

2011 DRAFTING REQUEST

Assembly Amendment (AA-AB48)

Received: **05/05/2011**

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Erin Probst**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - stewardship**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **erin.probst@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Publication and fee for directory

Instructions:

Eliminate reference to book and map, make clear dnr may charge the fee regardless of who publishes it

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	mglass 05/06/2011	kfollett 05/06/2011	rschluet 05/06/2011	_____	sbasford 05/06/2011	sbasford 05/06/2011	
/2	mglass 05/06/2011	kfollett 05/06/2011	rschluet 05/06/2011	_____	ggodwin 05/06/2011	ggodwin 05/06/2011	

FE Sent For:

<END>

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12 kjf
5/6
36/1

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/?	mglass	1/kf 5/16		_____	_____		

FE Sent For:

<END>

Gibson-Glass, Mary

From: Probst, Erin
Sent: Thursday, May 05, 2011 1:53 PM
To: Gibson-Glass, Mary
Subject: Re: question on AB 48

Thanks Mary. I did talk with Tim and with Rep. Ott. My follow up question for you is just whether I am correct in interpreting the bill the following way: the bill would allow DNR to publish a "written" directory and written means hard copy (is that defined in the statutes somewhere?) and DNR would be allowed to have a private entity publish it - in which case it could be a map, or a book, or a written directory. And either way, whether DNR or a private entity creates it, DNR would be responsible for providing it to the public AND DNR would be allowed to charge a fee for it to cover the costs of the publication (which I would interpret to include DNR staff costs as well as printing costs) whether DNR or a private entity created it. Is my interpretation correct in your (legal) opinion?

Erin

Sent from my iPhone

On May 5, 2011, at 1:00 PM, "Gibson-Glass, Mary" <Mary.Gibson-Glass@legis.wisconsin.gov> wrote:

> Erin,
>
> This language was enacted in the 2007 budget bill, and appears to have
> come in through the conference committee. It was then repealed in the
> 2009 budget bill. The instructions for 2011 AB 48 were to restore the
> repealed language. The language was first contained in individual
> bills in 2005 AB 187. The drafting instructions for this bill were
> inadvertently not kept. However, the sponsor was Rep. Friske and the
> aid involved was Tim Gary, who works now for Rep. Mursau. You may
> wish to talk to him. Also, I spoke with Bob Nelson who was the
> drafter. He thinks that maybe the rationale was that a private
> publisher would be able to produce a "book or map", while DNR would
> not have the in house publishing capability to produce a book or map.

> Mary

> -----Original Message-----

> From: Probst, Erin
> Sent: Thursday, May 05, 2011 10:50 AM
> To: Gibson-Glass, Mary
> Subject: RE: question on AB 48

> Ok, thanks Mary. Please get back to me on this question sometime today.

> Erin

> -----Original Message-----

> From: Gibson-Glass, Mary
> Sent: Thursday, May 05, 2011 7:31 AM
> To: Probst, Erin
> Subject: RE: question on AB 48

> Erin,

> I will be in the office not until 10:00 A.M. I'll get to this as soon
> as I can.

> -----Original Message-----

> From: Probst, Erin

> Sent: Wed 5/4/2011 6:46 PM
> To: Gibson-Glass, Mary
> Subject: question on AB 48
>
> Hi Mary- I have a question for you about AB 48 (LRB -0635/1) for you.
> The bill language seems a bit odd to me. Here's what I'm referring to,
> starting on section 2 line 9.
>
> "In lieu of the department making available a written directory, the
> department may provide to the public at the department's cost, a map,
> book, or written directory that meets the requirements of this
> paragraph and that is published by a private entity."
>
> I would interpret this to mean DNR could have some private entity
> publish the directory and then DNR would sell it. But my confusion
> lies in the "map, book, or" language, because the beginning of the
> paragraph specifies that DNR "shall make available to the public a
> written directory of all stewardship land that is open for public
> access." So, why would DNR be allowed to have some other entity
> publish say a map in lieu of DNR publishing a written directory?
>
> Could you get back to me on this as soon as you can. JFC is exec'ing
> the bill on Monday and I have to get this summary done pronto. I'll be
> at the capitol most of the day tomorrow so reaching me by email is
> probably easiest.
>
> Thanks,
> Erin
>
> Erin K. (Rushmer) Probst
> Legislative Fiscal Analyst
> Wisconsin Legislative Fiscal Bureau
> ph. (608) 266-3847
> fax (608)267-6873
> Erin.Probst@legis.wisconsin.gov
>
>



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR

LRBa0792

MGG:...

Today
1:00pm.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY AMENDMENT ,
TO 2011 ASSEMBLY BILL 48

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

2 **1.** Page 2, line 8: delete lines 8 to 12 and substitute "least every 2 years. In
3 lieu of the department itself making available the written directory, the department
4 may make available a written directory that is published by a private entity and that
5 meets the requirements of this paragraph. The department may charge a fee for ^{either} the
6 directory but the fee may not exceed the cost of publishing the directory.".

7 (END)

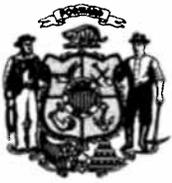
Gibson-Glass, Mary

From: Probst, Erin
Sent: Friday, May 06, 2011 1:10 PM
To: Gibson-Glass, Mary
Subject: Need a /2 on draft a0792

Hi Mary- I need a /2 on the draft you did for me - LRB a0792/1. On line 6 after the cost of, I would add the words "preparing and". It would then read "either directory, but the fee may not exceed the cost of preparing and publishing the directory. I want to make it clear that staff costs at DNR are covered. This is going to be in finance on Monday so I will need the draft as soon as possible. Thanks, Erin

Erin K. (Rushmer) Probst

*Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Probst@legis.wisconsin.gov*



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa0792/A²
MGG:kjf:rs

Today

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TO 2011 ASSEMBLY BILL 48**

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*preparing
preparing and*

7

(END)