

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/16/2000

Received By: fasttn

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Etzler

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **PJH, DOT - 1**

**Pre Topic:**

DOA:.....Etzler -

**Topic:**

State patrol special event fees

**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>
/?	fasttn 10/18/2000	gilfokm 10/18/2000					S&L
/1			martykr 10/20/2000		lrb_docadmin 10/20/2000		S&L
/2	fasttn 10/29/2000	gilfokm 10/30/2000	pgreensl 10/31/2000		lrb_docadmin 10/31/2000		

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/?	fasttn 10/18/2000	gilfokm 10/18/2000		10/31 PG/JR			S&L
/1		12-10/30 KMG	martykr 10/20/2000		lrb_docadmin 10/20/2000		

FE Sent For:

10/31  
PG

<END>

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1?	fasttn	1-10/18 Kmg	Jm 10/20	RS Jm	10/20		

FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL**  
**2001-2003 BIENNIUM**

Wisconsin Department of Transportation

DT1586 5/2000

**Instructions:** Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return two completed copies to the Office of Policy & Budget (OPB), Attention: Jim Hoelzel. One copy will be retained by OPB and the other copy provided to the Office of General Counsel. The form is available in the department forms catalog on dotnet.

Short Title of Topic State Patrol: Fees For Special Events			
Type of Proposal <input checked="" type="checkbox"/> Budget <input type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned <b>T013</b>		
	"B" Number Assigned <b>B013</b>	"NB" Number Assigned	
Date Submitted June 2, 2000	Division(s) State Patrol		
OPB Contact Person Joshua Peacock	Area Code - Telephone Number (608) 264-8715		
Lead Division Contact Person Dan McGuire	Area Code - Telephone Number (608) 267-7305		
OGC Contact Person Mike Kernats	Area Code - Telephone Number (608) 267-7940		
Define Problem Precisely <p>TRANS 320 and s. 85.51 Stats. permit the State Patrol to charge a fee for security and traffic enforcement services provided at any public event for which an admission fee is charged for spectators if the event is sponsored by a private organization. Since permission is limited to private organizations, the State Patrol cannot enter into agreements to provide services at events that are sponsored by public organizations. One example involves the UW-Madison home football games. UW officials have requested State Patrol assistance at the games, and have indicated that they are willing to reimburse the State Patrol for these services. The State Patrol cannot readily accept this reimbursement, due to the restrictions noted above. As a result, three alternatives are presently available. Either the request for assistance must be denied, or assistance is provided without reimbursement, or reimbursement is accepted based upon questionable interpretations of existing statutes, administrative rules and accounting guidelines. If assistance is provided without reimbursement, the resulting overtime and related costs are paid through the Transportation Fund.</p> <p>In addition, the existing statutory language and associated administrative rule does not allow the State Patrol to charge private organizations for security services under certain circumstances. For example, the State Patrol was recently asked to provide security services for TouchAmerica, Inc.. This company is installing fiber optic cable in the 194 right of way, from Hudson to Kenosha. The company is willing to pay costs associated with the provision of this service. However, payments for this service cannot be deposited in State Patrol appropriations, due to the restrictions included in the statutes noted above.</p>			
Description of Proposed Change <p>Amend statutes to permit the State Patrol to accept reimbursement from public organizations for security and traffic enforcement services provided at any public event for which an admission fee is charged. In addition, amend statutes to permit the State Patrol to accept reimbursement from private organizations for services that do not involve public events or admission fees.</p>			
Justification for Change <p>In the UW-Madison example cited above, the State Patrol is willing to provide this service, and the sponsor public agency wants this service. Moreover, the UW-Madison has stated that they are willing to pay for the service. The provision of these services is consistent with the mission of the State Patrol, and promotes public safety.</p> <p>The provision of requested services to TouchAmerica Inc. is also consistent with the basic mission of the State Patrol. If the State Patrol cannot be reimbursed for these services, the ability of the State Patrol to meet other obligations may be affected, since associated costs will reduce the available division overtime budget.</p> <p>It should be noted that this proposed legislative change is not intended to provide the State Patrol with a basis for the</p>			

assessment of charges to local agencies for backup services provided at natural disasters or civil disturbances. The State Patrol has never charged for these services, and does not intend to.

Describe any legislative history and related statutory language.

The statutory language (s. 85.51 Stats.) in question was included in 1997 Wisconsin Act 27 (budget bill). TRANS 320 was approved and adopted on March 27, 2000.

David J. Schumacher 06-01-00  
(Division Administrator Signature) (Date)

\_\_\_\_\_  
(Division Administrator Signature) (Date)

\_\_\_\_\_  
(Division Administrator Signature) (Date)

2001

Date (time) needed

SOON  
(turned in 10/18/00)

LRB- 07581 1

DOA BUDGET DRAFT

TNF: King

Use the appropriate components and routines developed for bills.

>>FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget. ....

.....  
.....

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

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

SECTION #.

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

head = TRANSPORTATION  
sub = OTHER TRANSPORTATION

1 AN ACT to renumber and amend 85.51, to amend 85.51 (title), and to create  
2 85.51 (2) of the statutes; relating to: fees for state traffic patrol security and  
3 traffic enforcement services for publicly organized special events and for utility  
4 work in highway rights-of-way.

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

Under current law, the state traffic patrol in the department of transportation ~~DOT~~ enforces and assists in the administration of traffic and parking laws. DOT may impose a fee for security and traffic enforcement services provided by the state traffic patrol at any public event that charges spectators an admission fee if the event is organized by a private organization.

This bill allows DOT to charge a fee for such services at any such event that is publicly or privately organized. The bill also allows DOT to charge a fee for security and traffic enforcement services requested by a person who is installing, inspecting, or repairing a utility facility that lies within a highway right-of-way. All fees received from providing security and traffic enforcement services may be expended only to provide these services.

~~For further information see the state fiscal estimate, which will be printed as an appendix to this bill~~ → AFE-S/L

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

1 SECTION 1. 85.51 (title) of the statutes is amended to read:

2 85.51 (title) **State traffic patrol services; special events fee.**

3 SECTION 2. 85.51 of the statutes is renumbered 85.51 (1) and amended to read:

4 85.51 (1) SPECIAL EVENTS FEE. The department may charge ~~the~~ <sup>an</sup> event sponsor,  
5 as defined by rule, a fee, in an amount calculated under a uniform method  
6 established by rule, for security and traffic enforcement services provided by the  
7 state traffic patrol at any public event for which an admission fee is charged for  
8 spectators ~~if the event is organized by a private organization~~. The department may  
9 not impose a fee for such services except as provided in this ~~section~~ subsection.

10 (3) USE OF FEES. All moneys received under this ~~subsection~~ section shall be  
11 deposited in the general fund and credited to the appropriation account under s.  
12 20.395 (5) (dg).

13 SECTION 3. 85.51 (2) of the statutes is created to read:

14 85.51 (2) SECURITY AND TRAFFIC ENFORCEMENT SERVICES FEE. The department  
15 may charge any person a fee, in an amount calculated under a uniform method  
16 established by rule, for security and traffic enforcement services provided by the  
17 state traffic patrol during that person's installation, inspection <sup>or</sup> repair of a utility  
18 facility, as defined in s. 30.40 (19), <sup>✓</sup> located on a highway, as defined in s. 340.01 (22),  
19 if that person requests such services in writing.

20 SECTION <sup>9352</sup> Initial applicability; <sup>transportation</sup>

21 (1) STATE PATROL SECURITY AND TRAFFIC ENFORCEMENT SERVICES. The treatment  
22 of section 85.51 (2) of the statutes <sup>first</sup> ~~applies~~ <sup>apply</sup> to security and traffic enforcement  
23 services requested <sup>on</sup> the effective date of this subsection.

24 (title) and (END) <sup>and the renumbering and amendment of section 85.51 of the statutes</sup>  
<sup>or provided</sup>



## Fast, Timothy

---

**From:** Kernats, Mike  
**Sent:** Wednesday, October 25, 2000 10:22 AM  
**To:** Fast, Timothy  
**Cc:** Brumund, Lorelee; Peacock, Joshua  
**Subject:** LRB-0758/1

Welcome back Tim. I was asked to review the first draft of LRB-0758/1, DSP security and traffic enforcement services. It looks fine. The only suggestion I have is to add the words "removal, relocation" after the word "inspection" on page 2, line 17.

Charles M. Kernats  
Assistant General Counsel  
Wis. Dept. of Transportation  
608/267-7940  
mike.kernats@dot.state.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE

D-NOTE

2 (Redraft  
LRB-0758/A maker  
TNF:kmg:km has been  
run)

WANTED SOON  
turned in 10/29/00

DOA:.....Etzler - State patrol special event fees

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

DON'T  
GEN. CAT

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

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**OTHER TRANSPORTATION**

Under current law, the state traffic patrol in DOT enforces and assists in the administration of traffic and parking laws. DOT may impose a fee for security and traffic enforcement services provided by the state traffic patrol at any public event that charges spectators an admission fee if the event is organized by a private organization.

This bill allows DOT to charge a fee for such services at any such event that is publicly or privately organized. The bill also allows DOT to charge a fee for security and traffic enforcement services requested by a person who is installing, inspecting, or repairing a utility facility that lies within a highway right-of-way. All fees received from providing security and traffic enforcement services may be expended only to provide these services.

For further information see the *state and local* 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:*

removing, relocating,

1           **SECTION 1.** 85.51 (title) of the statutes is amended to read:

2           **85.51 (title) State traffic patrol services; special events fee.**

3           **SECTION 2.** 85.51 of the statutes is renumbered 85.51 (1) and amended to read:

4           **85.51 (1) SPECIAL EVENTS FEE.** The department may charge the an event  
5 sponsor, as defined by rule, a fee, in an amount calculated under a uniform method  
6 established by rule, for security and traffic enforcement services provided by the  
7 state traffic patrol at any public event for which an admission fee is charged for  
8 spectators ~~if the event is organized by a private organization~~. The department may  
9 not impose a fee for such services except as provided in this section subsection.

10           **(3) USE OF FEES.** All moneys received under this ~~subsection~~ section shall be  
11 deposited in the general fund and credited to the appropriation account under s.  
12 20.395 (5) (dg).

13           **SECTION 3.** 85.51 (2) of the statutes is created to read:

14           **85.51 (2) SECURITY AND TRAFFIC ENFORCEMENT SERVICES FEE.** The department  
15 may charge any person a fee, in an amount calculated under a uniform method  
16 established by rule, for security and traffic enforcement services provided by the  
17 state traffic patrol during that person's installation, inspection, or repair of a utility  
18 facility, as defined in s. 30.40 (19), located on a highway, as defined in s. 340.01 (22),  
19 if that person requests such services in writing.

20           **SECTION 9352. Initial applicability; transportation.**

21           **(1) STATE PATROL SECURITY AND TRAFFIC ENFORCEMENT SERVICES.** The treatment  
22 of section 85.51 (title) and (2) of the statutes and the renumbering and amendment  
23 of section 85.51 of the statutes first apply to security and traffic enforcement services  
24 requested or provided on the effective date of this subsection.

25

(END)

D-NOTE

removal, relocation,

LRB-0758/2dn  
TNF:KMG:

DRAFTER'S NOTE

This draft is identical to LRB-0758/1, except  
that  
it adds "removal, relocation," after "inspection,"  
in proposed s. 85.51(2).

TNF

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

LRB-0758/2dn  
TNF:kmg:pg

October 31, 2000

This draft is identical to LRB-0758/1, except that it adds "removal, relocation," after "inspection," in proposed s. 85.51 (2).

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)

## Fast, Timothy

---

**From:** Fast, Timothy  
**Sent:** Saturday, December 16, 2000 8:26 PM  
**To:** Buckmaster, Carol  
**Cc:** Kernats, Mike  
**Subject:** RE: Proposed Stat Language

Carol, I think Mike Kernats addressed the concern re use of "person", so I don't think a redraft is necessary. I did look over the draft and noticed it used the definition of "utility facility" at s. 30.40(19), stats., instead of the definition of "utility facility" at s. 84.063 (1) (b), stats., that doesn't exclude high-voltage transmission lines. Is this OK?

Tim

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

**From:** Buckmaster, Carol  
**Sent:** Wednesday, December 13, 2000 7:53 AM  
**To:** Fast, Timothy  
**Subject:** FW: Proposed Stat Language

Another one with minor changes.

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

**From:** Hoelzel, James  
**Sent:** Tuesday, December 12, 2000 3:49 PM  
**To:** Buckmaster, Carol  
**Subject:** FW: Proposed Stat Language

same comment. What do you think?

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

**From:** Peacock, Joshua  
**Sent:** Tuesday, December 12, 2000 3:35 PM  
**To:** Hoelzel, James  
**Subject:** FW: Proposed Stat Language

DSP's comments regarding the draft language for escorts and special events. Kernats comments appear to address DSP's concerns. DSP has signed off on this stat mod request.

Joshua

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

**From:** Kernats, Mike  
**Sent:** Tuesday, September 12, 2000 8:30 AM  
**To:** Peacock, Joshua  
**Cc:** Hammer, Paul  
**Subject:** RE: Proposed Stat Language

The term "person" is often used in the statutes. The definition of commonly recurring statutory terms, including "person" is contained in section 990.01, Stats. "Person" is defined in section 990.01(26) to include "all partnerships, associations and bodies politic or corporate." I think this definition is broad enough for our purposes.

Tip: It's always a good idea to check section 990.01 and chapter 340, Stats., whenever there is a question about defining a term for DOT.

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

**From:** Peacock, Joshua  
**Sent:** Tuesday, September 12, 2000 8:13 AM  
**To:** Kernats, Mike  
**Cc:** Hammer, Paul  
**Subject:** FW: Proposed Stat Language

Mike,

Please note the comment received from DSP re: the special event/escorts language received from LRB. I don't know whether the current language "...person..." is sufficient or not.

Your thoughts? Joshua.

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

**From:** Wagner, Pat  
**Sent:** Tuesday, September 12, 2000 7:13 AM  
**To:** Peacock, Joshua  
**Cc:** Young, Robert; McGuire, Daniel; Hammer, Paul  
**Subject:** Proposed Stat Language

Josh -

Both Bob Young and I looked over the preliminary draft of the statutory language regarding Special Events Fees.

The only comment is related to Section 3, line 15.

In addition to using the word.....may charge any person, would it be better to add "or organization/corporation/business entity" as well?

Thanks for the opportunity to look over this state language.

-Pat



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0758/2

TNF:kmg:pg

DOA:.....Etzler - State patrol special event fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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*Analysis by the Legislative Reference Bureau*

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