

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/24/99

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject: State Government - miscellaneous
Counties

Extra Copies: MES - 1

Pre Topic:

LFB:.....Olin -

Topic:

Management assistance grants for Menominee County

Instructions:

Per attached motion.

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 05/26/99	gilfokm 05/27/99		_____			
/1			martykr 05/28/99	_____	lrb_docadmin 05/28/99		
/2	kuesejt 06/7/99	gilfokm 06/7/99	jfrantze 06/8/99	_____	lrb_docadmin 06/8/99		

FE Sent For:

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/1 /2	kuesejt 6/7	12-6-799 kmj	martykr 05/28/99	_____	lrb_docadmin 05/28/99		
FE Sent For:			Jb 6/8	Jb/Km 6/8			

<END>

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DAK-1

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Management assistance grants for Menominee county

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Per attached motion.

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17 / 1	kuesejt 5/26/99	1-5-26-99 King	Jm 5/27	Jm 5/28			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 5/21

DELIVER TO:

Joe

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Rick

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Message:

Joe

this is
in #21

Representative Gard

Tribal Gaming Revenue Allocations**DEPARTMENT OF ADMINISTRATION****Management Assistance Grant Program****Motion:**

Move to create a management assistance grant program, administered by DOA, to provide financial assistance to counties to fund public safety, public health, public infrastructure, public employee training and economic development expenditures. Provide that grants be provided, subject to the availability of funds, to counties that meet the following criteria: (1) the county does not contain any incorporated municipalities; (2) the county has a geographic area of less than 400 square miles; (3) the county submits a detailed expenditure plan that identifies how the funds are proposed to be expended and how those expenditures meet the program's goals; and (4) the county maintains its financial records, in accordance with accounting procedures established by DOR. Establish the grant amount for each eligible county at \$500,000, annually. Create an appropriation to make grants under the program. Place \$1,000,000 in Indian gaming revenues in the PR appropriation of the Joint Committee on Finance to be transferred under s. 13.10 to the management assistance grant program appropriation upon request by DOA and a finding that a county has met the eligibility criteria of the grant program.

Note:

In February, 1998, the Legislative Audit Bureau issued an evaluation of Menominee County that listed several financial and management concerns confronted by the County. The 1998 budget adjustment bill (1997 Act 237) created a seven-member task force to review the actions taken by Menominee County to address the concerns raised by the LAB. The task force was required to report its findings to the Joint Committee on Finance by March 1, 1999. The task force is in the process of issuing its final report, which is expected to conclude that the County is in need of additional tax base and revenues so that the County can meet its responsibilities. The task force is expected to recommend the creation of a grant program to provide financial assistance to the County. This motion reflects that recommendation.

[Change to Bill: \$1,000,000 PR]

Motion #382

1999

Date (time) needed

SOON

LRB b 0384, 1

LFB BUDGET AMENDMENT [ONLY FOR LFB]

SR: King

See form AMENDMENTS — COMPONENTS & ITEMS.

LFB AMENDMENT TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

✓ #. Page 133, line 18: after that line insert:

INS A

✓ #. Page 452, line 4: delete "(K+)" and substitute

"(K+)"

✓ #. Page 452, line 11: delete "(K+)" and substitute "(K+)"

✓ #. Page 452, line 18: delete "(K+)" and substitute

"(K+)"

✓ #. Page 453, line 1: delete "(K+)" and substitute "(K+)"

✓ #. Page 454, line 3: after that line insert:

INS B

✓ #. Page 465, line 19: after that line insert:

INS C

✓ #. Page 1410, line 9: after that line insert:

INS D

(End)

RWS
A

11 SECTION 45m. 16.18 of the statutes is created to read:

16.18 Management assistance grants to certain counties. (1) In this section, "eligible county" means a county that has a geographic area of less than 400 square miles and that contains no incorporated municipal territory.

(2) An eligible county may apply to the department for a management assistance grant annually in each state fiscal year for the purpose of assisting the county in funding one or more of the following functions:

- (a) ~~1~~ Public security.
- (b) ~~2~~ Public health.
- (c) ~~3~~ Public infrastructure.
- (d) ~~4~~ Public employe training.
- (e) ~~5~~ Economic development.

(3) No eligible county may receive a grant under this section unless the county submits to the department a detailed expenditure plan that identifies how the grant proceeds are proposed to be expended and how the proposed expenditures will enable the county to meet its goals for execution of the functions specified in sub. (2) for which the grant is requested ~~and~~ unless the county maintains its financial records in accordance with accounting procedures established by the department of revenue ~~and~~

and

(4) The department shall make grants to eligible counties from the appropriation under ~~section~~ ^{5.} 20.505 (1) (ku).

(5) No county may receive a grant under this section in an amount exceeding \$500,000 in any state fiscal year. "

RWS
B

11 SECTION 527m. 20.505 (1) (ku) of the statutes is created to read:

20.505 (1) (ku) *Management assistance grants to counties*. The amounts in the schedule for the purpose of providing management assistance grants to counties under s. 16.18. All moneys transferred from the appropriation account under ~~20.505~~^{sub.} (8) (hm) 18h. shall be credited to this appropriation account. "

JWS ✓
C

" SECTION 586f. 20.505 (8) (hm) 18h. of the statutes is created to read:

20.505 (8) (hm) 18h. The amount transferred to ~~20.505~~^{sub.} (1) (ku) shall be the amount in the schedule under ~~20.505~~^{sub.} (1) (ku). "

nonstat.

" (1) ^WMANAGEMENT ASSISTANCE GRANTS TO COUNTIES. Notwithstanding section 13.101 (3) (a) of the statutes, if the department of administration requests the joint committee on finance to supplement the appropriation under section 20.505 (1) (ku) of the statutes ^{as created by this act,} from the appropriation under section 20.865 (4) (g) of the statutes during the 1999-2001 fiscal biennium, the committee may supplement the appropriation by not more than \$500,000 in each fiscal year of the fiscal biennium to provide a grant to an eligible county if the committee finds that the proposed grantee is eligible to receive the grant under section 16.18 of the statutes, as created by this act. Notwithstanding section 13.101 (3) (a) of the statutes, no finding of emergency is required for the committee to act in accordance with this subsection. "

JWS ✓
D

(Handwritten scribble)



Wanted soon

LFB:.....Olin - Management assistance grants for Menominee county
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION
LFB AMENDMENT
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

WFO:
Fix Request Sheet

INS
-1

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At the locations indicated, amend the bill as follows:

1. Page 133, line 18: after that line insert:

"SECTION 45m. 16.18 of the statutes is created to read:

16.18 Management assistance grants to certain counties. (1) In this section, "eligible county" means a county that has a geographic area of less than 400 square miles and that contains no incorporated municipal territory.

(2) An eligible county may apply to the department for a management assistance grant annually in each state fiscal year for the purpose of assisting the county in funding one or more of the following functions:

- (a) Public security.
- (b) Public health.
- (c) Public infrastructure.

1 (d) Public employe training.

2 (e) Economic development.

3 **(3)** No eligible county may receive a grant under this section unless the county
4 maintains its financial records in accordance with accounting procedures
5 established by the department of revenue, and unless the county submits to the
6 department a detailed expenditure plan that identifies how the grant proceeds are
7 proposed to be expended and how the proposed expenditures will enable the county
8 to meet its goals for execution of the functions specified in sub. (2) for which the grant
9 is requested.

10 **(4)** The department shall make grants to eligible counties from the
11 appropriation under s. 20.505 (1) (ku).

12 **(5)** No county may receive a grant under this section in an amount exceeding
13 \$500,000 in any state fiscal year.”

14 **2.** Page 452, line 4: delete “(kt)” and substitute “(ku)”.

15 **3.** Page 452, line 11: delete “(kt)” and substitute “(ku)”.

16 **4.** Page 452, line 18: delete “(kt)” and substitute “ku”.

17 **5.** Page 453, line 1: delete “(kt)” and substitute “(ku)”.

18 **6.** Page 454, line 3: after that line insert:

19 “SECTION 527m. 20.505 (1) (ku) of the statutes is created to read:

20 20.505 (1) (ku) *Management assistance grants to counties.* The amounts in the
21 schedule for the purpose of providing management assistance grants to counties
22 under s. 16.18. All moneys transferred from the appropriation account under sub. (8)
23 (hm) 18h. shall be credited to this appropriation account.”

24 **7.** Page 465, line 19: after that line insert:

1 “SECTION 586f. 20.505 (8) (hm) 18h. of the statutes is created to read:
2 20.505 (8) (hm) 18h. The amount transferred to sub. (1) (ku) shall be the
3 amount in the schedule under sub. (1) (ku).”

4 ~~8. Page 1410, line 9: after that line insert:~~

5 ~~“(1w) MANAGEMENT ASSISTANCE GRANTS TO COUNTIES. Notwithstanding section
6 13.101 (3) (a) of the statutes, if the department of administration requests the joint
7 committee on finance to supplement the appropriation under section 20.505 (1) (ku)
8 of the statutes, as created by this act, from the appropriation under section 20.865
9 (4) (g) of the statutes during the 1999-2001 fiscal biennium, the committee may
10 supplement the appropriation by not more than \$500,000 in each fiscal year of the
11 fiscal biennium to provide a grant to an eligible county if the committee finds that
12 the proposed grantee is eligible to receive the grant under section 16.18 of the
13 statutes, as created by this act. Notwithstanding section 13.101 (3) (a) of the statutes,
14 no finding of emergency is required for the committee to act in accordance with this
15 subsection.”~~

16

(END)

1 "SECTION 586f. 20.505 (8) (hm) 18h. of the statutes is created to read:
 2 20.505 (8) (hm) 18h. The amount transferred to sub. (1) (ku) shall be the
 3 amount in the schedule under sub. (1) (ku)."

1b.

Text: treat

Ins. 1-1

4 ~~§ 8. Page 1410, line 9. after that line insert:~~
 5 ~~§ 13.101(15) (TW) MANAGEMENT ASSISTANCE GRANTS TO COUNTRIES. Notwithstanding~~ ^{Sub.}
 6 ~~section~~ ^{(3) (a)} of the statutes, if the department of administration requests the joint
 7 committee on finance to supplement the appropriation under ~~section~~ ^{S.} 20.505 (1) (ku)
 8 of the statutes, as created by this act, from the appropriation under ~~section~~ ^{S.} 20.865
 9 (4) (g) ~~of the statutes during the 1999-2001 fiscal biennium~~, the committee may
 10 supplement the appropriation by not more than \$500,000 in ^{any} each fiscal year ^{of the}
 11 fiscal biennium to provide a grant to ^{one or more eligible countries} ~~an eligible country~~ if the committee finds that
 12 ~~the proposed grantee~~ ^{or grantees are} ~~is~~ eligible to receive the ^a grant under ~~section~~ ^{S.} 16.18 of the
 13 statutes, as created by this act. ^{Sub.} Notwithstanding ~~section 13.101~~ ^{(3) (a)} of the statutes
 14 no finding of emergency is required for the committee to act in accordance with this
 15 subsection."

16 ~~§ 8. Page 121, line 1: delete "SECTION 16" and substitute~~
 "SECTION 16g".
 (CS/B) (B) (B)
 (CS/B) (B) (B)
 (CS/B) (B) (B)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBSample1/dn

LRB10384/2

STK:

It is possible that a Wisconsin court would find that portions of this legislation constitute a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, those portions cannot validly be enacted as part of this bill, which clearly encompasses more than one subject.

The Wisconsin Supreme Court has created 2 tests to determine whether a bill is "private or local". One test applies to bills that are specific as to persons, places or things. See *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986). The other test applies to legislation that is general on its face but applicable only to a particular class. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Grover*, 166 Wis. 2d 501 (1992).

Portions of this bill are general on their face but applicable only to a particular class (1st class city school districts). Under the Brookfield test, those portions are unconstitutional unless all of the following are true:

1. The classification is based upon substantial distinctions that make one class really different from another.
2. The classification is germane to the purpose of the law.
3. The class is open to additional members.
4. The law applies equally to all members of the class.
5. The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

In regard to the first part of the test, note that the Brookfield court and the Davis court disagreed on whether there are substantial distinctions between 1st class cities and other cities. Therefore, it is difficult to predict the potential for and outcome of any court action on this legislation. You may wish to consider introducing the portions of the bill pertaining to the Milwaukee public schools as a separate bill.

Query for: Document: LRBSample1/dn

this amendment

amendment constitutes

this amendment is its

this amendment is

Cities that having a geographic area of less than 400 square miles and that contain no incorporated municipal territory

have

because

amendment, you

amendment

STK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0384/2dn
JTK:kmg:jf

June 8, 1999

It is possible that a Wisconsin court would find that this amendment constitutes a "private or local bill" 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 this bill, which clearly encompasses more than one subject.

The Wisconsin Supreme Court has created 2 tests to determine whether a bill is "private or local". One test applies to bills that are specific as to persons, places or things. See *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986). The other test applies to legislation that is general on its face but applicable only to a particular class. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Grover*, 166 Wis. 2d 501 (1992).

This amendment is general on its face but applicable only to a particular class (counties that have a geographic area of less than 400 square miles and that contain no incorporated municipal territory). Under the Brookfield test, this amendment is unconstitutional unless all of the following are true:

1. The classification is based upon substantial distinctions that make one class really different from another.
2. The classification is germane to the purpose of the law.
3. The class is open to additional members.
4. The law applies equally to all members of the class.
5. The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

Because it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing the amendment as a separate bill.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0384/2
JTK:kmg:jf

LFB:.....Olin - Management assistance grants for Menominee County

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 121, line 1: before that line insert:

3 "SECTION 1b. 13.101 (15) of the statutes is created to read:

4 13.101 (15) Notwithstanding sub. (3) (a), if the department of administration
5 requests the joint committee on finance to supplement the appropriation under s.
6 20.505 (1) (ku) from the appropriation under s. 20.865 (4) (g), the committee may
7 supplement the appropriation by not more than \$500,000 in any fiscal year to provide
8 a grant to one or more eligible counties if the committee finds that the proposed
9 grantee or grantees are eligible to receive a grant under s. 16.18. Notwithstanding
10 sub. (3) (a), no finding of emergency is required for the committee to act in accordance
11 with this subsection."

1 **2.** Page 121, line 1: delete “**SECTION 1**” and substitute “**SECTION 1d**”.

2 **3.** Page 133, line 18: after that line insert:

3 “**SECTION 45m.** 16.18 of the statutes is created to read:

4 **16.18 Management assistance grants to certain counties.** (1) In this
5 section, “eligible county” means a county that has a geographic area of less than 400
6 square miles and that contains no incorporated municipal territory.

7 (2) An eligible county may apply to the department for a management
8 assistance grant annually in each state fiscal year for the purpose of assisting the
9 county in funding one or more of the following functions:

10 (a) Public security.

11 (b) Public health.

12 (c) Public infrastructure.

13 (d) Public employe training.

14 (e) Economic development.

15 (3) No eligible county may receive a grant under this section unless the county
16 maintains its financial records in accordance with accounting procedures
17 established by the department of revenue, and unless the county submits to the
18 department a detailed expenditure plan that identifies how the grant proceeds are
19 proposed to be expended and how the proposed expenditures will enable the county
20 to meet its goals for execution of the functions specified in sub. (2) for which the grant
21 is requested.

22 (4) The department shall make grants to eligible counties from the
23 appropriation under s. 20.505 (1) (ku).

