

2005 DRAFTING REQUEST

Bill

Received: 07/21/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**
Transportation - highways

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Low speed vehicles

Instructions:

Allow municipalities to allow LSVs on local roads

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>
/?				_____			Local
/1	phurley 07/25/2005	kfollett 08/18/2005	chaugen 08/18/2005	_____	sbasford 08/18/2005		Local
	phurley 10/21/2005	kfollett 10/21/2005		_____			
/2	phurley 10/27/2005	kfollett 10/27/2005	pgreensl 10/24/2005	_____	lnorthro 10/24/2005		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3			jfrantze 10/28/2005	_____	mbarman 10/28/2005	sbasford 11/04/2005	

FE Sent For: **11/03/2005.**

<END>

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/2	phurley 10/27/2005	kfollett 10/27/2005	pgreensl 10/24/2005	_____	lnorthro 10/24/2005		Local

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/3

jfrantze _____
10/28/2005 _____

mbarman _____
10/28/2005 _____

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<END>

11-03-2005
("1/3")

see
attached

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/2		13/gjf 10/27	pgreensl 10/24/2005	_____	lnorthro 10/24/2005		
			<i>Jb</i> 10/28	<i>Ch</i> 10/28			

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May Contact:

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Transportation - highways

Extra Copies:

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/?							Local
/1	phurley 07/25/2005	kfollett 08/18/2005	chaugen 08/18/2005		spasford 08/18/2005		

FE Sent For:

12 kif
10/29
10/29
<END>

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Received: **07/21/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

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Drafter: **phurley**

May Contact:

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/?	phurley	1/1/gjf 8/18	Ch 8/18	Ch 8/18 ps			

FE Sent For:

<END>

Hurley, Peggy

From: Northrop, Lori
Sent: Thursday, July 21, 2005 3:52 PM
To: Hurley, Peggy
Subject: FW: Licensing Low Speed Vehicles (LSV)

Hi Peggy..this was forwarded to me by research....Thanks

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

From: Paolino, Bob
Sent: Thursday, July 21, 2005 3:50 PM
To: LRB.Reference; LRB.Legal
Cc: Waldrop, Joyce
Subject: RE: Licensing Low Speed Vehicles (LSV)

Drafting request; forwarding to LRB.Legal

> **From:** Waldrop, Joyce
> **Sent:** Thursday, July 21, 2005 3:44:20 PM
> **To:** LRB.Reference
> **Cc:** Waldrop, Joyce
> **Subject:** Licensing Low Speed Vehicles (LSV)
> Auto forwarded by a Rule

> Would you please draft language that would allow local jurisdictions to have the option to allow/license LSVs for use within "city limits" of that jurisdiction?

> If you have any questions please contact Joyce Waldrop in my office

> Sincerely,
> Sheryl
> Sheryl K. Albers
> State Representative
> 50th Assembly District
> Office:
> 3 North, State Capitol
> Madison WI 53708-8952
> (877) 947-0050
> rep.albers@legis.state.wi.us

8/22

2005 BILL

Gen

1 AN ACT ...; relating to: allowing a city, town, or village to allow persons to operate
 2 a low-speed vehicle on local highways.

Analysis by the Legislative Reference Bureau

X

Under current law, the department of transportation generally determines which vehicles are suitable for operation along highways. This bill allows the governing body of a city, town, or village to allow, by ordinance, the operation of a low-speed vehicle on any roadway over which the governing body has jurisdiction. A low-speed vehicle is a four-wheeled vehicle that has a maximum speed of 20 to 25 miles per hour. The bill also allows a city, town, or village to license low-speed vehicles that are operated within the city, town, or village limits.

For further information see the *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:

3 SECTION 1. 349.24 of the statutes is created to read:
 4 **349.24 Authority to allow the operation of low-speed vehicles.** (1) In
 5 this section, "low-speed vehicle" **INSERT A**

attached

BILL

1 **SECTION 10.** 340.01 (4) (a) of the statutes is amended to read:

2 340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying
3 persons but which does not come within the definition of a low-speed vehicle, motor
4 bus, motorcycle, moped or motor bicycle.

5 **SECTION 11.** 340.01 (19d) of the statutes is created to read:

6 340.01 (19d) "Golf cart" means a vehicle whose speed attainable in one mile
7 does not exceed 20 miles per hour on a paved, level surface, and is used to convey one
8 or more persons and equipment to play the game of golf in an area designated as a
9 golf course.

Insert A

10 **SECTION 12.** 340.01 (27m) of the statutes is created to read:

11 340.01 (27m) "Low-speed vehicle" means a 4-wheeled motor vehicle originally
12 manufactured to meet the equipment standards under 49 CFR 571.500 and whose
13 maximum speed attainable in ^{one} 1 mile is more than 20 miles per hour but not more
14 than 25 miles per hour on a paved, level surface. "Low-speed vehicle" does not
15 include a golf cart or motor truck.

16 **SECTION 13.** 341.067 of the statutes is amended to read:

17 **341.067 Registration of special vehicles.** The department shall register a
18 specially designed vehicle which is authorized for operation by a person holding a
19 special restricted operator's license under s. 343.135 if the special vehicle meets the
20 equipment standards established under s. 347.02 (6) or (8).

21 **SECTION 14.** 341.25 (title) of the statutes is amended to read:

22 **341.25 (title) Annual and biennial registration fees; biennial**
23 **motorcycle fees.**

24 **SECTION 15.** 341.25 (1) (b) of the statutes is amended to read:

Our suggestion would be to have your bill adopt the federal definition and requirements for low-speed vehicles by reference, so that any future changes at the federal level would not require a similar amendment to your statutes. We ask you to consider the following for a definition:

A self-propelled, motor vehicle that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low Speed Vehicles (49 C.F.R. Parts 571.3(b) and 571.500, respectively). **[Waldrop, Joyce]** amend to insert language

Section 2

The second part of the bill defers to local governments the decision whether or not to allow the operation of LSVs within the jurisdiction. What the vast majority of states with LSV laws have done, with the exception of Illinois, (and what we suggest) is to allow these vehicles to operate on streets with posted speed limits of 35 mph or less, but with local governments having the ability to further restrict their operation on certain roads in the interest of public safety. NEV owners and citizens get the environmental benefits from the introduction and use of these quiet, emission-free vehicles in the state without owners having to cut their own path (i.e. obtain ordinances or resolutions) before they can drive them. I spoke to a person from the Chicago area who would have to obtain ordinances in 3 municipalities just to be able to drive to the grocery store.

For your information, I have attached a sample bill that I have developed based on our experience. I've also attached some guidelines for LSV legislation that was prepared by the Electric Drive Transportation Association (EDTA). You will note that my sample bill uses the term "neighborhood electric vehicle", and defines them in terms of electric power and emission-free in addition to conforming to the federal standards for "low-speed vehicles". As I mentioned above, GEM is a manufacturer of neighborhood electric vehicles. The federal standards for low-speed vehicles, however, include vehicles that may be powered by sources other than electricity. I mention this only in the event your interest in this bill includes environmental considerations. If your bill is intended to be an environmental measure, you might want to consider use of the term "*neighborhood electric vehicle* substitute italicized phrase" **[Waldrop, Joyce]** instead of "low-speed vehicle".

[Waldrop, Joyce] Amend to define NEVs rather than LSVs

We appreciate your interest in low-speed vehicles as a transportation alternative as represented by your proposed bill. As the United States searches for transportation solutions to reduce fuel consumption and air pollution, state and federal governments need to encourage the development and use of new and innovative transportation technologies. They are a part of the solution to a cleaner, quieter environment and our nation's efforts to reduce our dependence on foreign oil.

Thank you for your consideration of the above comments. Please contact me if you have any questions or would like additional information. In addition, I invite you to learn more about our company and our vehicles by visiting our website at www.gemcar.com.

Sincerely,

John R. (Jack) Kennelly
 Legal Counsel and Regulatory Specialist
 Global Electric Motorcars, LLC
jkennelly@gemcar.com
 701.446.0150

Global Electric Motorcars, LLC, A DaimlerChrysler Company
1301 39th Street NW, Suite 2, Fargo ND 58102
1-888-871-4367 - www.gemcar.com

OUTLINE OF CONCEPTS TO BE INCLUDED IN MODEL STATE LOW-SPEED VEHICLE (LSV) LEGISLATION

Operation of a low-speed vehicle on certain roadways.

- A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- A low-speed vehicle must be equipped with: Head lamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brake, rearview mirror-exterior (1), rearview mirror-interior (1), windshield, windshield wiper, speedometer, odometer, braking for each wheel; seat belts, and vehicle identification numbers.
- A low-speed vehicle must be registered and insured and must display a license plate.
- Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.
- The Department of Transportation may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Definition of a Low-Speed Vehicle

A "low-speed vehicle" is any four-wheeled electric vehicle that's top speed is greater than 20 miles per hour but not greater than 25 miles per hour and which complies with the federal safety standards established in 49 C.F.R. 571.500. Where applicable, low-speed vehicles will be recognized as "alternative fueled vehicles", "electric vehicles" or "zero emission vehicles".

Exempt Low-Speed Vehicles from Regular Emissions Inspection.

Low-speed vehicles would not be subject to regular emissions inspection.

October 10, 2001

Electric Vehicle Association of the Americas

Hurley, Peggy

From: Waldrop, Joyce
Sent: Thursday, September 15, 2005 1:31 PM
To: Hurley, Peggy
Subject: LRB 3411 Revision

Peggy,

Please incorporate the following points in LRB 3411:

- Limit vehicles to those that have successfully complied with U.S. Department of Energy's NEV American Test Program.
- The local unit of government may also limit use to electric or alternate fueled vehicles.
- Local units of government may require insurance.

If you have any questions please call me at 6-0427.

Joyce Waldrop
Chief of Staff/Committee Clerk
Property Rights and Land Management
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol

e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-8531

9-19 email:
What is this?

3411 - Jim Carr says:
and bill to exclude motor truck
from the LSV classification

- Include ~~all~~ motor truck

- ^{def:} a self-propelled motor vehicle
that conforms with the ~~state~~
def & requirements for LSVs as
adopted in the fed'l motor
vehicle safety standards for
LSVs ^{under} (49) CFR parts 571.30(b) &
571.500

- LSV = ~~the~~ "neighborhood electric vehicle" ⁴⁷

Hurley, Peggy

From: Waldrop, Joyce
Sent: Friday, October 21, 2005 1:45 PM
To: Hurley, Peggy
Subject: FW: Draft low-speed vehicle bill
Attachments: SAMPLE BILL 4.6.05.doc; OUTLINE OF CONCEPTS TO BE INCLUDED IN LSV LEGISLATION.doc

Peggy,

Here is the memo with Sheryl's comments in red. If you have any questions call me.

Joyce

From: jkennelly@gemcar.com [mailto:jkennelly@gemcar.com]
Sent: Friday, October 14, 2005 9:14 AM
To: Rep.Albers
Subject: Draft low-speed vehicle bill

Dear Rep. Albers:

Thank you for providing me with a copy of your draft low speed vehicle legislation and the opportunity to comment.

I am Legal Counsel and Regulatory Specialist for Global Electric Motorcars, LLC (GEM), located in Fargo, North Dakota. GEM is a subsidiary of DaimlerChrysler and a manufacturer of neighborhood electric vehicles (also known as neighborhood electric vehicles). We have been involved in state legislation for low speed vehicles since the class of vehicles was established by the National Highway Transportation Safety Administration (NHTSA) in 1998, so we have considerable experience with this kind of legislation. Based on our experience, I hope you will seriously consider the following comments:

Section 1.

The proposed definition specifically excludes a “**motor truck**” from the LSV classification. This exclusion coincides with the original federal NHTSA definition (49 CFR 571.3(b)). The problem is that this definition was recently changed so as to remove the “other than a truck” exclusion. The comments to the final rule explain that a low-speed vehicle with a utility bed on the back is not a truck. (For your quick reference, here’s a link to the final rule - <http://frwebgate2.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=29789836063+1+0+0&WAIAction=retrieve>. If this doesn’t work, please let me know and I can fax a copy to you. (8 pages)) The removal of this exception from your bill is a significant and necessary change. Without it your statute would not mirror the revised federal definition and only passenger vehicles could be interpreted to meet the definition for a low speed vehicle. *Low speed vehicles with a utility bed* could be kept out of the state of Wisconsin for no apparent reason. *[Waldrop, Joyce]* Want to include

10/21/2005

2

2005 BILL

10-20-05

neighborhood electric

Regen

1 AN ACT to create 349.26 of the statutes; relating to: allowing a city, town, or
2 village to allow persons to operate a low-speed vehicle on local highways.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation generally determines which vehicles are suitable for operation along highways. This bill allows the governing body of a city, town, or village to allow, by ordinance, the operation of a low-speed vehicle on any roadway over which the governing body has jurisdiction. A low-speed vehicle is a four-wheeled vehicle that has a maximum speed of 20 to 25 miles per hour. The bill also allows a city, town, or village to license low-speed vehicles that are operated within the city, town, or village limits.

For further information see the 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:

3 SECTION 1. 349.26 of the statutes is created to read:

4 349.26 Authority to allow the operation of low-speed vehicles. (1) In

5 this section, "low-speed vehicle" means a self-propelled 4-wheeled motor vehicle originally

6 manufactured to meet the equipment standards under 49 CFR 571.500 and whose

that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-Speed Vehicles

use twice neighborhood electric

neighborhood electric

neighborhood electric

self-propelled

571.3(b) and

BILL

1 maximum speed attainable in one mile is more than 20 miles per hour but not more
2 than 25 miles per hour on a paved, level surface. "Low-speed vehicle" does not
3 include a golf cart or motor truck.

neighborhood electric

4 (2) The governing body of any city, town, or village may by ordinance allow the
5 use of a low-speed vehicle on a roadway over which the governing body has
6 jurisdiction. An ordinance passed under this section may contain a provision for the
7 city, town, or village to license low-speed vehicles that are used within the city, town,
8 or village limits.

neighborhood electric

(END)

neighborhood electric

Hurley, Peggy

From: Waldrop, Joyce
Sent: Wednesday, October 26, 2005 2:50 PM
To: Hurley, Peggy
Subject: LRB 3411/2

Peggy,

Would you please add and on page 2 line 3 at the end of the sentence ending with 571.3 (b)

“and has successfully completed the NEV America test program as conducted by the U. S. Department of Energy”.

If you have any questions please give me a call. Just to let you know I am sending the cosponsor memo out tomorrow AM.

Joyce Waldrop
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Representative Sheryl Albers
50th Assembly District
Property Rights and Land Management
15 North State Capitol
PO Box 8952
Madison, WI 53708
Ph. 608/266-8531
Fax 608/282-3650

3

2005 BILL

Regen

1 AN ACT *to create* 349.26 of the statutes; **relating to:** allowing a city, town, or
 2 village to allow persons to operate a neighborhood electric vehicle on local
 3 highways.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation generally determines which vehicles are suitable for operation along highways. This bill allows the governing body of a city, town, or village to allow, by ordinance, the operation of a neighborhood electric vehicle on any roadway over which the governing body has jurisdiction. A neighborhood electric vehicle is a four-wheeled vehicle that has a maximum speed of 20 to 25 miles per hour. The bill also allows a city, town, or village to license low-speed vehicles that are operated within the city, town, or village limits.

For further information see the *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:

4 SECTION 1. 349.26 of the statutes is created to read:
 5 **349.26 Authority to allow the operation of neighborhood electric**
 6 **vehicles.** (1) In this section, "neighborhood electric vehicle" means a self-propelled

BILL

has successfully completed the **(SET)** *federal*
Neighborhood Electric Vehicle America
test program conducted by the ~~United States~~ *Department*
of Energy
and that

1 motor vehicle that conforms to the definition and requirements for low-speed
 2 vehicles as adopted in the federal motor vehicle safety standards for low-speed
 3 vehicles under 49 CFR 571.3 (b) and 571.500. "Neighborhood electric vehicle" does
 4 not include a golf cart.

5 (2) The governing body of any city, town, or village may by ordinance allow the
 6 use of a neighborhood electric vehicle on a roadway over which the governing body
 7 has jurisdiction. An ordinance passed under this section may contain a provision for
 8 the city, town, or village to license neighborhood electric vehicles that are used within
 9 the city, town, or village limits.

10 (END)

10/1/05

Barman, Mike

From: Barman, Mike
Sent: Thursday, November 03, 2005 1:55 PM
To: Waldrop, Joyce
Subject: RE: Submitted: LRB 05-3411/3 Topic: Low speed vehicles?body=

I will submit your request to DOA.

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561 / mike.barman@legis.state.wi.us

From: Waldrop, Joyce
Sent: Thursday, November 03, 2005 1:48 PM
To: LRB.Legal
Subject: Submitted: LRB 05-3411/3 Topic: Low speed vehicles?body=

Please request that a fiscal note be completed.

Joyce Waldrop
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Representative Sheryl Albers
50th Assembly District
Property Rights and Land Management
15 North State Capitol
PO Box 8952
Madison, WI 53708
Ph. 608/266-8531
Fax 608/282-3650

Barman, Mike

From: Waldrop, Joyce
Sent: Thursday, November 03, 2005 1:47 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3411/3 Topic: Low speed vehicles

It has been requested by <Waldrop, Joyce> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3411/3 Topic: Low speed vehicles

Memo

To: Senator

Representative

Albers

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -3411

Version: "13"

Fiscal Estimate Prepared By: (agency abbr.) DOT

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 11 / 15 / 2005

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005 AB 851

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, November 15, 2005 9:17 AM
To: Rep.Albers
Subject: LRB 05-3411/3 (FE by DOT - attached - for your review)

Attachments: 05-3411feDOT.PDF



05-3411feDOT.PDF
(593 KB)

Lynn Emery
Program Assistant
Legislative Reference Bureau
(608) 266-3561