

**1999 DRAFTING REQUEST**

**Bill**

Received: 11/12/1999

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Doug Wheaton**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Public Util. - telco and cable**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Charges for intralata nonlocal calls

**Instructions:**

If charged anything above normal rate, then consumer should be notified of extra charge (for instate calls)

**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	kunkemd 11/23/1999	chanaman 11/23/1999	martykr 11/23/1999	_____	lrb_docadmin 11/23/1999		Local
	kunkemd 12/16/1999	wjackson 12/17/1999		_____			
/2	kunkemd 02/04/2000	chanaman 02/04/2000	martykr 12/17/1999	_____	lrb_docadmin 12/17/1999		Local
/3			jfrantze 02/04/2000			lrb_docadminS&L 03/03/2000	

*PA's - send  
out for  
new FE if  
bill goes to  
a "14"*

03/03/2000 02:27:31 PM

Page 2

FE Sent For: (03/03/2000.  
"13")

<END>

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	kunkemd 12/16/1999	wjackson 12/17/1999		_____			
/2	kunkemd 02/04/2000	chanaman 02/04/2000	martykr 12/17/1999	_____	lrb_docadmin 12/17/1999		Local
/3			jfrantze 02/04/2000	_____	lrb_docadmin 02/04/2000		S&L

02/04/2000 04:17:15 PM

Page 2

FE Sent For:

**<END>**

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Topic:

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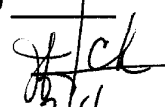
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/1	kunkemd 11/23/1999	chanaman 11/23/1999	martykr 11/23/1999	_____	lrb_docadmin 11/23/1999		Local
	kunkemd 12/16/1999	wjackson 12/17/1999		_____			
/2			martykr 12/17/1999	_____	lrb_docadmin 12/17/1999		Local

FE Sent For:

8/4  
  
 8/4  
 <END>

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Extra Copies:

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/1	kunkemd 11/23/1999	chanaman 11/23/1999	martykr 11/23/1999	_____	lrb_docadmin 11/23/1999		Local

*Vm 12/17*      *Jf 12/17*  
*dm 12/17*

FE Sent For:

<END>

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1/?	kunkemd	cmh 11/27	lme 11/23	my 11/23			Local
FE Sent For:		1					

<END>

By today  
6/4 4:00 pm

NOTE

1999 BILL

residential

1 AN ACT ...; relating to: notice of charges for intralata nonlocal calls placed by  
2 residential customers.

*Analysis by the Legislative Reference Bureau*

Under this bill, if a residential customer places an intralata nonlocal call with a telecommunications provider, the telecommunications provider must advise the customer that the call is subject to a rate that is in addition to the customer's local monthly service rate and identify the rate that applies to the call. In addition, the telecommunications provider must give the customer the opportunity to terminate the call before charging the customer for the call. An "intralata nonlocal call" is defined as a call within within the boundaries of a local access and transport area that is subject to a rate that is in addition to a monthly local service rate. Intralata nonlocal calls include calls that are subject to an extended area service rate or a rate for extended community calling service.

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. 196.198 (title) of the statutes is amended to read:



**BILL**

1           **196.198** (title) **Local measured telecommunications service; intralata**

2           **nonlocal calls.**

(intro.)

renumbered 196.198 (1) (intro.) and

History: 1993 a. 496.

**SECTION 2.** 196.198 (1) of the statutes is amended to read:

196.198 (1) In this section, "extended:

5           (a) "Extended community telephone service" means a telecommunications

6 service by which a customer in one exchange may call a customer in another

7 exchange or combination of exchanges under a discounted toll charge plan.

History: 1993 a. 496.

8           **SECTION 3.** 196.198 (1) (b) of the statutes is created to read:

9           196.198 (1) (b) "Intralata nonlocal call" means an intralata call that is subject

10 to a rate that is in addition to a monthly local service rate, including an intralata call

11 that is subject to an extended area service rate or a rate for extended community

12 telephone service.

13           **SECTION 4.** 196.198 (4) of the statutes is created to read:

14           196.198 (4) If a residential customer places an intralata nonlocal call with a

15 telecommunications provider, the telecommunications provider shall advise the

16 customer that the call is subject to a rate that is in addition to the customer's monthly

17 local service rate, identify the rate that applies to the call and provide the customer

18 with the opportunity to terminate the call before the customer is charged for the call.

19           **SECTION 5.** 196.31 (1m) of the statutes is amended to read:

20           196.31 (1m) The commission shall compensate any consumer group or

21 consumer representative for all reasonable costs of participating in a hearing under

22 s. 196.196 (1) (g) or 196.198 (3).

History: 1983 a. 27; 1985 a. 297; 1989 a. 56 s. 259; 1993 a. 496.

23           **SECTION 6. Effective date.**

WPA  
place 3  
fix  
amend

**BILL**

1 (1) This act takes effect on the first day of the 6<sup>th</sup> month beginning after ✓  
2 publication.

3 (END)

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

LRB-3950/1dn

MDK:.....

*cmf*

*DATE*

✓  
Senator Lazich:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. The bill applies only to calls made by residential customers. Is this okay, or should the bill be revised to include calls by business customers as well?

2. The bill has a delayed effective date in order for telecommunications providers to have time to change their practices in order to comply with the bill. Is the 6-month delay okay?

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)

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

LRB-3950/1dn  
MDK:cmh:km

November 23, 1999

Senator Lazich:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. The bill applies only to calls made by residential customers. Is this okay, or should the bill be revised to include calls by business customers as well?

2. The bill has a delayed effective date in order for telecommunications providers to have time to change their practices in order to comply with the bill. Is the 6-month delay okay?

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

D-NOTE

1999 - 2000 LEGISLATURE

LRB-3950/1

MDK:cmh:km

FWLJ (2)

Bu  
MONDAY  
12/20

# 1999 BILL

1 AN ACT <sup>Regen</sup> ~~to renumber and amend~~ 196.198 (1); <sup>to amend</sup> 196.198 (title) and  
 2 196.31 (1m); and <sup>to create</sup> 196.198 (1) (b) and 196.198 (4) of the statutes;  
 3 **relating to:** notice of charges for intralata ~~nonlocal~~ <sup>telephone</sup> calls placed by residential  
 4 ~~customers.~~ <sup>customers.</sup>

### Analysis by the Legislative Reference Bureau

Under this bill, if a ~~residential~~ <sup>time charged</sup> customer places an intralata ~~nonlocal~~ call with a telecommunications provider, the telecommunications provider must advise the customer that the call is subject to a rate that is in addition to the customer's local monthly service rate and identify the rate that applies to the call. In addition, the telecommunications provider must give the customer the opportunity to terminate the call before charging the customer for the call. An "intralata ~~nonlocal~~ call" is defined as a call <sup>placed</sup> within the boundaries of a local access and transport area that is subject to a rate that is in addition to a monthly local service rate. ~~Intralata nonlocal calls include calls that are subject to an extended area service rate or a rate for extended community calling service.~~

INSERT  
A ↓

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:**

time charged

**BILL**

*A.R.*

SECTION 1. 196.198 (title) of the statutes is amended to read:

196.198 (title) **Local measured telecommunications service; intralata ~~nonlocal~~ calls.** *time charged*

SECTION 2. 196.198 (1) of the statutes is renumbered 196.198 (1) (intro.) and amended to read:

196.198 (1) (intro.) In this section, ~~“extended:~~

(a) “Extended community telephone service” means a telecommunications service by which a customer in one exchange may call a customer in another exchange or combination of exchanges under a discounted toll charge plan.

SECTION 3. 196.198 (1) (b) of the statutes is created to read:

196.198 (1) (b) “Intralata ~~nonlocal~~ call” means an intralata *time charged* call that is subject to a rate ~~that is in addition to a monthly local service rate, including an intralata call that is subject to an extended area service rate or a rate for extended community telephone service.~~

SECTION 4. 196.198 (4) of the statutes is created to read:

196.198 (4) If a ~~resident~~ customer places an intralata ~~nonlocal~~ call with a telecommunications provider, the telecommunications provider shall advise the customer that the call is subject to a rate that is in addition to the customer’s monthly local service rate, identify the rate that applies to the call and provide the customer with the opportunity to terminate the call before the customer is charged for the call.

SECTION 5. 196.31 (1m) of the statutes is amended to read:

196.31 (1m) The commission shall compensate any consumer group or consumer representative for all reasonable costs of participating in a hearing under s. 196.196 (1) (g) or 196.198 (3).

~~SECTION 6. Effective date.~~

*INSERT 2-24 ✓*

*time charged*  
*INSERT ✓  
2-20*

**BILL**

1 ~~(1) This act takes effect on the first day of the 6th month beginning after~~

2 ~~publication~~

3

(END)

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**INSERT A:**

that is based on the length of time of the call and

**INSERT 2-12:**

that is based on the length of time of the call and

**INSERT 2-20:**

A telecommunications provider that violates this subsection shall forfeit \$5,000 for each violation.

**INSERT 2-24:**

**SECTION <sup>#</sup>4. Nonstatutory provisions.**

(1) No later than <sup>the</sup> first day of the 3rd month beginning after the effective date of this subsection, a telecommunications provider shall, except as provided in subsection (2), submit a plan to the public service commission that describes the steps the telecommunications <sup>provider</sup> will take to ensure that, no later than the first day of the 6th month beginning after the effective date of this subsection, the telecommunications provider will be in compliance with the requirements of section 196.198 (4) of the statutes, as created by this act.

(2) A telecommunications provider is not required to submit a plan to the public service commission under subsection (1) if, no later than the first day of the 3rd month beginning after the effective date of this subsection, the telecommunications provider certifies to the public service commission that, on the first day of the 3rd month beginning after the effective date of this subsection, the telecommunications provider will be in compliance with the requirements of section 196.198 (4)<sup>v</sup> of the statutes, as created by this act.



1           SECTION ~~2~~<sup>#</sup>. **Effective dates.** This act takes effect on the first day of the 6th  
2 month beginning after publication, except as follows:

3           A.R. (1) SECTION 1 of this act takes effect on the day after publication.

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

LRB-3950/2dn

MDK./.....

Wij

Senator Lazich:

Please review this version of the bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. I changed "intralata nonlocal call" to "intralata time charged <sup>that</sup> call" because I wanted to make sure that the bill applies to any intralata call ~~which~~ is charged based on the length of the call. Using a term like "nonlocal" would probably create unnecessary confusion.

2. This version applies to both residential and business customers, not just residential customers. From what I have been able to learn, the rates for the types of calls that are covered under the bill are generally the same for both residential and business customers.

3. This version includes a forfeiture of \$5,000 for each violation. This figure represents the high end of the \$25 to \$5,000 range that would otherwise apply to violation <sup>of</sup> ch. 196, stats.

4. Under the nonstatutory provisions, a telecommunications provider has the option of either complying <sup>with</sup> the bill within <sup>three</sup> 3 months after publication or submitting a plan for complying within <sup>six</sup> 6 months after publication.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

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

LRB-3950/2dn  
MDK:wlj:km

December 17, 1999

Senator Lazich:

Please review this version of the bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. I changed "intralata nonlocal call" to "intralata time charged call" because I wanted to make sure that the bill applies to any intralata call that is charged based on the length of the call. Using a term like "nonlocal" would probably create unnecessary confusion.

2. This version applies to both residential and business customers, not just residential customers. From what I have been able to learn, the rates for the types of calls that are covered under the bill are generally the same for both residential and business customers.

3. This version includes a forfeiture of \$5,000 for each violation. This figure represents the high end of the \$25 to \$5,000 range that would otherwise apply to violation of ch. 196, stats.

4. Under the nonstatutory provisions, a telecommunications provider has the option of either complying with the bill within three months after publication or submitting a plan for complying within six months after publication.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

Today, by  
4/30  
if possible.

D-NOTE

3

1999 BILL

RM NOT  
PUN

Reformat

INSERT 1-3

1 AN ACT to renumber and amend 196.198 (1); to amend 196.198 (title) and  
2 196.31 (1m); and to create 196.198 (1) (b) and 196.198 (4) of the statutes;  
3 relating to: notice of charges for certain intralata telephone calls.

**Analysis by the Legislative Reference Bureau**

Under this bill, if a customer places an intralata time charged call with a telecommunications provider, the telecommunications provider must advise the customer that the call is subject to a rate that is in addition to the customer's local monthly service rate and identify the rate that applies to the call. In addition, the telecommunications provider must give the customer the opportunity to terminate the call before charging the customer for the call. An "intralata time charged call" is defined as a call placed within the boundaries of a local access and transport area that is subject to a rate that is based on the length of time of the call and that is in addition to a monthly local service rate.

INSERT  
A

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

state and

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

4 SECTION 1. 196.198 (title) of the statutes is amended to read:

**BILL**

1           **196.198 (title) Local measured telecommunications service; intralata**  
2 **time charged calls.**

3           **SECTION 2.** 196.198 (1) of the statutes is renumbered 196.198 (1) (intro.) and  
4 amended to read:

5           196.198 (1) (intro.) In this section, ~~“extended:~~

6           (a) “Extended community telephone service” means a telecommunications  
7 service by which a customer in one exchange may call a customer in another  
8 exchange or combination of exchanges under a discounted toll charge plan.

9           **SECTION 3.** 196.198 (1) (b) of the statutes is created to read:

10          196.198 (1) (b) “Intralata time charged call” means an intralata call that is  
11 subject to a rate that is based on the length of time of the call and that is in addition  
12 to a monthly local service rate.

13          **SECTION 4.** 196.198 (4) of the statutes is created to read:

14          196.198 (4) If a customer places an intralata time charged call with a  
15 telecommunications provider, the telecommunications provider shall advise the  
16 customer that the call is subject to a rate that is in addition to the customer’s monthly  
17 local service rate, identify the rate that applies to the call and provide the customer  
18 with the opportunity to terminate the call before the customer is charged for the call.  
19 A telecommunications provider that violates this subsection<sup>✓</sup> shall forfeit \$5,000 for  
20 each violation.

21          **SECTION 5.** 196.31 (1m) of the statutes is amended to read:

22          196.31 (1m) The commission shall compensate any consumer group or  
23 consumer representative for all reasonable costs of participating in a hearing under  
24 s. 196.196 (1) (g) or 196.198 (3).

25          **SECTION 6.** <sup>WPD - create auto-reference "a"</sup> **Nonstatutory provisions.**

INSERT 2-20

**BILL**

1 (1) No later than the first day of the 3rd month beginning after the effective date  
2 of this subsection, a telecommunications provider shall, except as provided in  
3 subsection (2), submit a plan to the public service commission that describes the  
4 steps the telecommunications provider will take to ensure that, no later than the first  
5 day of the 6th month beginning after the effective date of this subsection, the  
6 telecommunications provider will be in compliance with the requirements of section  
7 196.198 (4) of the statutes, as created by this act.

8 (2) A telecommunications provider is not required to submit a plan to the public  
9 service commission under subsection (1) if, no later than the first day of the 3rd  
10 month beginning after the effective date of this subsection, the telecommunications  
11 provider certifies to the public service commission that, on the first day of the 3rd  
12 month beginning after the effective date of this subsection, the telecommunications  
13 provider will be in compliance with the requirements of section 196.198 (4) of the  
14 statutes, as created by this act.

15 **SECTION 7. Effective dates.** This act takes effect on the first day of the 6th  
16 month beginning after publication, except as follows:

17 (1) SECTION 1 of this act takes effect on the day after publication.

18 (END)

es  
WPO  
use  
autoreference  
"a"

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3950/3ins  
MDK.....

1

**INSERT 1-3:**

2

requiring itemization of calls charged by commercial mobile radio service providers

3

and

4

**INSERT A:**

⑨

The bill also requires that a commercial mobile radio service provider provide a customer with periodic billing statements that itemize each call that is billed to the customer. A "commercial mobile radio service provider" is a telecommunications provider that is authorized by the Federal Communications Commission to provide commercial mobile service, such as cellular phone service. In addition, the bill prohibits a commercial mobile radio service provider from imposing an additional charge on a customer for itemizing the calls.

5

**INSERT 2-20:**

6

**SECTION 1.** 196.202 (5) of the statutes is renumbered 196.202 (5) (a).

7

**SECTION 2.** 196.202 (5) (b) of the statutes is created to read:

8

196.202 (5) (b) The periodic billing statement that a commercial mobile radio

9

service provider provides to a customer shall include an itemization of each call billed

10

to the customer. A commercial mobile radio service provider may not impose an

11

additional charge on a customer for itemizing calls under this paragraph.

(END OF  
INSERT)

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

LRB-3950/3dn  
MDK.....

*cm H*

Senator Lazich:

This version is identical to the previous version, except for adding the requirement to itemize charges for calls by commercial mobile radio service providers. Although I have not researched the issue, it may be possible to argue that this additional requirement is preempted by federal law, which provides that a state does not have authority over rates charged by such providers. However, it is also possible to argue that the preemption issue is irrelevant because the bill does not affect rates, but merely the itemization of calls that are subject to such rates. Please let me know if you want me to look further into this issue.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)



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

LRB-3950/3dn  
MDK:cmh:jf

February 4, 2000

Senator Lazich:

This version is identical to the previous version, except for adding the requirement to itemize charges for calls by commercial mobile radio service providers. Although I have not researched the issue, it may be possible to argue that this additional requirement is preempted by federal law, which provides that a state does not have authority over rates charged by such providers. However, it is also possible to argue that the preemption issue is irrelevant because the bill does not affect rates, but merely the itemization of calls that are subject to such rates. Please let me know if you want me to look further into this issue.

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Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)

**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: 02/04/2000

To: Senator Lazich

Relating to LRB drafting number: LRB-3950

**Topic**

Charges for intralata nonlocal calls

**Subject(s)**

Public Util. - telco and cable

1. **JACKET** the draft for introduction Mary Lazich  
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 Yes.

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.

Mark D. Kunkel, Legislative Attorney  
Telephone: (608) 266-0131