



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE TRAILS POLICY

FROM: Mark C. Patronsky, Senior Staff Attorney, and Dan Schmidt, Senior Analyst

RE: Bill Drafts Prepared for Consideration by the Special Committee

DATE: December 21, 2006

This Memo is being distributed to Members of the Special Committee on State Trails Policy together with seven bill drafts that have been prepared for consideration and possible action by the Special Committee. Chair Breske has reviewed the information presented to the Special Committee and the discussions among committee members to date, and directed staff to prepare these bill drafts. Chair Breske's intent is to discuss these bill drafts with members of the Special Committee during the January 4, 2007 meeting, to reach a consensus on some or all of these bill drafts and any requested changes to the bill drafts, and to take final action on these bill drafts by voting whether or not to approve them. Chair Breske's goal is for the January 4, 2007 meeting to be the last meeting of the Special Committee. If substantial changes are made to the bill drafts, it may be necessary to submit final draft versions to the Special Committee for approval or disapproval by mail ballot after the January 4 meeting.

This Memo contains background information on how bill drafts are organized, and how to read and understand bill drafts. This Memo also contains information on the process for review and voting on the bill drafts, and the subsequent procedure for review and voting by the Joint Legislative Council. This Memo also includes two charts which summarize the increased fees and increased appropriations that are proposed in four of the seven bill drafts that have been prepared for the Special Committee.

FORMAT OF BILL DRAFTS

The primary purpose of a bill draft is to propose changes to state statutes. The bill draft may create a new provision in the statutes, repeal an existing provision in the statutes, or make modifications to existing provisions of the statutes. These changes actually occur when, and if, the Legislature passes the bill and the bill is signed by the Governor. The treatment of the statutes by each bill draft is shown after each of the numbered SECTIONS of the bill. For example, in WLC: 0038/1, the bill draft provides as follows:

“SECTION 1. 23.33 (2) (c) of the statutes is amended to read:”.

This indicates that the portions of the bill draft in SECTION 1 amend existing statutes. The amendments are shown as strikethroughs (to delete existing statutory language) and underlines (to add new statutory language).

Some of the bill drafts contain nonstatutory provisions. Nonstatutory provisions of a bill draft, if enacted, are part of state law, but are not printed in the statutes. Nonstatutory provisions can take various forms, such as the appropriation changes in WLC: 0037/1.

The bill drafts also include notes and comments. The notes are an important part of the bill draft, which will be included with the published acts of the Legislature if these bill drafts are passed by the Legislature and signed by the Governor. The notes are intended to express the Special Committee’s intent beyond the statutory language. Special Committee members should review the notes carefully. The bill drafts also include comments, which are a means of raising questions for consideration by the Special Committee or to provide additional information to assist the Special Committee in its deliberations. The comments will not be included in any final draft recommended by the Special Committee.

Each of the bill drafts has a unique number assigned by the Legislative Council staff. This number appears in the upper right-hand corner of each bill draft and bill drafts are typically referred to by this number, such as “draft 37/1,” to refer to WLC: 0037/1. Specific provisions of each bill draft are identified by page and line number. For example, in order to identify the portion of the bill draft that modifies the penalty for trespass with an all-terrain vehicle (ATV) would be referred to as draft 36/1, page 2, line 6.

PROCEDURE FOR DISCUSSION AND APPROVAL OF BILL DRAFTS

The provisions in each bill draft are intended as a starting point for discussion by Special Committee members. All provisions of the bill drafts may be subject to discussion and modification upon request of the Special Committee. For example, the penalty for off-road vehicle trespass is proposed in WLC: 0036/1 to be increased from a current forfeiture of \$249 to a forfeiture of \$438. The Special Committee can discuss this forfeiture amount and consider whether the proposed amount is appropriate, whether it should be higher or lower, or whether it should be changed at all. Several of the drafts contain blanks (shown with brackets as follows: [\$]”). For example, see page 1, line 7, of the appropriations draft, WLC: 0037/1. The Special Committee can decide what dollar amounts should be inserted in these bill drafts.

Chair Breske, in consultation with members of the Special Committee, will determine how to take final action on the Special Committee’s recommendation. One important decision for the Special Committee is whether to combine all of the bill drafts into a single bill draft, or whether to have two or more separate bill drafts. Also, it will be necessary to determine whether to take votes on individual bill drafts, or whether to take a single vote on the combined bill drafts.

If, as the result of discussion by the Special Committee, a substantial number of changes are made to the bill drafts, particularly if it involves substantial amounts of additional legislative drafting, it

may be necessary to prepare final drafts after the January 4 meeting and submit those to Special Committee members for approval or disapproval by mail ballot.

When the Special Committee has completed its work and made its final recommendations, the staff will prepare a final report of the Special Committee. This report will describe the bill drafts approved by the Special Committee, summarize the meetings and discussions of the Special Committee and include a bibliography of materials prepared for and submitted to the Special Committee. This report will accompany the bill draft or drafts that are submitted to the Joint Legislative Council, which will then consider the recommendations of the Special Committee and determine whether or not to introduce those recommendations as bills in the 2007-09 Legislative Session.

ENCLOSED CHARTS SUMMARIZING PROPOSED REVENUES AND APPROPRIATIONS

The two enclosed charts summarize the provisions in several of the bill drafts submitted to the Special Committee that relate to ATV state revenues and appropriations. The purpose for these charts is to simplify the Special Committee's discussion of these bill drafts.

Several general comments should be noted regarding these charts. The numbers in these charts have, in many cases, been rounded-off, and many of the numbers are derived from estimates. Therefore, some of the totals in these charts may not match.

Also, the state budget is on a biennial cycle, with each fiscal year commencing July 1. Fiscal year 2006-07, as referred to in the charts, is the second fiscal year in the current biennium, and fiscal year 2007-08 and fiscal year 2008-09 are the fiscal years in the biennium that commences on July 1, 2007.

Chart 1 -- Description of ATV State Revenue

This chart summarizes state revenues that relate to ATVs, including the gas tax payment, registration fees, and the nonresident trail pass. Revenues from these sources is collected by the Department of Natural Resources (DNR) and, with the exception of the gas tax, placed in the Conservation Fund. The gas tax is accounted for separately with its own appropriation. The ATV revenues are placed in a sub-account of the Conservation Fund.

The column in this chart that is headed "FY 06-07 Current Revenues" shows the estimated amount of revenues that are derived annually from the current statutory fees. The next column, which shows "FY 07-08 Proposed New Fees," shows the sum of the current annual revenues plus the proposed fee increases in the bill drafts. In other words, this column shows the total amount of fees that would be collected if the fees proposed in the bill drafts are adopted. The final column of this chart shows the proposed increase in the fees above the current fee amount.

The totals at the bottom of this chart are shown in two different amounts. The first total is the aggregate amount of all fees, including the gas tax payment. The second total shows the fee increases and the new fees without the gas tax payment. This is so because the gas tax payments are used to provide aid to local and federal governments for nonstate ATV projects, and are appropriated for this purpose in a separate appropriation that only includes gas tax payments. Therefore, in order to determine the amounts to insert in the blanks in Chart 2, the Special Committee will use the proposed

new fees and the proposed fee increases, minus gas tax payments, in the middle and right-hand columns of Chart 1.

ATV State Revenues

Annual Estimates			
Fees	FY 06-07 Current Revenues	FY 07-08 Proposed New Fees (Current and Increase)	Proposed Fee Increase in WLC Drafts
Gas tax payment (WLC: 0040/1)	\$1,700,000	\$5,000,000	\$3,300,000
Public use fee (WLC: 0038/1, Section 1)	\$3,500,000	\$8,500,000	\$5,000,000
Private use fee (WLC: 0038/1 – Section 2)	\$75,000	\$100,000	\$25,000
Commercial certificate (WLC: 0038/1 – Section 3)	\$60,000	\$80,000	\$20,000
Commercial plates (WLC: 0038/1 – Section 3)	\$3,000	\$5,000	\$2,000
Non-resident trail pass) WLC: 0038/1 – Section 4)	\$215,000	\$570,000	\$355,000
TOTALS – ALL FEES	\$5,553,000	\$14,255,000	\$8,702,000
Total (minus gas tax payment)	\$3,830,000	\$9,255,000	\$5,402,000

Chart 2 – ATV State Appropriations

Money held by the state (such as ATV state revenues) can only be expended pursuant to an appropriation. The appropriation, in state budgeting, is an authorization to expend funds. The dollar amount of a given appropriation is a cap on the amount that can be expended. In most cases, available funds that are not expended in a fiscal year lapse to the source from which those funds came, such as the ATV account in the Conservation Fund for the ATV appropriations.

The left-hand column in Chart 2 shows each of the current appropriation amounts that relate to ATVs. In addition to the brief text description of each, the column includes a statute number. This statute number is the appropriation line in the state budget for that purpose. These statutory numbers also appear in several of the bill drafts. For example, the first item in Chart 2, State ATV Projects, relates to the appropriation increase in WLC: 0037/1 on page 1, line 6.

The dollar amounts listed in the column “FY 06-07 Appropriations” are the appropriations for the current fiscal year.

The two columns for FY 07-08 and FY 08-09 show blanks, which correspond with the blanks in the bill drafts. The Special Committee needs to determine the appropriation dollar amounts to insert in these blanks, and the total of those dollar amounts should equal the “total” line at the bottom of each of the columns (the total minus the gas tax payment).

ATV State Appropriations

	Current State Budget	Proposed Appropriations in Committee Bill Drafts	
	FY 06-07 Appropriations	FY 07-08	FY 08-09
State ATV Projects (s. 20.370 (1) (ms))	\$225,000	[\$]	[\$]
State ATV Law Enforcement (s. 20.370 (3) (as))	\$1,102,000	[\$]	[\$]
Aid for Local and Federal ATV Projects (s. 20.370 (5) (cu))	\$1,600,000	[\$]	[\$]
ATV Safety Program Grants (s. 20.370 (5) (cx))	\$250,000	[\$]	[\$]
ATV Damage Program (s. 20.370 (5) (cz))	[n/a – created by WLC: 0039/1]	[\$]	[\$]
ATV Enforcement Aids (s. 20.370 (5) (er))	\$200,000	[\$]	[\$]
Split Funded Administration	\$467,000	\$470,000	\$470,000
TOTALS	\$3,844,000	\$9,255,000	\$9,255,000
Gas Tax Payment (s. 20.370 (5) (ct))	\$1,700,000	\$5,000,000	\$5,000,000
GRAND TOTALS	\$5,553,000	\$14,255,000	\$14,255,000