

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/2/2014 Received By: emueller  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Mette  
May Contact: Drafter: emueller  
Subject: Transportation - other Addl. Drafters:  
Extra Copies: ZDW, ARG

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov  
sbostatlanguage@webapps.wi.gov

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**Pre Topic:**

DOA:.....Mette, BB0246 -

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**Topic:**

Transfer fiduciary responsibility of the petroleum inspection fund to DOT

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**Instructions:**

See attached

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**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>
/?	emueller 12/10/2014			_____			
/P1	emueller 1/16/2015	evinz 12/10/2014	rschlue 12/10/2014	_____	sbasford 12/10/2014		
/P2		wjackson	jmurphy	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/17/2015	1/18/2015	_____	1/19/2015		

FE Sent For:

<END>

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May Contact:		Drafter:	<b>emueller</b>
Subject:	<b>Transportation - other</b>	Addl. Drafters:	
		Extra Copies:	<b>ZDW, ARG</b>

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Transfer fiduciary responsibility of the petroleum inspection fund to DOT

**Instructions:**

See attached

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/?	emueller 12/10/2014			_____			
/P1		evinz 12/10/2014	rschluet 12/10/2014	_____	sbasford 12/10/2014		

/P2 *EVM*  
*1/16/15*  
 FE Sent For:

*/p2 WJ 1/17*

*Jm*  
*1/18*

<END>

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DOA:.....Mette, BB0246 -

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Transfer fiduciary responsibility of the petroleum inspection fund to DOT ✓

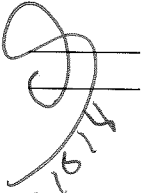
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**Instructions:**

See attached

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<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?	emueller	1/1 eeV	1/1 eeV				
1/1	EVW 12/10/14	12/10/14	12/10/14				

FE Sent For:

1/2

<END>

## Mueller, Eric

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**From:** CathleneH <cathleneh@gmail.com>  
**Sent:** Monday, December 01, 2014 12:11 PM  
**To:** Mueller, Eric; Wyatt, Zachary  
**Subject:** Fwd: Statutory Language Drafting Request - BB0246

Sent from my iPhone

Begin forwarded message:

**From:** <[Bryan.Mette@Wisconsin.gov](mailto:Bryan.Mette@Wisconsin.gov)>  
**Date:** December 1, 2014 at 12:00:36 PM CST  
**To:** <[cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)>  
**Cc:** <[Paul2.Ziegler@wisconsin.gov](mailto:Paul2.Ziegler@wisconsin.gov)>, <[Bryan.Mette@wisconsin.gov](mailto:Bryan.Mette@wisconsin.gov)>, <[Christopher.Connor@wisconsin.gov](mailto:Christopher.Connor@wisconsin.gov)>  
**Subject:** Statutory Language Drafting Request - BB0246

Biennial Budget: 2015-17

DOA Tracking Code: BB0246

Topic: Transfer Fiduciary Responsibility of the Petroleum Inspection Fund to DOT

SBO Team: TLGED

SBO Analyst: Mette, Bryan - DOA  
Phone: 608-266-1039  
E-mail: [Bryan.Mette@Wisconsin.gov](mailto:Bryan.Mette@Wisconsin.gov)

Agency Acronym: WisDOT

Agency Number: 395

Priority: Low

Intent:

Make the Department of Transportation the financial agent of the Petroleum Inspection Fund.

Specify that all positive balances of the Petroleum Inspection Fund would lapse to the Transportation Fund at the end of each fiscal year.

More information on p. 75 of DOT's budget submission  
<http://doa.wisconsin.gov/Documents/DEBF/Budget/Biennial%20Budget/2015-17%20Agency%20Request/395%20WisDOT%20Budget%20Request%202015-17.pdf>

Attachments: False

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)

**Department of Transportation  
2015-2017 Biennial Budget Request  
STATUTORY MODIFICATIONS**

**TOPIC**                      Transfer Fiduciary Responsibilities of Fund 272 from the Department of Natural Resources to the Department of Transportation

**DESCRIPTION OF CHANGE:**

The Department requests becoming the responsible financial agent for the Petroleum Inspection Fund (PIF). Any positive fund balance remaining at the end of the fiscal year in Fund 272 shall be transferred to the Transportation Fund as miscellaneous revenue. Management of the Petroleum Environmental Cleanup Fund Award (PEFCA) program is to remain with the Department of Natural Resources. The bonding indenture that has been established with the Trustee should not be affected by this transfer of authority.

The Department requests language similar to s.16.5185, Wis Stats., to allow for all positive end of year balances from Fund 272 to be transferred into the Transportation Fund.

**JUSTIFICATION:**

Segregated revenues fund a variety of transportation needs including but not limited to the development of state and local transportation facilities, highway operations and maintenance, aids to local units of government, Department operations and debt service on transportation revenue bonds (TRB) and general obligation (GO) bonds.

Under current law gross state revenue for the Transportation Fund from all sources, not including proceeds from the sale of GO and TRBs is expected to fall 2.6% in the 2015-2017 biennium compared to the 2013-15 biennium.

The Department requests to redirect responsibility of Fund 272 from the Department of Natural Resources to the Department of Transportation. All positive end-of-year fund balances in Fund 272 will be available to the Transportation Fund and the Department shall make fiduciary decisions on the balances. Management of and staffing functions for the PECFA program should remain with the Department of Natural Resources. This will broaden the base of transportation funding and help maintain Wisconsin's transportation infrastructure.



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0740/P1

EVM:.....

lee

DOA:.....Mette, BB0246 - Transfer fiduciary responsibility of the petroleum inspection fund to DOT

**FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION**

SAV  
xref ✓

12/15/14

RMP

don't gen

1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

✓ TRANSPORTATION

✓ OTHER TRANSPORTATION

Under this bill, beginning on June 30, 2015, the secretary of administration must annually transfer from the petroleum inspection fund to the transportation fund the unencumbered balance of the petroleum inspection fund.

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

2 SECTION 1. 16.5185 (intro.) of the statutes is renumbered 16.5185 (1) (intro.).

3 SECTION 2. 16.5185 (2) of the statutes is created to read:

4 16.5185 (2) Beginning on June 30, 2015, in each fiscal year, the secretary shall

5 transfer the unencumbered balance of the petroleum inspection fund on June 30

6 from the petroleum inspection fund to the transportation fund.

7 (END)

Ins A

Note

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

LRB-0740/P1dn

EVM:.....

Leev

date

ATTN: Bryan Mette

Please review this draft carefully to ensure that it functions in the way intended. In its current form, this draft requires an annual transfer to the transportation fund of any money in the petroleum inspection fund that has not been effectively spent. This could include money appropriated on a continuing basis or biennially and that was intended for expenditure in a later period. Also potentially affected are several sum sufficient appropriations that may not have a pool of money to draw upon for ~~expenditures~~ <sup>if</sup> ~~expenditure~~ be necessary. As a reference, the appropriations that I have come across that may be affected in an unexpected way by this draft are ss. 20.370 (6) (er), (ff), and (fs) and (7) (dq) and (dr), 20.465 (3) (r), and 20.855 (4) (r). If the current draft does not meet your intent, the following are several potential alternatives:

1. An exception to the transfer requirement that leaves some amount of money in the petroleum inspection fund to fund certain appropriations.
2. A transfer of the unappropriated balance of the petroleum inspection fund to the transportation fund.
3. Requiring the secretary of administration to estimate a surplus annually and to transfer this amount.
4. Providing a formula or specifying an amount for an annual transfer.

Also, do you want to repeal s. 20.855 (4) (w) as a part of this draft?

Please let me know if you have any questions or further instructions.

Eric V. Mueller  
Legislative Attorney  
(608) 261-7032  
eric.mueller@legis.wisconsin.gov

no score,  
I



**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0740/P1ins  
EVM:eev:...

ISA

1           **SECTION 1.** 16.5185 (1) of the statutes is renumbered 16.5185 (1) (a).

2           **SECTION 2.** 16.5185 (2) of the statutes is renumbered 16.5185 (1) (b).

3

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

LRB-0740/P1dn  
EVM:eev:rs

December 10, 2014

ATTN: Bryan Mette

Please review this draft carefully to ensure that it functions in the way intended. In its current form, this draft requires an annual transfer to the transportation fund of any money in the petroleum inspection fund that has not been effectively spent. This could include money appropriated on a continuing basis or biennially and that was intended for expenditure in a later period. Also potentially affected are several sum sufficient appropriations that may not have a pool of money to draw upon if expenditures should be necessary. As a reference, the appropriations that I have come across that may be affected in an unexpected way by this draft are ss. 20.370 (6) (er), (fr), and (fs) and (7) (dq) and (dr), 20.465 (3) (s), and 20.855 (4) (r). If the current draft does not meet your intent, the following are several potential alternatives:

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2. A transfer of the *unappropriated* balance of the petroleum inspection fund to the transportation fund.
3. Requiring the secretary of administration to estimate a surplus annually and to transfer this amount.
4. Providing a formula or specifying an amount for an annual transfer.

Also, do you want to repeal s. 20.855 (4) (w) as a part of this draft?

Please let me know if you have any questions or further instructions.

Eric V. Mueller  
Legislative Attorney  
(608) 261-7032  
eric.mueller@legis.wisconsin.gov

## Mueiler, Eric

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**From:** Mette, Bryan - DOA <Bryan.Mette@wisconsin.gov>  
**Sent:** Thursday, January 15, 2015 4:31 PM  
**To:** Mueller, Eric  
**Subject:** FW: Transfer fiduciary responsibility of the petroleum inspection fund to DOT

The Governor has decided not to do this but rather transfer \$21 million from the petroleum inspection fund to the transportation fund in FY16 and FY17. This would be a one-time transfer in each year of the 2015-17 biennium.

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**From:** Christopher.Connor@wisconsin.gov [mailto:Christopher.Connor@wisconsin.gov]  
**Sent:** Wednesday, December 10, 2014 2:40 PM  
**To:** Mette, Bryan - DOA  
**Cc:** Ziegler, Paul - DOA; Connor, Christopher B - DOA; Connor, Christopher B - DOA  
**Subject:** Transfer fiduciary responsibility of the petroleum inspection fund to DOT

We have received an LRB draft for DOA Tracking Code: BB0246

LRB Draft Number: 15-0740/P1

Drafter: EVM

Drafting Attorney: Eric V. Mueller  
Phone: (608) 261-7032  
E-mail: [eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)

Drafter's Notes: See Drafter's Notes

PDF of Drafter's Note is found in the [Drafter's Notes Library](#)

The [document](#) can be found in the Stat Language site on SharePoint.

**Please Note:** All new drafts are marked "OUT" and Final = "No" by default. Please update these fields in this record and related drafts as soon as you know if they are "IN" or Final.

Thanks,

Chris



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0740/P1  
EVM:rev:rs

g  
1P2  
ewj

RMR

DOA:.....Mette, BB0246 - Transfer fiduciary responsibility of the petroleum inspection fund to DOT

**FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION**

INSERT

1/20/15

Do Not Gen

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

*Analysis by the Legislative Reference Bureau*

transfers  
\$21,000,000

TRANSPORTATION

OTHER TRANSPORTATION

SAFETY AND PROFESSIONAL SERVICES  
BUILDINGS AND SAFETY

Under this bill, beginning on June 30, 2015, the secretary of administration must annually transfer from the petroleum inspection fund to the transportation fund the unencumbered balance of the petroleum inspection fund.

2 in each year of the fiscal biennium

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

- 2 SECTION 1. 16.5185 (intro.) of the statutes is renumbered 16.5185 (1) (intro.).
- 3 SECTION 2. 16.5185 (1) of the statutes is renumbered 16.5185 (1) (a).
- 4 SECTION 3. 16.5185 (2) of the statutes is renumbered 16.5185 (1) (b).
- 5 SECTION 4. 16.5185 (2) of the statutes is created to read:

1           16.5185 (2) Beginning on June 30, 2015, in each fiscal year, the secretary shall  
2 transfer the unencumbered balance of the petroleum inspection fund on June 30  
3 from the petroleum inspection fund to the transportation fund.

4

(END)

INS  
2-3

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0740/P2ins  
EVM:eev:rs

1 INS 2-3

2

3

SECTION 9245. Fiscal changes; ~~Transportation~~

*9238*  
*Safety and Professional Services*

4

(1) TRANSFER FROM PETROLEUM INSPECTION FUND TO TRANSPORTATION FUND. There

5

is transferred from the petroleum inspection fund to the transportation fund

6

\$21,000,0000 in each fiscal year of the 2015-17 fiscal biennium.



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0740/P2  
EVM:wlj:jm

DOA:.....Mette, BB0246 – Transfer fiduciary responsibility of the petroleum inspection fund to DOT

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**SAFETY AND PROFESSIONAL SERVICES**

**BUILDINGS AND SAFETY**

This bill transfers \$21,000,000 from the petroleum inspection fund to the transportation fund in each year of the fiscal biennium.

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

2 **SECTION 9238. Fiscal changes; Safety and Professional Services.**

3 (1) TRANSFER FROM PETROLEUM INSPECTION FUND TO TRANSPORTATION FUND. There  
4 is transferred from the petroleum inspection fund to the transportation fund  
5 \$21,000,0000 in each fiscal year of the 2015-17 fiscal biennium.

6 (END)