

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/23/99

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - delinquency

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus #1719 ,

Topic:

MPAL youth activities center

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>
/?	malaigm 06/23/99	wjackson 06/24/99		_____			
/1			mclark 06/25/99	_____	lrb_docadmin 06/25/99		

FE Sent For:

<END>

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JTK

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/?	malaigm	/1 Wlj 6/24	MRC 6/25	MRC/ST 6/25			

FE Sent For:

<END>

yes

SDC

Agency: Miscellaneous Appropriations

caucus number 1410

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Create statutory language to clarify that Milwaukee Tech is a governmental authority and should be entitled to same governmental immunities which apply to MPS

other notes

drafting instructions: See above, attached memo and letter from Milwaukee Assistant City Attorney

more instructions:

caucus number 1539

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1230	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 1230. Collection of Data Related to Drivers Involved in Traffic Stops. Require law enforcement to record various information every time a vehicle is stopped. See motion for who will get info and how it will be reported.

other notes

drafting instructions: FM 1230

more instructions:

caucus number 1705

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: \$100,000 GPR annually to the Wisconsin Procurement Institute, a non-profit organization dedicating to securing federal government contracts and creating jobs in Wisconsin.

other notes Modifications to above: earmark without new money from the logical account from Commerce

drafting instructions: See above.

more instructions:

caucus number 1719

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 3009/P1	LRB P-draft:

description: Youth Activities Center-Milw. Police Athletic League. Permits the building commission to authorize up to \$1 mil of the general fund for a construction grant to Milw. Police Athletic League to assist in construction of Youth Center on 24th and Burleigh St.

other notes

drafting instructions: LRB 3009/P1. See above

more instructions:

CN 1719



Youth Activities Center - Milwaukee Police Athletic League

Permits the building commission to authorize up to \$1,000,000 of the general fund supported borrowing for a construction grant to the Milwaukee Police Athletic League to assist them in construction a youth activities center on 24th and Burleigh Streets.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3009/P1
GMM:kmg:hmh

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** to amend 20.866 (1) (u); and to create 13.48 (31), 20.855 (10) and 20.866
2 (2) (zbr) of the statutes; relating to: the construction of a youth activities center
3 by the Milwaukee Police Athletic League, granting bonding authority and
4 making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services is required to award \$5,000 in each fiscal year, as a grant for community programs, to the Milwaukee Police Athletic League (MPAL) for the purchase of sports and recreational equipment for, and as a contribution to the operating costs of, certain gymnasium facilities located in the city of Milwaukee.

This bill permits the building commission to authorize up to \$1,000,000 of general fund supported borrowing for a construction grant to the MPAL to assist the MPAL in constructing a youth activities center at N. 24th Street and Burleigh Street in the city of Milwaukee. Under the bill, before awarding the construction grant, the building commission must determine that the MPAL has secured additional funding commitments of at least \$4,074,000 from nonstate sources, that the nonstate sources are reasonable and available and that the total funding commitments from state and nonstate sources will permit the MPAL to enter into contracts for the construction of the youth activities center.

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.** 13.48 (31) of the statutes is created to read:

2 **13.48 (31) DEBT INCREASE FOR THE CONSTRUCTION OF A YOUTH ACTIVITIES CENTER**
3 **BY THE MILWAUKEE POLICE ATHLETIC LEAGUE.** (a) The legislature finds and determines
4 that preventing youth from engaging in delinquent behavior, encouraging positive
5 moral development in youth and providing youth with opportunities for positive
6 interaction with the police are statewide responsibilities of statewide dimension.
7 The legislature also finds and determines that the youth of the city of Milwaukee are
8 disproportionately represented in the state's juvenile correctional system and that,
9 because those youth are so disproportionately represented, the state has a specific
10 concern in preventing those youth from engaging in delinquent behavior,
11 encouraging positive moral development in those youth and providing those youth
12 with opportunities for positive interaction with the police. In addition, the
13 legislature finds and determines that the Milwaukee Police Athletic League
14 prevents that delinquent behavior, encourages that positive moral development and
15 provides those opportunities for positive interaction through the recreational,
16 educational, social and cultural activities that it provides for the youth of the greater
17 Milwaukee community. The legislature, therefore, finds and determines that
18 assisting the Milwaukee Police Athletic League in the construction of a youth
19 activities center at which the Milwaukee Police Athletic League will provide
20 recreational, educational, social and cultural activities for the youth of the greater
21 Milwaukee community under the supervision of volunteer police officers of the city

1 of Milwaukee will have a direct and immediate effect on that specific statewide
2 concern and on those state responsibilities of statewide dimension.

3 (b) The building commission may authorize up to \$1,000,000 of general fund
4 supported borrowing to aid in the construction of a youth activities center by the
5 Milwaukee Police Athletic League at the northeast corner of N. 24th Street and
6 Burleigh Street in the city of Milwaukee. The state funding commitment for the
7 construction of the center shall be in the form of a construction grant to the
8 Milwaukee Police Athletic League. Before approving any state funding commitment
9 for the center and before awarding the construction grant to the Milwaukee Police
10 Athletic League, the building commission shall determine that the Milwaukee Police
11 Athletic League has secured additional funding commitments of at least \$4,074,000
12 from nonstate revenue sources, the nonstate revenue sources are reasonable and
13 available and the total funding commitments of the state and the nonstate sources
14 will permit the Milwaukee Police Athletic League to enter into contracts for the
15 construction of the youth activities center.

16 (c) If the building commission authorizes a construction grant to the
17 Milwaukee Police Athletic League under par. (b), the Milwaukee Police Athletic
18 League shall provide the state with an option to purchase the youth activities center
19 under the following conditions:

20 1. The option price shall be the appraised fair market value at the time that the
21 option is exercised, less a credit recognizing the amount of the state's construction
22 grant. The option shall be subject to any mortgage or other security interest of any
23 private lenders.

24 2. The option may be exercised only upon the occurrence of any of the following:

1 a. Suspension of operation of the youth activities programs of the Milwaukee
2 Police Athletic League or of any successor organization.

3 b. Foreclosure of the mortgage by a private lender.

4 (d) If the state does not exercise the option to purchase the youth activities
5 center, and if the center is sold to any 3rd party, any agreement to sell the center shall
6 provide that the state has the right to receive an amount equal to the construction
7 grant under par. (b) from the net proceeds of any such sale after the mortgage has
8 been satisfied and all other secured debts have been paid. This right shall be
9 paramount to the right of the Milwaukee Police Athletic League to the proceeds upon
10 such sale.

11 **SECTION 2.** 20.855 (10) of the statutes is created to read:

12 **20.855 (10) MILWAUKEE POLICE ATHLETIC LEAGUE.** (a) *Youth activities center;*
13 *principal repayment, interest and rebates.* A sum sufficient to reimburse s. 20.866
14 (1) (u) for the payment of principal and interest costs incurred in financing the
15 construction grant under s. 13.48 (31), and to make the payments determined by the
16 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
17 obligations incurred in financing the construction grant under s. 13.48 (31).

18 **SECTION 3.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act 27,
19 section 727, is amended to read:

20 **20.866 (1) (u) Principal repayment and interest.** A sum sufficient from moneys
21 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
22 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),
23 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)
24 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba),
25 (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)

1 and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go),
2 (3) (t) and (4) (qm), 20.505 (5) (c),(g) and (kc), 20.855 (10) (a) and 20.867 (1) (a) and
3 (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on
4 public debt contracted under subchs. I and IV of ch. 18.

5 **SECTION 4.** 20.866 (2) (zbr) of the statutes is created to read:

6 20.866 (2) (zbr) *Milwaukee Police Athletic League; youth activities center.* From
7 the capital improvement fund, a sum sufficient to provide a grant to the Milwaukee
8 Police Athletic League to aid in the construction of a youth activities center. The
9 state may contract public debt in an amount not to exceed \$1,000,000 for this
10 purpose.

11 **SECTION 9107. Nonstatutory provisions; building commission.**

12 (1) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act
13 (the budget), section 9107 (1) (L) is created to read (and the appropriate totals are
14 adjusted accordingly):

15 (L) MILWAUKEE POLICE ATHLETIC LEAGUE

16 1. *Projects financed by general fund supported borrowing:*

17 Youth activities center \$1,000,000

18 (Total project all funding sources \$5,074,000)

19 2. *Projects financed by gifts, grants and other receipts:*

20 Youth activities center 4,074,000

21 (Total project all funding sources \$5,074,000)

22 3. *Agency totals:*

23 General fund supported borrowing 1,000,000

1	Gifts, grants and other receipts	<u>4,074,000</u>
2	Total — All sources of funds	\$ 5,074,000

3 (2) MILWAUKEE POLICE ATHLETIC LEAGUE YOUTH ACTIVITIES CENTER.
4 Notwithstanding section 13.48 (31) of the statutes, as created by this act, the
5 building commission shall not make a grant to the Milwaukee Police Athletic League
6 for the youth activities center enumerated in subsection (1) (L) under section 13.48
7 (31) of the statutes, as created by this act, unless the department of administration
8 has reviewed and approved the plans for the project. Notwithstanding sections 16.85
9 (1) and 16.855 (1) of the statutes, the department of administration shall not
10 supervise any services or work or let any contract for the project. Section 16.87 of
11 the statutes does not apply to the project.

12

(END)

1999

Date (time) needed 5:00 pm

LRB b 1020 / 1

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

date

GMM : WJ :

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:

#. Page , line :



#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

61020/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 20.866 (1) (u); and *to create* 13.48 (31), 20.855 (10) and 20.866
2 (2) (zbr) of the statutes; **relating to:** the construction of a youth activities center
3 by the Milwaukee Police Athletic League, granting bonding authority and
4 making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services is required to award \$5,000 in each fiscal year, as a grant for community programs, to the Milwaukee Police Athletic League (MPAL) for the purchase of sports and recreational equipment for, and as a contribution to the operating costs of, certain gymnasium facilities located in the city of Milwaukee.

This bill permits the building commission to authorize up to \$1,000,000 of general fund supported borrowing for a construction grant to the MPAL to assist the MPAL in constructing a youth activities center at N. 24th Street and Burleigh Street in the city of Milwaukee. Under the bill, before awarding the construction grant, the building commission must determine that the MPAL has secured additional funding commitments of at least \$4,074,000 from nonstate sources, that the nonstate sources are reasonable and available and that the total funding commitments from state and nonstate sources will permit the MPAL to enter into contracts for the construction of the youth activities center.

Page 15, line 13: after that line insert:

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

3ip (B)

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

(34)

1

SECTION 13.48 (34) of the statutes is created to read:

2

13.48 (34) DEBT INCREASE FOR THE CONSTRUCTION OF A YOUTH ACTIVITIES CENTER

3

BY THE MILWAUKEE POLICE ATHLETIC LEAGUE. (a) The legislature finds and determines

4

that preventing youth from engaging in delinquent behavior, encouraging positive

5

moral development in youth and providing youth with opportunities for positive

6

interaction with the police are statewide responsibilities of statewide dimension.

7

The legislature also finds and determines that the youth of the city of Milwaukee are

8

disproportionately represented in the state's juvenile correctional system and that,

9

because those youth are so disproportionately represented, the state has a specific

10

concern in preventing those youth from engaging in delinquent behavior,

11

encouraging positive moral development in those youth and providing those youth

12

with opportunities for positive interaction with the police. In addition, the

13

legislature finds and determines that the Milwaukee Police Athletic League

14

prevents that delinquent behavior, encourages that positive moral development and

15

provides those opportunities for positive interaction through the recreational,

16

educational, social and cultural activities that it provides for the youth of the greater

17

Milwaukee community. The legislature, therefore, finds and determines that

18

assisting the Milwaukee Police Athletic League in the construction of a youth

19

activities center at which the Milwaukee Police Athletic League will provide

20

recreational, educational, social and cultural activities for the youth of the greater

21

Milwaukee community under the supervision of volunteer police officers of the city

1 of Milwaukee will have a direct and immediate effect on that specific statewide
2 concern and on those state responsibilities of statewide dimension.

3 (b) The building commission may authorize up to \$1,000,000 ⁽ⁱⁿ⁾ of general fund
4 supported borrowing to aid in the construction of a youth activities center by the
5 Milwaukee Police Athletic League at the northeast corner of N. 24th Street and
6 Burleigh Street in the city of Milwaukee. The state funding commitment for the
7 construction of the center shall be in the form of a ~~construction~~ grant to the
8 Milwaukee Police Athletic League. Before approving any state funding commitment
9 for the center ~~and before awarding the construction grant to the Milwaukee Police~~
10 ~~Athletic League~~, the building commission shall determine that the Milwaukee Police
11 Athletic League has secured additional funding commitments ^(equal to) of at least \$4,074,000
12 ~~from nonstate revenue sources. the nonstate revenue sources are reasonable and~~
13 ~~available and the total funding commitments of the state and the nonstate sources~~
14 ~~will permit the Milwaukee Police Athletic League to enter into contracts for the~~
15 ~~construction of the youth activities center.~~ ^{from nonstate donations for the purpose of constructing}

16 (c) If the building commission authorizes a ~~construction~~ grant to the
17 Milwaukee Police Athletic League under par. (b), ~~the Milwaukee Police Athletic~~
18 ~~League shall provide the state with an option to purchase the youth activities center~~
19 ~~under the following conditions:~~

20 1. The option price shall be the appraised fair market value at the time that the
21 option is exercised, less a credit recognizing the amount of the state's construction
22 grant. The option shall be subject to any mortgage or other security interest of any
23 private lenders.

24 2. The option may be exercised only upon the occurrence of any of the following:

~~12 Page, line 1: eff. that line~~
~~insert 4A16~~

1 a. Suspension of operation of the youth activities programs of the Milwaukee,
2 Police Athletic League or of any successor organization.

3 b. Foreclosure of the mortgage by a private lender.

4 (d) If the state does not exercise the option to purchase the youth activities
5 center, and if the center is sold to any 3rd party, any agreement to sell the center shall
6 provide that the state has the right to receive an amount equal to the construction
7 grant under par. (b) from the net proceeds of any such sale after the mortgage has
8 been satisfied and all other secured debts have been paid. This right shall be
9 paramount to the right of the Milwaukee Police Athletic League to the proceeds upon
such sale.

(613p)

(33)

(33)

(10)
(11)

SECTION 4. 20.855 (10) of the statutes is created to read:

12 20.855 (10) MILWAUKEE POLICE ATHLETIC LEAGUE. (a) Youth activities center;
13 principal repayment, interest and rebates. A sum sufficient to reimburse s. 20.866
14 (1) (u) for the payment of principal and interest costs incurred in financing the
15 construction grant under s. 13.48 (31), and to make the payments determined by the
16 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
17 obligations incurred in financing the construction grant under s. 13.48 (31). "

18 SECTION 3. 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act 27,
19 section 727, is amended to read:

20 20.866 (1) (u) Principal repayment and interest. A sum sufficient from moneys
21 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
22 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),
23 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)
24 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba),
25 (ca), (cb), (cc), (ed), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)

1 and (k) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (g),
2 (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc), 20.855 (10) (a) and 20.867 (1) (a) and
3 (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on
4 public debt contracted under subchs. I and IV of ch. 18.

Insert
S-4
5

Specified in s. 13.48 (34)

SECTION 20.866 (2) (zbr) of the statutes is created to read:

6 20.866 (2) (zbr) *Milwaukee Police Athletic League; youth activities center*. From
7 the capital improvement fund, a sum sufficient ^(for the building commission) to provide a grant to the Milwaukee
8 Police Athletic League to aid in the construction of ^(the) youth activities center. The
9 state may contract public debt in an amount not to exceed \$1,000,000 for this
purpose. ⁽¹⁾

Insert
S-10
10

Page 1494, line 13: after that line insert the following

SECTION 9107. Nonstatutory provisions, building commission.

12 (1) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act
13 (the budget), section 9107 (1) (L) is created to read ^{adjust} (and the appropriate totals ~~are~~

14
15
x: building pio

14 ~~adjusted~~ accordingly):
15 (L) MILWAUKEE POLICE ATHLETIC LEAGUE

1. *Projects financed by general fund supported borrowing:*

17 Youth activities center \$1,000,000

18 (Total project all funding sources \$5,074,000)

2. *Projects financed by gifts, grants and other receipts:*

20 Youth activities center 4,074,000

21 (Total project all funding sources \$5,074,000)

3. *Agency totals:*

23 General fund supported borrowing 1,000,000

1 Gifts, grants and other receipts 4.074.000

2 Total — All sources of funds \$ 5,074,000 ⁰

3 ^{(1) (km)}
(2) MILWAUKEE POLICE ATHLETIC LEAGUE YOUTH ACTIVITIES CENTER.

4 Notwithstanding section 13.48 ⁽³⁴⁾ of the statutes, as created by this act, the

5 building commission shall not make a grant to the Milwaukee Police Athletic League

6 for the youth activities center ^{project} enumerated in subsection (1) ^(km) under section 13.48

7 ⁽³⁴⁾ of the statutes, as created by this act, unless the department of administration

8 has reviewed and approved the plans for the project. Notwithstanding sections 16.85

9 (1) and 16.855 (1) of the statutes, the department of administration shall not

10 supervise any services or work or let any contract for the project. Section 16.87 of

11 the statutes does not apply to the project. ⁰

12 (END)

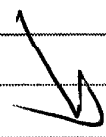
Handwritten note in a bubble: # Page 1500, line 12; after that line insert:

S-4

Insert ~~4/10~~

~~528 out~~
~~* 2616 10~~

N/A and if, for any reason, the facility that is constructed with funds from the grant is not used as a youth activities center, the state shall retain an ownership interest in the facility equal to the amount of the state's grant. @ @



1999

(Insert 54)

LRB _____ / _____

File With Statute **20.005 (3)** Schedule _____ : _____ : _____

\$\$\$ SCHEDULE

(Hr Page 277, line 13; after that line insert)

In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

SECTION #. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

~~1999-00~~ ~~2000-01~~

20. _____
.....
() _____
.....

\$SCHED

" (br) Principal repayment, interest and rebates

..... GPR \$ 0 0 " .

20. _____
.....
() _____
.....
() _____
.....
.....



Insert 5-4

Page 399, line 25: ^g after ~~res. 955 (b)(a)~~ insert
"and (b)(a)" - "(b),"
" (b), "

Page 409, line 27: after that line insert:

(ed of insert)
54

Insert 5-10

Page 413, line 9: after that line insert:

1 a. Suspension of operation of the youth activities programs of the Milwaukee
 2 Police Athletic League or of any successor organization.
 3 b. Foreclosure of the mortgage by a private lender.
 4 (d) If the state does not exercise the option to purchase the youth activities
 5 center, and if the center is sold to any 3rd party, any agreement to sell the center shall
 6 provide that the state has the right to receive an amount equal to the construction
 7 grant under par. (b) from the net proceeds of any such sale after the mortgage has
 8 been satisfied and all other secured debts have been paid. This right shall be
 9 paramount to the right of the Milwaukee Police Athletic League to the proceeds upon
 10 such sale.

642v(6)

20.867 (3) (br)

20.867 (3) (br) Principal

11 SECTION 3. 20.855 (10) of the statutes is created to read:

12 ~~20.855 (10) MILWAUKEE POLICE ATHLETIC LEAGUE. (a) Youth activities center;~~
 13 ~~principal repayment, interest and rebates. A sum sufficient to reimburse s. 20.866~~

14 (1) (u) for the payment of principal and interest costs incurred in financing the
 15 ~~of the youth activities center specified in s. 13.48 (34)~~ construction grant under s. 13.48 (34); and to make the payments determined by the
 16 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
 17 obligations incurred in financing the construction grant ~~under s. 13.48 (34)~~ ^{of that youth activities center} 11

18 SECTION 3. 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act 27,
 19 section 727, is amended to read:

20 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
 21 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
 22 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),
 23 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)
 24 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba),
 25 (ca), (cb), (cc), (ed), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)

(ed & insert)
5-10

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

LRB-3009/P1dn
GMM:kmg:hmh

May 14, 1999

This draft may

This draft is drafted as a preliminary draft because: 1) you indicated that you intend to introduce this proposal as a budget amendment; and 2) under s. 16.47 (2), stats., neither house may pass a bill appropriating more than \$10,000 annually until both houses have passed the budget bill, except in case of emergency.

When this draft is introduced as a budget amendment, it will be subject to challenge on the grounds that it is a "private or local law", which under art. IV, sec. 18, of the Wisconsin Constitution must be enacted as single-subject legislation, and that, therefore, its enactment as part of the budget bill, which clearly encompasses more than one subject, would be invalid. Under *Milwaukee Brewers Baseball Club v. DHSS*, 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". This draft, because it refers specifically to the Milwaukee Police Athletic League (MPAL) and to the construction of a youth activities center at the corner of Burleigh Street and N. 24th Street in the city of Milwaukee is both a private law and a local law, unless: 1) its general subject matter 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. Accordingly, because of this potential challenge, this draft includes an intent statement stating: 1) that preventing delinquent behavior is a state responsibility of statewide dimension; 2) that the state has a specific concern with delinquent behavior in Milwaukee; and 3) that assisting the MPAL in constructing the youth activities center will have a direct and immediate effect preventing delinquent behavior in Milwaukee and in the state as a whole.

As it is difficult to predict the potential for and outcome of any court action on this draft, you may wish to consider redrafting this proposal so that it does not refer to the MPAL or the city of Milwaukee by name, but rather so that it refers to the MPAL and the city of Milwaukee as members of classes. For example, the MPAL could be described as "a nonprofit organization whose membership consists of volunteer police officers" and the city of Milwaukee could be referred to as "a city of the 1st class". Even if you take this approach, however, this draft, if introduced as a budget amendment, would still be subject to challenge on the grounds that, although the draft appears to be general on its face, it is still a private or local law in that in reality it only applies

to one particular entity in one particular place. The Wisconsin Supreme Court applies a different test to determine whether a law that is general on its face is actually a private or local law. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Glover*, 166 Wis. 2d 501 (1992). Under that test, a law that is general on its face is actually a private or local law unless all of the following are true:

- (1) The classification employed is based upon substantial distinctions which make one class really different from another.
- (2) The classification employed is germane to the purpose of the law.
- (3) The class is not based upon existing circumstances only, but rather is open to the addition of new members.
- (4) The law applies equally to each member of the class.
- (5) The characteristics of each class are so different from those of other classes that substantially different treatment of those classes is justified.

A person challenging this draft could argue that a volunteer organization whose membership consists of police officers is not all that different from other nonprofit organizations that seek to prevent juvenile delinquency and that Milwaukee's juvenile delinquency problem is not all that much worse than the juvenile delinquency problem in other cities so as to justify state assistance in building a youth activities center there and not somewhere else. In response, you must make the case that the MPAL's program is unique and that Milwaukee's juvenile delinquency problem is qualitatively and quantitatively worse than elsewhere in the state so as to justify state assistance in building a youth activities center there and not just anywhere.

In sum, as it is difficult to predict the potential for and outcome of any court action on either a draft that specifies the MPAL and the city of Milwaukee by name or a draft that describes the MPAL and the city of Milwaukee as members of classes, you might wish to consider introducing this draft as a separate, single-subject bill after the enactment of the budget.

Gordon M. Malaise
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1020/1dn
GMM:wj:mrc

June 25, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1020/1
GMM:wlj:mrc

SDC:.....Walter - Caucus #1719 , MPAL youth activities center

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 15, line 13: after that line insert:

3 **"SECTION 3ip.** 13.48 (34) of the statutes is created to read:

4 13.48 (34) DEBT INCREASE FOR THE CONSTRUCTION OF A YOUTH ACTIVITIES CENTER
5 BY THE MILWAUKEE POLICE ATHLETIC LEAGUE. (a) The legislature finds and determines
6 that preventing youth from engaging in delinquent behavior, encouraging positive
7 moral development in youth and providing youth with opportunities for positive
8 interaction with the police are statewide responsibilities of statewide dimension.
9 The legislature also finds and determines that the youth of the city of Milwaukee are
10 disproportionately represented in the state's juvenile correctional system and that,

1 because those youth are so disproportionately represented, the state has a specific
2 concern in preventing those youth from engaging in delinquent behavior,
3 encouraging positive moral development in those youth and providing those youth
4 with opportunities for positive interaction with the police. In addition, the
5 legislature finds and determines that the Milwaukee Police Athletic League
6 prevents that delinquent behavior, encourages that positive moral development and
7 provides those opportunities for positive interaction through the recreational,
8 educational, social and cultural activities that it provides for the youth of the greater
9 Milwaukee community. The legislature, therefore, finds and determines that
10 assisting the Milwaukee Police Athletic League in the construction of a youth
11 activities center at which the Milwaukee Police Athletic League will provide
12 recreational, educational, social and cultural activities for the youth of the greater
13 Milwaukee community under the supervision of volunteer police officers of the city
14 of Milwaukee will have a direct and immediate effect on that specific statewide
15 concern and on those state responsibilities of statewide dimension.

16 (b) The building commission may authorize up to \$1,000,000 in general fund
17 supported borrowing to aid in the construction of a youth activities center by the
18 Milwaukee Police Athletic League at the northeast corner of N. 24th Street and
19 Burleigh Street in the city of Milwaukee. The state funding commitment for the
20 construction of the center shall be in the form of a grant to the Milwaukee Police
21 Athletic League. Before approving any state funding commitment for the center, the
22 building commission shall determine that the Milwaukee Police Athletic League has
23 secured additional funding at least equal to \$4,074,000 from nonstate donations for
24 the purpose of constructing the youth activities center.

1 (c) If the building commission authorizes a grant to the Milwaukee Police
2 Athletic League under par. (b) and if, for any reason, the facility that is constructed
3 with funds from the grant is not used as a youth activities center, the state shall
4 retain an ownership interest in the facility equal to the amount of the state's grant.”.

5 **2.** Page 277, line 13: after that line insert:

6 “(br) Principal repayment, interest
7 and rebates GPR S –0– –0–”.

8 **3.** Page 399, line 25: after “(bm),” insert “(br),”.

9 **4.** Page 409, line 24: after that line insert:

10 “SECTION 638y. 20.866 (2) (zbr) of the statutes is created to read:

11 20.866 (2) (zbr) *Milwaukee Police Athletic League; youth activities center.* From
12 the capital improvement fund, a sum sufficient for the building commission to
13 provide a grant to the Milwaukee Police Athletic League to aid in the construction
14 of the youth activities center specified in s. 13.48 (34). The state may contract public
15 debt in an amount not to exceed \$1,000,000 for this purpose.”.

16 **5.** Page 413, line 9: after that line insert:

17 “SECTION 642y. 20.867 (3) (br) of the statutes is created to read:

18 20.867 (3) (br) *Principal repayment, interest and rebates.* A sum sufficient to
19 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
20 in financing the construction of the youth activities center specified in s. 13.48 (34),
21 and to make the payments determined by the building commission under s. 13.488
22 (1) (m) that are attributable to the proceeds of obligations incurred in financing the
23 construction of that youth activities center.”.

1 administration shall not supervise any services or work or let any contract for the
2 project. Section 16.87 of the statutes does not apply to the project.”.

3 (END)