

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB611)

Received: 10/27/2003

Received By: rchampag

Wanted: Today

Identical to LRB:

For: Legislative Reference Bureau

By/Representing: Frank Hoadley

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: Bonding - state

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Technical changes

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>
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FE Sent For:

<END>

~~NO FOR LRB~~ was jacketed

ride wanted Jacketed + sent to LRB
 attn: Bob Lang

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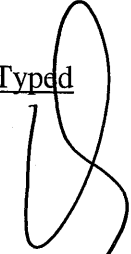

Topic:

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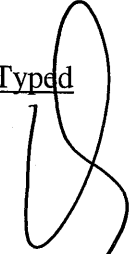
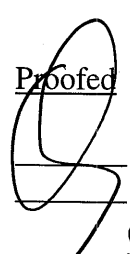
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FE Sent For:

15273


 JF
 <END>

Champagne, Rick

From: Hoadley, Frank
Sent: Monday, October 27, 2003 9:38 AM
To: Champagne, Rick
Subject: FW: Draft 3399/6

AB 6/11

Rick -

FYI. I am sort of caught in the middle on this one, Rick.

Frank Hoadley 6-2305 (cell 332-7349 for the next 45 minutes)

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

From: Groethe, Reed [mailto:reed.groethe@foley.com]
Sent: Monday, October 27, 2003 8:34 AM
To: 'Hoadley, Frank'
Cc: Reicher, David M.; Ryan, David B.
Subject: RE: Draft 3399/6

Frank: Our point was not that there are other instances where both phrases are used; it was that the "all moneys received" phrase did not correspond exactly to what the statutes require. We simply noted that there were other instances where "As a continuing appropriation" is used and that it does correspond exactly to one of the options set forth in the statutes.

The phrases authorized by statute include the following introductory phrases:

"As a continuing appropriation"

"All moneys received from"

"All moneys transferred from"

The language that was in the draft was close to, but not the same as, one of the authorized phrases:

"All moneys received as proceeds from"

A possible resolution that addresses Rick's concerns includes:

"As a continuing appropriation, all moneys that are proceeds . . . "

Because the proceeds and earnings on proceeds will be received constructively by the State but actually held by the Trustee, I think it's harder to use the phrases "received from" or "transferred from".

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

From: Hoadley, Frank [mailto:frank.hoadley@doa.state.wi.us]
Sent: Monday, October 27, 2003 8:06 AM
To: Reed Groethe (E-mail); David M. Reicher (E-mail)
Subject: FW: Draft 3399/6

FYI

Frank

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

> From: Champagne, Rick
> Sent: Sunday, October 26, 2003 8:14 AM
> To: Hoadley, Frank
> Subject: RE: Draft 3399/6

> Frank:

> I was out of the office on Friday, so I'm sorry I could not speak with
> you about this. Having looked over the changes that you asked for in
> this e-mail, I strongly advise that you do not insert the phrase "as a
> continuing appropriation" in the two PR-C appropriation paragraphs.
> Rob Marchant indicated that he had spoken with you on Friday and that
> you and bond counsel had found other instances in which continuing
> appropriations had both the phrase "as a continuing appropriation" and
> "all moneys received". This morning I did computer searches for these
> phrases and found that there is only one PR-C appropriation in all of
> the statutes that contains both phrases. All of the other places in
> which these two phrases occur are either SEG-C appropriation accounts
> or, in the case of s. 20.855 (6) (m), relate to federal funds. (The
> only PR-C appropriation account that contains both phrases is s.
> 20.855 (6) (g) -- a catchall appropriation for gifts and grants
> moneys coming into the General Fund.) Please note that with respect to
> SEG-C appropriation accounts there is a substantive reason for having
> these phrases in SEG-C accounts: there are no PR appropriations in
> SEG funds; PR appropriations are only in the General Fund. PR
> appropriations do not lapse to the general fund at the end of the
> fiscal year, unlike sum certain GPR appropriations and unlike the
> normal sum certain SEG appropriations.

> Viewed in isolation, having both phrases is harmless: they are simply
> misdrafted and are redundant. My concern is for the future and for
> the hundreds of properly drafted PR-C appropriation accounts that
> already exist and that do not contain the phrase "as a continuing
> appropriation". By including the two phrases, what is potentially
> being created with respect to the other properly drafted PR-C accounts
> is confusion.

> Again, I urge you to take these phrases out. Please advise. Thanks.

> Rick

> Rick Champagne
> Senior Staff Counsel
> Legal Section
> Wisconsin Legislative Reference Bureau
> 100 N. Hamilton St.
> P.O. Box 2037
> Madison, WI 53701-2037
> (608) 266-9930
> FAX (608) 264-6948
> rick.champagne@legis.state.wi.us

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

> From: Hoadley, Frank
> Sent: Friday, October 24, 2003 11:27 AM
> To: Champagne, Rick
> Subject: Draft 3399/5

> Rick -

- > The following changes are necessary:
- >
- > Page 2, line 17, delete the word "only".
- >
- > Page 2, line 17, following the word "from", insert a colon, then drop
- > the remainder of the paragraph into a new sub-paragraph, numbered "1."
- >
- > Following this new sub-paragraph, insert Rider 2.
- >
- > Within Rider 2, paragraph 3, delete the "1" at the end of that
- > paragraph.
- >
- > Page 4, line 20, insert the words, "As a continuing appropriation," at
- > the beginning of the paragraph.
- >
- > Page 5, line 2, delete the "s" at the end of the word
- > "appropriations."
- >
- > Page 5, line 9, insert the words, "As a continuing appropriation," at
- > the beginning of the paragraph.
- >
- > Frank Hoadley 6-2305
- >
- >
- >



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1536/1

RAC: n:...

NOW

JLd

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 611

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

2 1. Page 4, line 24: delete the material beginning with "All" and ending with
3 "from" on ~~page 4~~ line 25 and substitute "All moneys received as proceeds from the
4 sale of".

5 2. Page 5, line 1: delete "the proceeds" and substitute "such moneys".

6 3. Page 5, line 14: delete "as" and substitute "from" ~~the~~

7 (END)

delete "As a continuing appropriation, all money received as" and substitute "all moneys received from".