

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 06/9/99

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-5996

By/Representing: Larsen

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Higher Education - miscellaneous

Extra Copies: MJL

Pre Topic:

LFB:.....Larsen -

Topic:

Arts foundation 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>
/?	grantpr 06/9/99	ygeller 06/10/99		_____			
/1			martykr 06/10/99	_____	lrb_docadmin 06/10/99		

FE Sent For:

<END>

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1/?	grantpr	1 9/10 jlg	km6/10	cmh6 km10			

FE Sent For:

<END>

Representative Huber

MISCELLANEOUS

Arts Board Grant

from (1)(b) rinstan

Motion:

Move to provide \$50,000 GPR in 1999-00 to the Arts Board for a one-time grant to a non-profit performing arts foundation with a performing arts facility located in a county with a population of less than 130,000 for use in improving handicapped accessibility in the facility. Require the Board to award the entire \$50,000 to the foundation, provided that the foundation provides a match from private sources equal to at least \$150,000.

Note:

This motion would provide \$50,000 in 1999-00 only for a grant to a non-profit performing arts foundation with a performing arts facility located in a county with a population of less than 130,000 for use in improving handicapped accessibility in the facility. Before the Board could release the funds, the foundation receiving the funds would have to provide a match from private sources equal to at least \$150,000.

[Change to Bill: \$50,000 GPR]

Post-It® Fax Note	7671	Date	6/9/99	# of pages	2
To	Peter Grant	From	Merry Larsen	Co.	
Co./Dept	LLB	Phone #		Fax #	
Phone #		Fax #			

1999

Date (time) needed

SOON (DN)

LRB b. 0610 / 1

LFB BUDGET AMENDMENT [ONLY FOR LFB]

PG: jlg

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 384, line 17: after that line insert:

- #. Page ..., line ...:
#. Page ..., line ...:
#. Page ..., line ...:
#. Page ..., line ...:
#. Page ..., line ...:

Handwritten vertical line with a hook at the bottom.

226
206 g
u
Section #. 20.215 (1) (b) of the statutes is amended to read: ^{as affected by 1997 Wisconsin Act 237,}

~~20.215 (1) (b) State aid for the arts. The amounts in the schedule for grants-in-aid or contract payments to groups, individuals, organizations and institutions by the arts board under s. 44.53 (1) (f) and (2) (a), for grants and loans related to arts incubators under s. 44.60 and for the grant under 1997 Wisconsin Act 237, section 9105 (1m) (a).~~

NOTE: Par. (b) is repealed and recreated eff. 7-1-99 by 1997 Wis. Act 237 to read:

20.215(1)(b) State aid for the arts. The amounts in the schedule for grants-in-aid or contract payments to groups, individuals, organizations and institutions by the arts board under s. 44.53 (1) (f) and (2) (a) and for grants and loans related to arts incubators under s. 44.60, and for the grant under 1999 Wisconsin Act ... (this act), section 9105 (1m) (a).

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237.

NO BOLD
NO BOLD
9105 (1m)^c

Page 1400, line 17: after that line insert:



^c
" (1) GRANT TO PERFORMING ARTS
^{CS} FOUNDATION. From the appropriation
under section 20.215(1)(b) of the statutes,
the arts board shall award a grant
of \$50,000 in the 1999-2000^v fiscal
year to a nonprofit performing arts
foundation located in a county with
a population of less than 130,000 for
use in improving handicapped
accessibility in the ^{foundation's} facility, if the
foundation ^{provides} contributes at least \$150,000
in matching funds. "

(End)^v

02/09/92

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LOGIO
LRBS and Les/dn
PG: :ch

Read all

JG
the biennial budget

It is possible that a Wisconsin court would find that this legislation is 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 legislation cannot validly be enacted as part of ~~the~~, which clearly encompasses more than one subject.

The Wisconsin supreme court has created ^{two} 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 legislation is general on its face but applicable only to a particular class (~~the~~). Under the Brookfield test, the legislation is unconstitutional unless all of the following are true:

into formulation located in certain counties

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 classification 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 both dealt with the classification of 1st class cities as opposed to other cities, but disagreed on whether there are substantial distinctions between these ~~two~~ classifications of 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 legislation as a separate bill.

Mary Gibson-Glass
Legislative Attorney
267-3215

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0610/1dn
PG:jl:km

June 10, 1999

It is possible that a Wisconsin court would find that this legislation is 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 legislation cannot validly be enacted as part of the biennial budget, which clearly encompasses more than one subject.

The Wisconsin Supreme Court has created two 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 legislation is general on its face but applicable only to a particular class (arts foundations located in certain counties). Under the *Brookfield* test, the legislation 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 classification 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 both dealt with the classification of 1st class cities as opposed to other cities, but disagreed on whether there are substantial distinctions between these two classifications of 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 legislation as a separate bill.

Peter R. Grant
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E-mail: Peter.Grant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0610/1
PG:jl:km

LFB:.....Larsen - Arts foundation 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 384, line 17: after that line insert:

3 "SECTION 226g. 20.215 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
4 237, is amended to read:

5 20.215 (1) (b) *State aid for the arts.* The amounts in the schedule for
6 grants-in-aid or contract payments to groups, individuals, organizations and
7 institutions by the arts board under s. 44.53 (1) (f) and (2) (a) ~~and~~ for grants and loans
8 related to arts incubators under s. 44.60 and for the grant under 1999 Wisconsin Act
9 (this act), section 9105 (1c)."

10 2. Page 1400, line 17: after that line insert:

1 “(1c) GRANT TO PERFORMING ARTS FOUNDATION. From the appropriation under
2 section 20.215 (1) (b) of the statutes, the arts board shall award a grant of \$50,000
3 in the 1999-2000 fiscal year to a nonprofit performing arts foundation located in a
4 county with a population of less than 130,000 for use in improving handicapped
5 accessibility in the foundation’s facility if the foundation provides at least \$150,000
6 in matching funds.”

7

(END)