Nilsen  
Legislative Attorney  
261-6926



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1887/P1  
PEN:jlg:hmh

DOA:.....Etzler - Interest charges for freight rail infrastructure loans  
FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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3 SECTION 1. 85.08 (4m) (h) of the statutes is created to read:



---

**NOTE TO DRAFTING FILE for LRB-1887:**

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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