

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/21/99

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 6-1452

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject: State Finance - claims agnst st

Extra Copies:

Pre Topic:

ARC:.....Dake - Am # 7,

Topic:

Winnebago County claim

Instructions:

Per 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>
/?	kuesejt 06/21/99	chanaman 06/21/99		_____			
/1			martykr 06/22/99	_____	gretskl 06/22/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/21/99

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 6-1452

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject: State Finance - claims agnst st

Extra Copies:

Pre Topic:

ARC:.....Dake - Am # 7,

Topic:

Winnebago County claim

Instructions:

Per 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>
1? / 1	kuesejt	6/21 amr 6/21 /	km 6/22	JA am 6/22			

FE Sent For:

<END>

Budget Amendments 1999- 2000

Statement of Intent Elections Board. Authorize payment of \$2,087 from the Elections Board budget appropriation to Winnebago County to reimburse the county for the costs of reprinting its ballots at the 1988 presidential election to correct a ballot printing error.

Legislator Owens

Amendment# 7

Staff contact Jackie

Status Pass

Agency Elections Board

Tax Cut

Summary

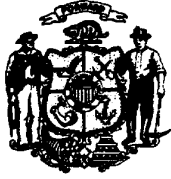
Under current law, county and municipal clerks and boards of election commissioner preparing ballots are directed to submit copies of the ballots, or proof copies, to the state elections board for review of possible errors. At the 1988 general election, the Winnebago County clerk submitted and received approval for the ballots by the State Elections Board.

On October 12, 1988, the state elections board ordered the county to reprint the ballots for the city of Neenah at a cost of \$2,087 to the county because the ballots did not comply with state statutes requiring a separate presidential ballot. On February 5, 1990, the claims board recommended reimbursing Milwaukee County for reprinting of ballots that did not comply with state statutes requiring a separate presidential ballot. At that time, the claims board also recommended payment of claims from other similarly affected counties such as Winnebago.

The amendment requires the expenditure of \$2,087 from the Elections Board budget appropriation for payment of a claim against the state made by Winnebago County to reimburse the county for costs incurred in reprinting ballots for the city of Neenah for the 1988 general election.

Fiscal Impact According to the State Elections Board, the fiscal effect of the amendment will be - \$2,087 (GPR).

ARC Analyst Brian Dake



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1734/1
JTK:wlj&jlg:km

1999 BILL

- 1 **AN ACT relating to:** the expenditure of \$2,087 from the general fund for payment
2 of a claim against the state made by Winnebago County.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$2,087 from the general fund in payment of a claim made by Winnebago County against the state. Under s. 5.72 (1), stats., county and municipal clerks and boards of election commissioners preparing ballots are directed to submit copies of the ballots, or proof copies, to the state elections board for review of possible errors. The board is directed to notify the clerk or board of election commissioners of any errors that it discovers within seven days after submittal. At the 1988 general election, the Winnebago County clerk either did not submit ballots or proof copies or did not request review of its ballots or proofs. On October 12, 1988, the state elections board issued an order finding that the county's ballots for the 1988 general election did not comply with s. 5.64 (3), stats., which requires a separate presidential ballot, or with s. 5.64 (1) (a) and (3) (a), stats., which requires specific voting instructions in plain, legible type, and requires ballot titles to appear in lettering at least three-eighths inch high. The elections board ordered the county to reprint its ballots for the city of Neenah. The county incurred costs of \$2,087 for ballots that were destroyed as a result of the order of the elections board and claimed this amount. On February 5, 1990, when the claims board recommended approval of a similar claim by Milwaukee County, the board recommended payment of claims from other similarly affected counties, upon submission of appropriate documentation from those counties. See 1989 *Senate Journal*, pp. 683-684.

1999

Date (time) needed

SOON

LRB b 0792,1

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

JTK :cmh:

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

nonstate - #. Page 1570, line 16: after that line insert:
"(9g) WINNEBAGO COUNTY CLAIM."
letter "S"
#. Page, line: CS

#. Page, line

#. Page, line

#. Page, line

#. Page, line

BILL

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:

1 ~~SECTION 1. Claim against the state.~~ There is directed to be expended from the
 2 appropriation under section ~~20.505(4)(a)~~ ^{20.510(1)(a)} of the statutes, as affected by the acts of
 3 ~~1999 Act~~ 1999, \$2,087 in payment of a claim against the state made by Winnebago
 4 County to compensate the county for the cost of reprinting ballots for the 1988
 5 general election that were found by the state elections board to be out of conformity
 6 with state law. Acceptance of this payment releases this state and its officers,
 7 employes and agents from any further liability with respect to the county's defective
 8 ballots for the 1988 general election. "

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

~~LRBSample2/dn~~

LRBS079111

JTK: emy

add comma

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

JTK

~~Query for: Document: LRBSample2/dn~~

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

LRBb0791/1dn
JTK:cmh:km

June 22, 1999

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0791/1
JTK:cmh:km

ARC:.....Dake – Am # 7, Winnebago County claim

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1570, line 16: after that line insert:

3 “(9g) WINNEBAGO COUNTY CLAIM. There is directed to be expended from the
4 appropriation under section 20.510 (1) (a) of the statutes, as affected by the acts of
5 1999, \$2,087 in payment of a claim against the state made by Winnebago County to
6 compensate the county for the cost of reprinting ballots for the 1988 general election
7 that were found by the state elections board to be out of conformity with state law.
8 Acceptance of this payment releases this state and its officers, employes and agents

1 from any further liability with respect to the county's defective ballots for the 1988
2 general election.”

3 (END)