

2009 DRAFTING REQUEST

Senate Amendment (SA-SA2-SB440)

Received: 01/27/2010

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Danielle

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - bonding
Local Gov't - counties
Local Gov't - munis generally
Econ. Development - misc.

Extra Copies: TKK, EVM

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

City and county waiver of allocation of federal bond authority; public records exception

Instructions:

See attached. Create a public records exception (delay release of certain letter for 4 months) to letters from prospective bond purchasers

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>
/P1	mshovers 01/27/2010	kfollett 01/27/2010	mduchek 01/27/2010	_____	lparisi 01/27/2010		
/I	mshovers 01/28/2010	kfollett 01/28/2010	rschluet 01/28/2010	_____	lparisi 01/28/2010	lparisi 01/28/2010	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Senate Amendment (SA-SA2-SB440)

Received: 01/27/2010

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Danielle

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - bonding
Local Gov't - counties
Local Gov't - munis generally
Econ. Development - misc.

Extra Copies: TKK, EVM

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

City and county waiver of allocation of federal bond authority; public records exception

Instructions:

See attached. Create a public records exception (delay release of certain letter for 4 months) to letters from prospective bond purchasers

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>
/P1	mshovers 01/27/2010	kfollett 01/27/2010	mduchek 01/27/2010		lparisi 01/27/2010		

FE Sent For:

Handwritten notes:
1/28/10
1/28/10
1/28/10
1/28/10

<END>

2009 DRAFTING REQUEST

Senate Amendment (SA-SA2-SB440)

Received: 01/27/2010

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Danielle

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - bonding
Local Gov't - counties
Local Gov't - munis generally
Econ. Development - misc.

Extra Copies: TKK, EVM

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

City and county waiver of allocation of federal bond authority; public records exception

Instructions:

See attached. Create a public records exception (delay release of certain letter for 4 months) to letters from prospective bond purchasers

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>
/P1	mshovers	1P115f 11/27/10	110				
1P1 NCS	1/27/10		112T				

FE Sent For:

<END>

Shoyers, Marc

From: Wilson, Danielle
Sent: Wednesday, January 27, 2010 12:23 PM
To: Shoyers, Marc; Kuczenski, Tracy
Subject: FW: SB 440 proposed amendment

Can you draft a pdraft something like this for an assembly and senate amendment to SB 440: "Notwithstanding s. 19.35, a record received under (insert section relating to submission of purchaser letters) may not be produced by the department following a request for the 4 months following initial submission of the record to the department?"

Danielle Wilson
Office of Senator Julie Lassa
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.wilson@legis.wisconsin.gov

From: Grosz, Scott
Sent: Wednesday, January 27, 2010 11:13 AM
To: Wilson, Danielle
Subject: RE: SB 440 proposed amendment

Danielle,

Here's what Ron and I discussed:

Current open records law has a balancing test under which commerce could argue it is entitled to withhold a record. That balancing test is the interest of the **public** in disclosing the record vs. the interest of the **public** in keeping the record confidential.

In this case, an argument that it is in the public's interest to keep the record confidential would be that to do otherwise would have a chilling effect on the willingness of lenders in general to do the type of lending that requires this letter, and that the absence of that lending in the state would be detrimental to the public due to the harm to the economic climate. The interests at stake in this balancing test are not those of individuals or individual companies. It is a public interest vs. public interest test.

Note that this is an argument under the open records law - we won't be sure if it succeeds until it is tested in the courts.

If you don't feel that current law provides sufficient comfort, the bill could be amended to notwithstanding the open records law for purposes of the letter, either generally or for a period of time after submission as follows:

Something along the lines of "Notwithstanding s. 19.35, a record received under (insert section relating to submission of purchaser letters) may not be produced by the department following a request for the 4 (3?) months following initial submission of the record to the department."

Under a delay, it seems like the record would be kept confidential as long as the particular deal is in play (i.e., by 4 months after submission of the letter, the deal will have had to close by the June 1, 2010 deadline elsewhere in the bill).

Scott

Scott Grosz
Staff Attorney

Wisconsin Legislative Council
ph. (608) 266-1307



LRBa1413/P1
MES...
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE AMENDMENT 2,
TO 2009 SENATE BILL 440

WANTED:
today 4:45 P.M.

- 1 At the locations indicated, amend the amendment as follows: ✓
- 2 **1.** Page 14, line 24: delete "allocation." and substitute "allocation." ✓
- 3 **2.** Page 14, line 24: after that line insert: ✓
- 4 (f) A letter, or a copy of a letter, addressed to the department of commerce from
- 5 a prospective purchaser of a recovery zone bond, as described in par. (a) 2., which is ✓
- 6 in the possession of the city or county, is not subject to the right of inspection or
- 7 copying under s. 19.35 (1) before the first day of the fifth month beginning after the
- 8 letter or copy of the letter is received by the city or county." " 5th
- 9 **3.** Page 15, line 5: after that line insert: ✓
- 10 (5) AVAILABILITY OF RECORDS. A letter addressed to the department from a
- 11 prospective purchaser of a recovery zone bond, as described in s. 66.1104 (2) (a) 2., ✓

1 is not subject to the right of inspection or copying under s. 19.35 (1) before the first
2 day of the ^{5th} ~~fifth~~ month beginning after the letter is received by the department.

change
component
4

4. Page 15, line 6: delete the quotation mark ~~"" SECTION ""~~ and
Substitute "SECTION".

(END)

Shovers, Marc

From: Wilson, Danielle
Sent: Thursday, January 28, 2010 9:45 AM
To: Kuczenski, Tracy; Shovers, Marc
Subject: RUSH AMENDMENT REQUEST
Importance: High
Attachments: LRBa1413_P1; 09a1397P2.pdf

Hi Tracy and Marc,

Would you be able to combine these two amendments as a /1 for the assembly and senate incorporating the following changes to each of the pdrafts?

Thank you very much! We really appreciate it!

Danielle Wilson

Office of Senator Julie Lassa
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.wilson@legis.wisconsin.gov

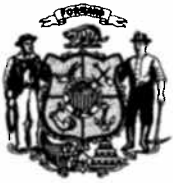
A couple changes to **1413P1**: Instead of the entire letter kept confidential, please change it so just the business and/or bond purchaser is kept confidential. Also, please change "5th month" to "3rd month."

Please change **1397P2** to incorporate the following:

"(5) CONSIDERATION OF WAIVER; REALLOCATION. For a reallocation made under this section after March 1, 2010, but before June 1, 2010, before making the reallocation, the department shall consider the amount of recovery zone bond limitation allocation waived under s. 66.1104 (2) (a) or (b) by each city or county then seeking a reallocation under this section. Upon receipt of an application for a project in a city or county that has waived such allocation under 66.1104 (2)(a) or (b), the department shall grant priority to such project in reallocating from the aggregated waived allocation in an amount up to the aggregate waived allocation from such city or county. In the event requests by cities and counties under this section being considered at any given time during the period from March 1, 2010 through May 31, 2010 exceed the aggregated waived allocation, the department shall prorate the available waived allocation among cities and counties in proportion to the amount waived by the cities and counties."

From: Parisi, Lori
Sent: Wednesday, January 27, 2010 4:33 PM
To: Sen.Lassa
Subject: Draft review: LRB 09a1413/P1 Topic: City and county waiver of allocation of federal bond authority; public records exception

Following is the PDF version of draft LRB 09a1413/P1.



PPR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,
TO SENATE AMENDMENT 2,
TO 2009 SENATE BILL 440

now

use twice

the name of any business or prospective bond purchaser named in the letter or copy

- 1 At the locations indicated, amend the amendment as follows:
- 2 **1.** Page 14, line 24: delete "allocation." and substitute "allocation."
- 3 **2.** Page 14, line 24: after that line insert:
- 4 "(f) ^{with regard to} A letter, or a copy of a letter, addressed to the department of commerce from
- 5 a prospective purchaser of a recovery zone bond, as described in par. (a) 2., which is
- 6 in the possession of the city or county, ^{or copy of the letter} is not subject to the right of inspection or
- 7 copying under s. 19.35 (1) before the first day of the ^{3rd} 5th month beginning after the
- 8 letter or copy of the letter is received by the city or county.".
- 9 **3.** Page 15, line 5: after that line insert:
- 10 "(5) AVAILABILITY OF RECORDS. ^{with regard to} A letter addressed to the department from a
- 11 prospective purchaser of a recovery zone bond, as described in s. 66.1104 (2) (a) 2.,

1 is not subject to the right of inspection or copying under s. 19.35 (1) before the first
② day of the ~~5th~~^{3rd} month beginning after the letter is received by the department.”.

3 **4.** Page 15, line 6: delete “SECTION” and substitute “SECTION”.

4 (END)