

1999 DRAFTING REQUEST

Bill

Received: 11/12/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies: MGG

Topic:

secretary of DNR appointed by DNR board

Instructions:

See Attached

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>
/?	nilsepe 11/12/98	gilfokm 11/13/98		_____			
/1			lpaasch 11/16/98	_____	lrb_docadmin 11/16/98	lrb_docadmin 11/20/98	

FE Sent For:

Not Needed

<END>



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1?	nilsepe	11-13 <i>KG</i>	11-16 L.P.	11-16 L.P. FS			

FE Sent For:

<END>

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State Representative Spencer Black



State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

To: Peter Dykman, Chief of Legislative Reference Bureau

From: Representative Spencer Black

Date: November 11, 1998

Re: Redrafts of 1997 Assembly Bills for the upcoming 1999-2000 legislative session.

Please redraft the following 1997 Assembly Bills (as is) for the upcoming session:

AB 13 - JTK
AB 166 GMM
AB 405 RPN
AB 407 JTK
AB 434 PG
AB 598 JTK
AB 822 RCT
AB 823 JS
AB 834 RCT
AB 835 RCT
AB 945 RCT

Please redraft the following 1997 Assembly Bills with simple modifications as listed below:

PEN - AB 71: Redraft the bill to include only sections 1,2,3.

JS AB 393: In section 1 of the bill, change the cross reference s.59.971(1m) on page 1, line 5, to read s.59.692(1m).

LES AB 367: Redraft the bill to include Assembly Substitute Amendment 1 to 1997 Assembly Bill 367

1999

Date (time) needed _____

LRB - 68501 1

BILL

REN: [scribble]
kg

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *the appointment of the Secretary of natural resources.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

insert →

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

SECTION #.

insert B →

(END)



1997 ASSEMBLY BILL 71

February 10, 1997 - Introduced by Representatives BLACK, LORGE, PLOUFF, CARPENTER, RYBA, BOYLE, BOCK, LA FAVE, MURAT, R. YOUNG, NOTESTEIN, REYNOLDS, R. POTTER, RILEY, HUBER, CULLEN, J. LEHMAN, HASENOHRL, BAUMGART, DUEHOLM, SPRINGER, ZIEGELBAUER, BALDWIN and VANDER LOOP, cosponsored by Senators C. POTTER, SHIBILSKI, WINEKE, DECKER, RISSER, MOEN, CLAUSING and PLACHE. Referred to Committee on Finance.

1 **AN ACT to repeal** 15.05 (1) (c); **to renumber** 23.39 (5); **to renumber and amend**
2 15.345 (4), 23.39 (title), 23.39 (1), 23.39 (2) (a), 23.39 (2) (b), 23.39 (3) and 23.39
3 (4); **to amend** 15.05 (1) (b), 18.13 (4) and 814.245 (2) (d); and **to create** 15.05
4 (1) (bn), 15.07 (1) (b) 22. and 165.076 of the statutes; **relating to:** transferring
5 the public intervenor to the department of justice, the appointment of the
6 secretary of natural resources and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires the secretary of natural resources to designate an attorney in the department of natural resources (DNR) as the public intervenor. With the approval of the 8-member public intervenor board, which consists of gubernatorial and legislative appointees, the public intervenor may intervene in administrative proceedings, including contested case hearings and rule-making proceedings, consistent with the public intervenor's duty to protect public rights in water and other natural resources.

This bill restores the duties and authority of the public intervenor that existed before 1995 Wisconsin Act 27 (executive budget act). The bill transfers the public intervenor from DNR to the department of justice. The bill generally authorizes the public intervenor to formally commence and intervene in all proceedings before any court where the intervention is needed to protect public rights in water and other natural resources. The bill directs the attorney general to appoint the public intervenor.

ASSEMBLY BILL 71

the department of natural resources (DNR)

08.50/ins

insert A

Under current law, ~~DNR~~ is administered by a secretary who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The bill restores the authority to appoint the secretary of ~~DNR~~ to the governing board of DNR.

natural resources

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

insert B

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

prop copy text

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SECTION 1. 15.05 (1) (b) of the statutes is amended to read:

15.05 (1) (b) Except as provided in ~~pars. (c) and par. (d)~~, if a department is under the direction and supervision of a board, the board shall appoint a secretary to serve at the pleasure of the board outside the classified service. In such departments, the powers and duties of the board shall be regulatory, advisory and policy-making, and not administrative. All of the administrative powers and duties of the department are vested in the secretary, to be administered by him or her under the direction of the board. The secretary, with the approval of the board, shall promulgate rules for administering the department and performing the duties assigned to the department.

SECTION 2. 15.05 (1) (bn) of the statutes is created to read:

15.05 (1) (bn) Notwithstanding the requirement under par. (b) that the secretary of natural resources be appointed by the natural resources board, the secretary of natural resources who is appointed by the governor and who is holding office on the effective date of this paragraph ... [revisor inserts date], shall continue to serve until the secretary vacates his or her office or is removed from office by the natural resources board.

SECTION 3. 15.05 (1) (c) of the statutes is repealed.

SECTION 4. 15.07 (1) (b) 22. of the statutes is created to read:

*(END)
insert*

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/16/98

To: Representative Black

Relating to LRB drafting number: LRB-0850

Topic

secretary of DNR appointed by DNR board

Subject(s)

Nat. Res. - miscellaneous

1. **JACKET** the draft for introduction _____

in the **Senate** _____ or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926

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