

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/12/99

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 266-3847

By/Representing: Kava

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Alt. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Pre Topic:

LFB:.....Kava -

Topic:

Portage canal repair and renovation

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>
/1	rkite 05/19/99	gilfokm 05/20/99	mclark 05/21/99	_____	lrb_docadmin 05/23/99		
/2	rkite 05/27/99	gilfokm 05/27/99	martykr 05/28/99	_____	lrb_docadmin 05/28/99		

FE Sent For:

<END>

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/1	rkite 05/19/99	gilfokm 05/20/99	mclark 05/21/99	_____	lrb_docadmin 05/23/99		
FE Sent For:		12-5-26-99 kmg	km 5/28	JA 5/28			<END>

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1?	rkite	1-5-1999 Kmg	S/20 MRC	MRC/JF S/20			

FE Sent For:

<END>

NATURAL RESOURCES -- WATER QUALITY

Portage Levee and Canal
[Paper #701]

Motion:

Move to expand the purposes for which moneys from the recreational boating projects aids appropriation earmarked for repair and renovation the City of Portage Levee in the Portage Levee system may be expended to include the Portage Canal.

*See 20.370 (b) (c g)
Note it has 3 hats
Will need changes in 31.39.
Talk to Russ*

Note:

The 1995-97 biennial budget required DNR to provide up to \$1.6 million from the recreational boating projects aids appropriation for the renovation and repair of the City of Portage Levee. While the entire grant amount has been encumbered, not all of the funding has been provided to the City. City officials indicate that not all of the funding will be necessary for the Levee. This motion would allow the funding to be spent for activities related to the Portage Canal.

MO#		
Burke	Y	N
Decker	Y	N
Jauch	Y	N
Moore	Y	N
Shibilski	Y	N
Plache	Y	N
Cowles	Y	N
Panzer	Y	N
Gard	Y	N
Porter	Y	N
Kaufert	Y	N
Albers	Y	N
Duff	Y	N
Ward	Y	N
Huber	Y	N
Riley	Y	N

P 16-0



(som)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0306/1

RNK... King

D-Note

LFB:.....Kava - Portage canal repair and renovation

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 1. Page 40⁴, line ²¹ 10: after that line insert:

3 SECTION ~~20.370~~ ^{319g} (5) (cq) of the statutes is amended to read:

as affected by 1997 Wisconsin Act 237, section 34, 27, 1
+ section 378(10)

4 ~~20.370 (5) (cq) Recreation aids - recreational boating and other projects. As~~
5 a continuing appropriation, the amounts in the schedule for recreational boating
6 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for financial
7 assistance to the Wisconsin Lake Schooner Education Association under 1997
8 Wisconsin Act 27, section 9137 (12f), for the Southeastern Wisconsin Fox River
9 commission under 1997 Wisconsin Act 237, section 9136 (2), for the Portage levee
10 system under s. 31.309 and for the engineering and environmental study under s.
11 31.307.

NOTE: NOTE: Par. (3p) is repealed and recreated eff. 7-1-99 by 1997 Wis. Act 27 to read: NOTE:

20.370(5)

etc. =

and the Portage canal

7-1-99

(cq) Recreation aids recreational boating and other projects. As a continuing appropriation, the amounts in the schedule for recreational boating aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the Portage levee system under s. 31.309 and for the engineering and environmental study under s. 31.307.

NOTE: NOTE: Par. (cq) is repealed and recreated eff. 7-1-00 by 1997 Wis. Act 237 to read: NOTE:

(cq) Recreation aids recreational boating and other projects. As a continuing appropriation, the amounts in the schedule for recreational boating aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the Portage levee system under s. 31.309 and for the engineering and environmental study under s. 31.307.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

2. Page 537, line 23: after that line insert:

SECTION 867m. 31.309 (1) (a) of the statutes is amended to read:

31.309 (1) (a) The department shall provide a grant in the 1995-97 fiscal biennium from the appropriation under s. 20.370 (5) (cq) to the city of Portage for the amount necessary for the renovation and repair of the city of Portage levee in the Portage levee system and for the renovation and repair of the Portage canal. The grant under this paragraph may not exceed \$800,000 in fiscal year 1995-96 and \$800,000 in fiscal year 1996-97."

History: 1995 a. 27 ss. 1698, 1699, 1702 to 1706; Stats. 1995 s. 31.309.

(END)

319h.

Section 20.370(5)(cq) of the statutes, as affected by 1997 Wisconsin Act 237, is amended to read:

section 35,

7-1-2000

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0306/lins
RNK.....

In. "KA"

h
"SECTION 867^h. 31.309 (title) of the statutes is amended to read:

31.309 (title) Portage levee system and canal.

j
SECTION 867^j. 31.309 (1) (am) of the statutes is created to read:

History: 1995 a. 27 ss. 1698, 1699, 1702 to 1706; Stats. 1995 s. 31.309.

31.309 (1) (am) The city of Portage may use any ~~encumbered~~^{✓✓} amounts from the grant awarded in fiscal year 1996-97 under par. (a) for the renovation and repair of the Portage canal."

#. Page ¹⁴⁷⁵ ~~1437~~, line ^(Insert RNK) ~~10~~: after that line
insert: ⁽¹⁰⁾

Wsktdld

5x E

(CS)

"(10) Portage canal project. ^(CS) The treatment of
✓ (by SECTION 319h)

~~section~~ section 20.370(5)(cg) of the statute, as

~~affected by 1997 Wisconsin Act 237, section 35,~~

takes effect on July 1, 2000."

after
sales

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

LRBb0306/1dn

RNK...*king*

1. Under current law, in s. 31.309 (1) (b), the city of Portage is required to assume maintenance of the Portage levee when repairs and renovation are complete. Do you want this draft to include similar language with regard to the Portage canal?

2. This draft permits the city of Portage to use funds from the 1996-97 grant for the "renovation and repair" of the Portage canal. The term "renovation" is defined in Webster's Third New International Dictionary to mean "to restore to a former state" or "to restore to life, vigor or activity." *I believe that these definitions are broad enough to cover a wide range of activities related to the Portage canal, including clean-up activities. If you believe that the activities should be further specified, please let me know and I will redraft accordingly.*

3. 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.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0306/1dn
RNK:kmg:mrc

May 20, 1999

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Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

Russ Kawa 5-26-99

Redraft to include funding from
both fiscal years - 1995-96 and 1996-97



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRBb0306
RNK:kmg:mrc

scm

LFB:.....Kava - Portage canal repair and renovation

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 **1.** Page 404, line 21: after that line insert:

3 “**SECTION 319g.** 20.370 (5) (cq) of the statutes, as affected by 1997 Wisconsin
4 Act 27, section 378no, is amended to read:

5 20.370 (5) (cq) *Recreation aids — recreational boating and other projects.* As
6 a continuing appropriation, the amounts in the schedule for recreational boating
7 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the
8 Portage levee system and the Portage canal under s. 31.309 and for the engineering
9 and environmental study under s. 31.307.

10 **SECTION 319h.** 20.370 (5) (cq) of the statutes, as affected by 1997 Wisconsin Act
11 237, section 35, is amended to read:

1 20.370 (5) (cq) *Recreation aids — recreational boating and other projects.* As
2 a continuing appropriation, the amounts in the schedule for recreational boating
3 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the
4 Portage levee system and the Portage canal under s. 31.309 and for the engineering
5 and environmental study under s. 31.307.”.

6 **2.** Page 537, line 23: after that line insert:

7 “**SECTION 867h.** 31.309 (title) of the statutes is amended to read:

8 **31.309** (title) **Portage levee system and canal.**

9 **SECTION 867j.** 31.309 (1) (am) of the statutes is created to read:

10 31.309 (1) (am) The city of Portage may use any amounts from the grant
11 awarded ~~in~~ fiscal year 1996-~~97~~ under par. (a) for the renovation and repair of the
12 Portage canal.”.

13 **3.** Page 1475, line 10: after that line insert:

14 “(5x) PORTAGE CANAL PROJECT. The treatment of section 20.370 (5) (cq) (by
15 SECTION 319h) of the statutes takes effect on July 1, 2000.”.

16 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0306/2
RNK:kmg:km

LFB:.....Kava - Portage canal repair and renovation

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15 **(END)**