

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:

McDill Lake dredging project

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	ygeller 05/19/99	martykr 05/20/99	_____	lrb_docadmin 05/20/99		

FE Sent For:

<END>

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1?	rkite	1 5/19 JG	1 m 5/20	1 m 5/20	1 m 5/20		

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<END>

60538/14

Senator Shibilski

NATURAL RESOURCES -- WATER QUALITY

Recreational Boating Projects Aids -- McDill Lake
[Paper #701]

Motion:

Move to direct DNR to provide an amount not to exceed \$250,000 from the recreational boating projects aids appropriation to the McDill Inland Lake Protection and Rehabilitation District for the dredging of McDill Lake in Portage County. Require the District to provide a 50% match to the grant. Specify that the grant be subtracted from the overall allocation prior to determining the percentage split for recreational boating projects based on location. Provide that the project need not be placed on the recreational boating projects priority list.

MO#			
Z Burke	Y	N	
Decker	Y	N	
Jauch	Y	N	
Moore	Y	N	
I 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 15-1



(SOW)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0317/1
RNK.....

D-Note

jlq

LFB:.....Kava - McDill Lake dredging project

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

section 30.92(4)(b) 6. of the statutes,
but the amount may not exceed \$250,000

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

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

nonstat

3 "(9) MCDILL LAKE DREDGING PROJECT. From the appropriation under section

4 20.370 (5) (c) of the statutes, and before applying the percentages under sub. (4) (b)

5 the department of natural resources shall provide to the McDill Inland Lake

6 Protection and Rehabilitation District ^{the amount that is necessary} for the dredging of McDill Lake in

7 Portage county. The McDill Inland Lake Protection and Rehabilitation District shall

8 contribute funding for the project equal to 50% of the project's cost. The McDill

Insert

9 Inland Lake Protection and Rehabilitation District's contribution may be in

10 matching funds or may be in-kind contributions or both. This project need not be

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

3 (END) ✓

(INSERT)

#86
= Notwithstanding ~~sub. 1(1)(d)~~, the dredging project specified under this subsection qualifies as a recreational boating ~~facility~~ ^{project} for the purpose of expending ^{moneys} ~~money~~ under this subsection.

(b)
section 30.92(4) 7. or 8. a. ✓ of the statutes,

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

LRBb0317/1dn

RNK.....

Jig

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

LRBb0317/1dn
RNK:jlg:km

May 20, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

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

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

3 “(9d) McDILL LAKE DREDGING PROJECT. From the appropriation under section
4 20.370 (5) (cq) of the statutes, and before applying the percentages under section
5 30.92 (4) (b) 6. of the statutes, the department of natural resources shall provide to
6 the McDill Inland Lake Protection and Rehabilitation District the amount that is
7 necessary for the dredging of McDill Lake in Portage County but the amount may
8 not exceed \$250,000. The McDill Inland Lake Protection and Rehabilitation District
9 shall contribute funding for the project equal to 50% of the project’s cost. The McDill
10 Inland Lake Protection and Rehabilitation District’s contribution may be in
11 matching funds or may be in-kind contributions or both. Notwithstanding section
12 30.92 (4) (b) 7. or 8. a. of the statutes, the dredging project specified under this

1 subsection qualifies as a recreational boating project for the purpose of expending
2 moneys under this subsection. This project need not be placed on the priority list
3 under section 30.92 (3) (a) of the statutes. This subsection does not apply after June
4 30, 2001.”.

5 (END)