

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **04/25/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Dyck**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - railroads**

Extra Copies: **TNF, PJH, MDK, RJM, RAC**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Dyck -

Topic:

Remove OCR elimination

Instructions:

Delete all provisions relating to elimination of office of commissioner of railroads

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	agary 04/28/2003	kgilfoy 04/28/2003	jfrantze 04/29/2003	_____	sbasford 04/29/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 04/25/2003

Received By: agary

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - railroads

Extra Copies: TNF, PJH, MDK, RJM, RAC

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Dyck -

Topic:

Remove OCR elimination

Instructions:

Delete all provisions relating to elimination of office of commissioner of railroads

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/?	agary	1-4/28 King	4/28	4/28			

FE Sent For:

<END>

Gary, Aaron

From: Dyck, Jon
Sent: Thursday, April 24, 2003 4:25 PM
To: Gary, Aaron; Hurley, Peggy
Subject: RE: CDL

To answer your question, Aaron, Faith did the summary, but then handed everything to me, so you can do the draft for me.

~~I'll take this opportunity to provide instructions on the Committee's action from today.~~

Paper 770: The Committee adopted the Governor's position. No one wanted to eliminate the plate replacement requirement, so no draft needed.

Paper 771: The Committee adopted alternative #2. So, I think that means that section 2593 should be eliminated and section 2604 should be amended to include single and multi-trip permits. DOT had suggested language that they sent as part of the errata exercise. Let me know if you did not get a copy of that.

Paper 772: The Committee went with the Governor. No draft.

Paper 773: Deferred.

No other changes on the motor vehicles section. I had done a motion on the emissions inspection program that I thought was going to pass, but it did not. Let me know if you'd like to see a copy for future reference.

No State Patrol changes.

Paper 785: The Committee adopted alternative 2, which will require a nonstatutory provision. Let me know if you have questions on this one. Also, could you tell me which one of you will be working on this?

Paper 786: Purely fiscal. No draft.

Paper 787: Purely fiscal. No draft.

Paper 788: The Committee went with alternative 2, so we need a draft to yank the indirect cost appropriation.

Jon Dyck, Fiscal Analyst
Legislative Fiscal Bureau
1 E. Main, Suite 301
(608) 266-9919

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

From: Gary, Aaron
Sent: Thursday, April 24, 2003 11:02 AM
To: Dyck, Jon
Subject: RE: CDL

Jon,

Re OCR, I know that Faith was working on this one. Should I consider this e-mail as the request for the yank, or will there be something more "formal" coming over from you or Faith? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

soon
turned
in 4/28

ARG: King

D-Note

LFB:.....Dyck - Remove OCR elimination

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

- 2 ✓ 1. Page 70, line 9: delete lines 9 to 25.
- 3 ✓ 2. Page 71, line 1: delete that line.
- 4 ✓ 3. Page 79, line 7: delete lines 7 to 16.
- 5 ✓ 4. Page 336, line 24: delete that line.
- 6 ✓ 5. Page 337, line 1: delete lines 1 to 3.
- 7 ✓ 6. Page 357, line 19: delete lines 19 to 25.
- 8 ✓ 7. Page 358, line 1: delete lines 1 and 2.
- 9 ✓ 8. Page 428, line 25: delete that line.
- 10 ✓ 9. Page 457, line 11: delete lines 11 to 14.

- 1 ✓ **10.** Page 461, line 6: delete lines 6 to 25.
- 2 ✓ **11.** Page 462, line 1: delete lines 1 to 3.
- 3 ✓ **12.** Page 467, line 23: delete lines 23 to 25.
- 4 ✓ **13.** Page 468, line 1: delete lines 1 to 25.
- 5 ✓ **14.** Page 469, line 1: delete lines 1 to 4.
- 6 ✓ **15.** Page 666, line 9: delete lines 9 to 12.
- 7 ✓ **16.** Page 728, line 21: delete lines 21 to 25.
- 8 ✓ **17.** Page 729, line 1: delete lines 1 to 22.
- 9 ✓ **18.** Page 740, line 7: delete lines 7 to 16.
- 10 ✓ **19.** Page 748, line 11: delete lines 11 to 25.
- 11 ✓ **20.** Page 749, line 1: delete lines 1 to 4.
- 12 ✓ **21.** Page 752, line 22: delete lines 22 to 25.
- 13 ✓ **22.** Page 753, line 1: delete lines 1 to 25.
- 14 ✓ **23.** Page 754, line 1: delete lines 1 and 2.
- 15 ✓ **24.** Page 848, line 9: delete lines 9 to 21.
- 16 ✓ **25.** Page 855, line 10: delete the material beginning with that line and ending
17 with page 876, line 17.
- 18 ✓ **26.** Page 877, line 7: delete the material beginning with that line and ending
19 with page 892, line 7. ✓
- 20 **27.** Page 892, line 8: delete the material beginning with that line and ending
21 with page 893, line 23, and substitute: ✓

✓
insert
2-22
empty component

1 ✓ **28.** Page 893, line 24: delete the material beginning with that line and ending
2 with page 903, line 20.

3 ✓ **29.** Page 903, line 21: delete the material beginning with that line and ending
4 with page 905, line 2, and substitute:
5

6 ✓ **30.** Page 905, line 3: delete the material beginning with that line and ending
7 with page 906, line 2.

8 ✓ **31.** Page 906, line 3: delete the material beginning with that line and ending
9 with page 908, line 4, and substitute:
10

11 ✓ **32.** Page 908, line 5: delete lines 5 to 19.

12 ✓ **33.** Page 913, line 11: delete the material beginning with that line and ending
13 with page 915, line 22.

14 ✓ **34.** Page 926, line 21: delete lines 21 to 25.

15 ✓ **35.** Page 927, line 1: delete lines 1 to 12.

16 ✓ **36.** Page 928, line 10: delete lines 10 to 18.

17 ✓ **37.** Page 928, line 20: delete lines 20 to 25.

18 ✓ **38.** Page 929, line 1: delete lines 1 to 16.

19 ✓ **39.** Page 953, line 8: delete lines 8 to 10.

20 ✓ **40.** Page 987, line 22: delete lines 22 to 24.

21 ✓ **41.** Page 988, line 1: delete lines 1 and 2.

insert
3-5
eye
5

insert
3-10
eye
10

~~1 treasurer secretary of administration as provided in s. 59.25 (3) (f) 2. The state
2 treasurer secretary of administration shall deposit the amount of the natural
3 resources restitution payment in the conservation fund.~~

~~4 SECTION 200. 194.51 of the statutes is amended to read:~~

~~5 194.51 Suit to recover protested tax. No suit shall be maintained in any
6 court to restrain or delay the collection or payment of the taxes levied in this chapter.
7 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,
8 may at any time within 90 days from the date of such payment, sue the state in an
9 action at law to recover the tax so paid. If it is finally determined that said tax, or
10 any part thereof, was wrongfully collected for any reason, it shall be the duty of the
11 department secretary of administration to issue a warrant on the state treasurer for
12 pay out of the transportation fund the amount of such tax so adjudged to have been
13 wrongfully collected, and the treasurer shall pay the same out of the transportation
14 fund. A separate suit need not be filed for each separate payment made by any
15 taxpayer, but a recovery may be had in one suit for as many payments as may have
16 been made within any 90-day period preceding the commencement of such an action.
17 Such suits shall be commenced as provided in s. 775.01.~~

~~18 " SECTION ^{2273d} 201. 195.29 (5) of the statutes is amended to read:~~

~~19 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. Upon petition of the
20 department, or of the common council or board of any city, village, town, or county,
21 alleging that one or more of them have undertaken or propose to undertake to
22 relocate or improve an existing highway or to construct a new highway in such
23 manner as to eliminate a highway grade crossing with any railroad or so as to
24 permanently divert a material portion of the highway traffic from a highway grade
25 crossing with any railroad, the office shall issue notice of investigation and hearing,~~

insert 2-22

Insert 2-22
conf/ol

1 as provided in s. 195.04. If upon such hearing the office finds that the public safety
 2 will be promoted by the highway relocation, improvement, or new construction, the
 3 office shall order the old crossings closed and new crossings opened as are deemed
 4 necessary for public safety. The order shall require the railroad company or
 5 companies to pay to the interested municipality or municipalities such sum as the
 6 office finds to be an equitable portion of the cost of the highway relocation,
 7 improvement, or new construction, if the work is performed by the municipalities;
 8 or to the ~~state treasurer~~ secretary of administration if the work is performed by the
 9 state; or to the proper county treasurer if the work is performed by the county. The
 10 sum shall be added to the joint fund available for the improvement and may be
 11 expended in like manner as the other portions of the fund. "

(11)

" SECTION ^{2297m} ~~202~~. 195.60 (3) of the statutes is amended to read:

(12)

13 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
 14 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
 15 same or fails to file objections to the bill with the office, the office shall transmit to
 16 the ~~state treasurer~~ secretary of administration a certified copy of the bill, together
 17 with notice of neglect or refusal to pay the bill, and on the same day the office shall
 18 mail to the railroad against which the bill has been rendered a copy of the notice
 19 which it has transmitted to the ~~state treasurer~~ secretary of administration. Within
 20 10 days after the receipt of such notice and certified copy of such bill, the ~~state~~
 21 ~~treasurer~~ secretary of administration shall levy the amount stated on such bill to be
 22 due, with interest, by distress and sale of any goods and chattels, including stocks,
 23 securities, bank accounts, evidences of debt, and accounts receivable belonging to
 24 such delinquent railroad. Such levy by distress and sale shall be governed by the
 25 provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~

Insert 3-5

insert 3-5
cont'd

1 secretary of administration and that said goods and chattels anywhere within the
2 state may be levied upon. "

3 " SECTION ^{2302 m}~~202~~. 195.60 (4) (d) of the statutes is amended to read:

4 195.60 (4) (d) If any bill against which objections have been filed is not paid
5 within 10 days after notice of a finding that such objections have been overruled and
6 disallowed by the office has been mailed to the objector, the office shall give notice
7 of such delinquency to the ~~state treasurer~~ secretary of administration and to the
8 objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of
9 administration shall then proceed to collect the amount of the bill as provided in sub.
10 (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the
11 objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of
12 administration and the objector as in the case of delinquency in the payment of an
13 original bill. The ~~state treasurer~~ secretary of administration shall then proceed to
14 collect the amount of the bill as provided in the case of an original bill.

insert 3-10

15 SECTION ^{2304 m}~~204~~. 195.60 (5) of the statutes is amended to read:

16 195.60 (5) No suit or proceeding shall be maintained in any court for the
17 purpose of restraining or in any way delaying the collection or payment of any bill
18 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
19 pay the amount thereof, and after such payment may in the manner herein provided,
20 at any time within 2 years from the date the payment was made, sue the state in an
21 action at law to recover the amount paid with legal interest thereon from the date
22 of payment, upon the ground that the assessment was excessive, erroneous,
23 unlawful, or invalid in whole or in part. If it is finally determined in such action that
24 any part of the bill for which payment was made was excessive, erroneous, unlawful,
25 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the

1/24/04
3-10
Cm filed

1 claimant as directed by the court, which shall be charged to the appropriations to the
2 office. " .

3 **SECTION 205.** 196.199 (3) (d) of the statutes is amended to read:

4 196.199 (3) (d) If, at any time during a proceeding under this subsection, the
5 commission determines, after notice and reasonable opportunity to be heard, that a
6 person has made a filing in violation of par. (c), the commission shall order the person
7 to pay to any party to the proceeding the amount of reasonable expenses incurred by
8 that party because of the filing, including reasonable attorney fees, and the
9 commission may directly assess a forfeiture against the person of not less than \$25
10 nor more than \$5,000. A person against whom the commission assesses a forfeiture
11 under this paragraph shall pay the forfeiture to the commission within 10 days after
12 receipt of notice of the assessment or, if the person petitions for judicial review under
13 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial
14 review. The commission shall remit all forfeitures paid under this paragraph to the
15 state treasurer secretary of administration for deposit in the school fund. The
16 attorney general may bring an action in the name of the state to collect any forfeiture
17 assessed by the commission under this paragraph that has not been paid as provided
18 in this paragraph. The only contestable issue in such an action is whether or not the
19 forfeiture has been paid.

20 **SECTION 206.** 196.85 (3) of the statutes is amended to read:

21 196.85 (3) If any public utility, sewerage system, joint local water authority, or
22 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
23 days or fails to file objections to the bill with the commission, as provided in this
24 subsection, the commission shall ~~transmit to the state treasurer~~ secretary of
25 administration a certified copy of the bill, together with notice of failure to pay the

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0107/1dn

ARG: *King*

ATTN: Jon Dyck

The attached amendment "yanks" the provision in SB-44 relating to the elimination of the office of commissioner of railroads and transfer of certain of its duties to DOT. The new chapter 20 schedule prepared by LFB should accordingly omit any entry for ss. 20.155 (2) and 20.395 (2) (gg) and (gq). The attached draft also contains provisions to "unreconcile" treatments of ss. 195.29 (5), 195.60 (3), (4) (d), and (5), and 552.23 (1) contained in the underlying drafts LRB-1187, LRB-1431, and LRB-0529.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

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

LRBb0107/1dn
ARG:kmg:jf

April 29, 2003

ATTN: Jon Dyck

The attached amendment “yanks” the provision in SB-44 relating to the elimination of the office of commissioner of railroads and transfer of certain of its duties to DOT. The new chapter 20 schedule prepared by LFB should accordingly omit any entry for ss. 20.155 (2) and 20.395 (2) (gg) and (gq). The attached draft also contains provisions to “unreconcile” treatments of ss. 195.29 (5), 195.60 (3), (4) (d), and (5), and 552.23 (1) contained in the underlying drafts LRB-1187, LRB-1431, and LRB-0529.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0107/1
ARG:kmg:jf

LFB:.....Dyck – Remove OCR elimination

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 70, line 9: delete lines 9 to 25.
- 3 **2.** Page 71, line 1: delete that line.
- 4 **3.** Page 79, line 7: delete lines 7 to 16.
- 5 **4.** Page 336, line 24: delete that line.
- 6 **5.** Page 337, line 1: delete lines 1 to 3.
- 7 **6.** Page 357, line 19: delete lines 19 to 25.
- 8 **7.** Page 358, line 1: delete lines 1 and 2.
- 9 **8.** Page 428, line 25: delete that line.
- 10 **9.** Page 457, line 11: delete lines 11 to 14.

- 1 **10.** Page 461, line 6: delete lines 6 to 25.
- 2 **11.** Page 462, line 1: delete lines 1 to 3.
- 3 **12.** Page 467, line 23: delete lines 23 to 25.
- 4 **13.** Page 468, line 1: delete lines 1 to 25.
- 5 **14.** Page 469, line 1: delete lines 1 to 4.
- 6 **15.** Page 666, line 9: delete lines 9 to 12.
- 7 **16.** Page 728, line 21: delete lines 21 to 25.
- 8 **17.** Page 729, line 1: delete lines 1 to 22.
- 9 **18.** Page 740, line 7: delete lines 7 to 16.
- 10 **19.** Page 748, line 11: delete lines 11 to 25.
- 11 **20.** Page 749, line 1: delete lines 1 to 4.
- 12 **21.** Page 752, line 22: delete lines 22 to 25.
- 13 **22.** Page 753, line 1: delete lines 1 to 25.
- 14 **23.** Page 754, line 1: delete lines 1 and 2.
- 15 **24.** Page 848, line 9: delete lines 9 to 21.
- 16 **25.** Page 855, line 10: delete the material beginning with that line and ending
17 with page 876, line 17.
- 18 **26.** Page 877, line 7: delete the material beginning with that line and ending
19 with page 892, line 7.
- 20 **27.** Page 892, line 8: delete the material beginning with that line and ending
21 with page 893, line 23, and substitute:
- 22 “**SECTION 2273d.** 195.29 (5) of the statutes is amended to read:

1 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. Upon petition of the
2 department, or of the common council or board of any city, village, town, or county,
3 alleging that one or more of them have undertaken or propose to undertake to
4 relocate or improve an existing highway or to construct a new highway in such
5 manner as to eliminate a highway grade crossing with any railroad or so as to
6 permanently divert a material portion of the highway traffic from a highway grade
7 crossing with any railroad, the office shall issue notice of investigation and hearing,
8 as provided in s. 195.04. If upon such hearing the office finds that the public safety
9 will be promoted by the highway relocation, improvement, or new construction, the
10 office shall order the old crossings closed and new crossings opened as are deemed
11 necessary for public safety. The order shall require the railroad company or
12 companies to pay to the interested municipality or municipalities such sum as the
13 office finds to be an equitable portion of the cost of the highway relocation,
14 improvement, or new construction, if the work is performed by the municipalities;
15 or to the ~~state treasurer~~ secretary of administration if the work is performed by the
16 state; or to the proper county treasurer if the work is performed by the county. The
17 sum shall be added to the joint fund available for the improvement and may be
18 expended in like manner as the other portions of the fund.”.

19 **28.** Page 893, line 24: delete the material beginning with that line and ending
20 with page 903, line 20.

21 **29.** Page 903, line 21: delete the material beginning with that line and ending
22 with page 905, line 2, and substitute:

23 “SECTION 2297m. 195.60 (3) of the statutes is amended to read:

1 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
2 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
3 same or fails to file objections to the bill with the office, the office shall transmit to
4 the ~~state treasurer~~ secretary of administration a certified copy of the bill, together
5 with notice of neglect or refusal to pay the bill, and on the same day the office shall
6 mail to the railroad against which the bill has been rendered a copy of the notice
7 which it has transmitted to the ~~state treasurer~~ secretary of administration. Within
8 10 days after the receipt of such notice and certified copy of such bill, the ~~state~~
9 ~~treasurer~~ secretary of administration shall levy the amount stated on such bill to be
10 due, with interest, by distress and sale of any goods and chattels, including stocks,
11 securities, bank accounts, evidences of debt, and accounts receivable belonging to
12 such delinquent railroad. Such levy by distress and sale shall be governed by the
13 provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~
14 secretary of administration and that said goods and chattels anywhere within the
15 state may be levied upon.”

16 **30.** Page 905, line 3: delete the material beginning with that line and ending
17 with page 906, line 2.

18 **31.** Page 906, line 3: delete the material beginning with that line and ending
19 with page 908, line 4, and substitute:

20 “**SECTION 2302m.** 195.60 (4) (d) of the statutes is amended to read:

21 195.60 (4) (d) If any bill against which objections have been filed is not paid
22 within 10 days after notice of a finding that such objections have been overruled and
23 disallowed by the office has been mailed to the objector, the office shall give notice
24 of such delinquency to the ~~state treasurer~~ secretary of administration and to the

1 objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of
2 administration shall then proceed to collect the amount of the bill as provided in sub.
3 (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the
4 objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of
5 administration and the objector as in the case of delinquency in the payment of an
6 original bill. The ~~state treasurer~~ secretary of administration shall then proceed to
7 collect the amount of the bill as provided in the case of an original bill.

8 **SECTION 2304m.** 195.60 (5) of the statutes is amended to read:

9 195.60 (5) No suit or proceeding shall be maintained in any court for the
10 purpose of restraining or in any way delaying the collection or payment of any bill
11 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
12 pay the amount thereof, and after such payment may in the manner herein provided,
13 at any time within 2 years from the date the payment was made, sue the state in an
14 action at law to recover the amount paid with legal interest thereon from the date
15 of payment, upon the ground that the assessment was excessive, erroneous,
16 unlawful, or invalid in whole or in part. If it is finally determined in such action that
17 any part of the bill for which payment was made was excessive, erroneous, unlawful,
18 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the
19 claimant as directed by the court, which shall be charged to the appropriations to the
20 office.”.

21 **32.** Page 908, line 5: delete lines 5 to 19.

22 **33.** Page 913, line 11: delete the material beginning with that line and ending
23 with page 915, line 22.

24 **34.** Page 926, line 21: delete lines 21 to 25.

