

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB382)

Received: 08/24/2005

Received By: agary

Wanted: Soon

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing:

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **PJH, RPN**

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

POW/MIA flags at interstate rest areas

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>
/?	agary 08/25/2005	wjackson 08/25/2005		_____			State
/1			chaugen 08/26/2005	_____	sbasford 08/26/2005	sbasford 08/26/2005	

FE Sent For:

<END>

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/?	agary	1 WJ 8/25	Ch 8-26	Ch 8-26 SF			

FE Sent For:

<END>

Meeting w/ Terry Mussen - 11-W

8/23

sub: - Sept. 8

- rest area: 1 flag pole
- if remodel, must have 2 or more flag poles
- if DOT rebuilds or remodels, they must add a second flag pole
- if 2 or more flag poles → specify that they be on flag pole outside
- currently 2 or more poles - must be outside
- if no appropriate place inside, they could display poster or literature explaining POW/MIA flag
- after discussion w/ vet-ans service organizations

Seen
Needed by 9/8
50188/1
in 8/25
Wlj
RMNR

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2005 ASSEMBLY BILL 382

D-Note

April 27, 2005 - Introduced by Representatives MUSSER, AINSWORTH, PETROWSKI, GARD, HAHN, SUDER, FREESE, MOLEPSKE, BOYLE, PETTIS, DAVIS, PRIDEMORE, KRAWCZYK, OWENS, GUNDRUM, HUNDERTMARK, MCCORMICK, HINES and GUNDERSON, cosponsored by Senators KEDZIE, STEPP, ROESSLER and HANSEN. Referred to Committee on Transportation.

the rest area has at least two outdoor flagpoles and

on an outdoor flagpole ✓

Regen

- 1 AN ACT to create 84.04 (4) of the statutes; relating to: the display of POW/MIA
- 2 flags at certain Department of Transportation rest areas.

substitute amendment

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may construct and maintain rest areas along state trunk highways, including interstate highways. > This bill requires DOT to display a POW/MIA flag at each DOT rest area along an interstate highway if DOT receives sufficient contributions from interested parties to cover the costs of displaying these flags.

For further information see the *state* 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. 84.04 (4) of the statutes is created to read:

4 84.04 (4) (a) At each rest area constructed and maintained by the department
5 along an interstate highway designated under s. 84.29 (2), the department shall,

6 subject to par. (b) and (c), permanently display a POW/MIA flag on an outdoor flagpole

inset ANAL

ASSEMBLY BILL 382

or posters or literature

insert 2-1

1

(b) Upon receipt of sufficient contributions, including in-kind contributions,

2

from interested parties, including any county, city, village, or town, to cover the costs

3

of displaying POW/MIA flags as specified in par (a), the department shall display the

4

flags. No state funds, other than from the receipt of contributions under this

5

paragraph, may be expended for the display of the flags.

6

(END)

s and (b)

insert 2-6

D-note

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0188/1ins
ARG:.....

INSERT ANAL:

(no P) If a rest area has fewer than two outdoor flagpoles, DOT may display a POW/MIA flag at a suitable location indoors or, if DOT determines after consultation with at least two of the state's veterans organizations that there is no suitable location indoors, DOT may display indoors a poster or literature or both relating to the POW/MIA flag. DOT must display these flags or posters or literature only if DOT receives sufficient contributions from interested parties to cover the costs of displaying the flags or posters or literature. If a rest area has fewer than two outdoor flagpoles, DOT must include additional flagpoles in any facilities improvement project at the rest area commenced after the effective date of the substitute amendment so that the rest area has at least two outdoor flagpoles. *also*

INSERT 2-1:

(b) If a rest area described in par. (a) has fewer than 2 outdoor flagpoles, the department may display a POW/MIA flag at a suitable location indoors or, if the department determines after consultation with at least 2 of the state's veterans organizations that no suitable location indoors exists for the display of a POW/MIA flag, the department may display a poster or literature or both relating to the POW/MIA flag at a suitable location indoors in lieu of displaying the flag.

INSERT 2-6:

(d) If a rest area described in par. (a) has fewer than 2 outdoor flagpoles, any facilities improvement project at the rest area commenced after the effective date of this paragraph [revisor inserts date] shall include installation of outdoor flagpoles so that the rest area has at least 2 outdoor flagpoles.

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

LRBs0188/1dn

ARG: /:.....

NLj

ATTN: Representative Musser

Please review the attached draft carefully to ensure that it is consistent with your intent. Requiring DOT to generally consult with the state's veterans organizations would make the draft ambiguous and, to the extent it is interpreted to mean that DOT must consult with every state veterans organization before it could take action, could potentially be costly for DOT. I have tried to eliminate the ambiguity by requiring DOT to consult with at least two veterans organizations. Is this okay? The draft could also have specified a different number of veterans organizations, or could require DOT to consult with all veterans organizations. *

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

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

LRBs0188/1dn
ARG:wlj:ch

August 26, 2005

ATTN: Representative Musser

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