

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 05/14/99

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:**

Oconto County recreational boating project grant

**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 05/21/99	ygeller 05/21/99	ismith 05/21/99	_____	lrb_docadmin 05/21/99		
/2	rkite 05/27/99	ygeller 05/27/99	martykr 05/28/99	_____	lrb_docadmin 05/28/99		

FE Sent For:

<END>

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1/2 5/27 jlg km/28  
 JF km/28  
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/?	rkite	1 5/21 jlg	IS 5/21/99	IS/CMH 5/21/99			

FE Sent For:

<END>

NATURAL RESOURCES -- WATER QUALITY

Recreational Boating Projects Aids -- Oconto County Park 2  
[Paper #701]

Motion:

Move to require the Department to provide 80% of the project cost up to \$727,200 to Oconto County for a recreational boating project grant for a boat landing and breakwall in Oconto County Park 2.

---

Note:

The total project cost for the project was \$909,000. Oconto County received a recreational boating project grant for \$454,500. This motion would require DNR to provide an additional \$272,700 to the County. Under the bill, recreational boating project aids are funded at \$4,247,000 in 1999-00 and \$4,547,000 in 2000-01.

MO#		
Burke	Y	N
Dooker	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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0315/1  
RNK.....

*soon*  
D-Note

*Jlg*

LFB:.....Kava - Oconto County recreational boating project grant

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

*The amount expended under this subsection shall be considered an expenditure for a Great Lakes project as provided in section 30.92 (4)(b)6. of the statutes.*

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

2 1. Page 1414, line 24: after that line insert:

3 *nonstat* (9) *C* OCONTO COUNTY BOAT LANDING PROJECT. From the appropriation under  
4 section 20.370 (5) (cq) of the statutes, the department of natural resources shall  
5 provide to Oconto county funding for ~~the completion of~~ a boat landing and breakwall  
6 in Park 2 in Oconto county. Oconto county and the department shall contribute  
7 funding for the project. The department's contribution shall equal 80% of the  
8 project's costs or \$272,700, whichever is less. Oconto county's contribution may be  
9 in matching funds or may be in-kind contributions or both. This subsection does not  
10 apply after June 30, 2001."

11 (END)

*This project need not be placed on the priority list under section 30.92 (3)(a) of the statutes.*

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

LRBb0315/1dn

RNK.....

↑  
jlg

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**

LRBb0315/1dn  
RNK:jlg:ijs

May 21, 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.

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

Redraft per Russ Kavan - 5-26-99

pg. 1, line 8 -

should be \$ 727,200





State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR  
2

LRBb0315/s  
RNK:jlg:ijs

*soon*

LFB:.....Kava - Oconto County recreational boating project grant

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 1414, line 24: after that line insert:

3 "(9c) OCONTO COUNTY BOAT LANDING PROJECT. From the appropriation under  
4 section 20.370 (5) (cq) of the statutes, the department of natural resources shall  
5 provide to Oconto County funding for a boat landing and breakwall in Park 2 in  
6 Oconto County. Oconto County and the department shall contribute funding for the  
7 project. The department's contribution shall equal 80% of the project's costs or  
8 ~~\$272,700~~ <sup>\$727,200</sup> whichever is less. Oconto County's contribution may be in matching funds  
9 or may be in-kind contributions or both. The amount expended under this  
10 subsection shall be considered an expenditure for a Great Lakes project as provided  
11 in section 30.92 (4) (b) 6. of the statutes. This project need not be placed on the

1 priority list under section 30.92 (3) (a) of the statutes. This subsection does not apply  
2 after June 30, 2001.”

3 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0315/2  
RNK;jlg:km

LFB:.....Kava - Oconto County recreational boating project grant

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

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2 **1.** Page 1414, line 24: after that line insert:

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