

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **06/11/99**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8314**

By/Representing: **Kava**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - LWSR stewardship**

Extra Copies:

Pre Topic:

LFB:.....Kava -

Topic:

Stewardship funding for Upper Whiting Park

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 06/11/99	ygeller 06/11/99	jfrantze 06/11/99	_____	lrb_docadmin 06/11/99		
/2	rkite 06/12/99	wjackson 06/12/99	martykr 06/12/99	_____	lrb_docadmin 06/13/99		

FE Sent For:

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12 WLj 6/12

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JA 6/12
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1?	rkite	11/6/99 jlg	6/6/99	6/11/99 KSH			

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<END>

MISCELLANEOUS

Stewardship Funding for Upper Whiting Park

Motion:

Move to require DNR to provide \$38,000 from the local park aids component of the Warren Knowles-Gaylord Nelson stewardship program to the Village of Whiting for development of Upper Whiting Park.

Current program

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

P 14-2



(Soon)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0663/1
RNK.....

D-Note

↑
JG

LFB:.....Kava - Stewardship funding for Upper Whiting Park

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 (END)

Insert →
1-2 3

DOA:.....Grinde - Local park aids for Thompson Park

FOR 1997-99 BUDGET -- NOT READY FOR INTRODUCTION

Insert 1-2

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

Under current law, the department of natural resources (DNR) administers a local parks aid program that uses stewardship funding and under which a city, village, town or county may receive state aid for the acquisition and development of recreational lands. This bill requires DNR to provide \$100,000 of this stewardship funding to the city of Elroy for development of park facilities at Thompson Park.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 9137. Nonstatutory provisions; natural resources.

3 nonstat ~~§~~ ("M)(9e) STEWARDSHIP FUNDING; ~~THOMPSON PARK~~. From the appropriation under

4 section 20.866 (2) (tz) of the statutes, the department of natural resources shall

CS
Upper Whiting Park

Upper Whiting Park

Billage of Whiting \$38,000

SECTION
91XX37

1999-2000 ✓

1 provide to the city of Elroy \$100,000 in fiscal year ~~1997-98~~ for the development of
 2 ~~facilities at Thompson Park~~ Notwithstanding section 23.09 (20) (b) of the statutes,
 3 the moneys provided under this subsection may exceed more than 50% of the costs
 4 ~~of developing the facilities~~ For purposes of section 23.0915 (1) of the statutes,
 5 moneys provided under this subsection shall be treated as moneys for local park aids.)

6

~~(END)~~
(end ins)

the 50% matching requirement under section 23.09 (20) (b) of the statutes does not apply to the state aid provided under this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0663/1dn

RNK.....

↑
JK

1. Because the motion for this draft did not specify in which fiscal year the moneys for the development of Upper Whiting Park were to be expended, I provided for their expenditure in fiscal year 1999–2000. If this was not the intention of the motion, please let me know and I will redraft accordingly.

2. 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**

LRBb0663/1dn
RNK:jl:gjf

June 11, 1999

1. Because the motion for this draft did not specify in which fiscal year the moneys for the development of Upper Whiting Park were to be expended, I provided for their expenditure in fiscal year 1999–2000. If this was not the intention of the motion, please let me know and I will redraft accordingly.

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Legislative Attorney
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(500)
State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRBb0663
RNK:jlj:jf
EWLj

LFB:.....Kava - Stewardship funding for Upper Whiting Park

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

(CS) + (B) (B)
"Section 662m. CR; 23.0915 (2p)"

(B)
23.0915 (2p)

1
2
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9
10
11

At the locations indicated, amend the bill as follows:

1. Page ~~444~~⁴⁸⁵, line ~~11~~²; after that line insert:

~~(9a)~~ STEWARDSHIP FUNDING UPPER WHITING PARK. From the appropriation under ~~section~~^{S.} ~~20.866 (2) (tz)~~^{of the statutes}, the department of ~~natural resources~~ shall provide to the village of Whiting \$38,000 in fiscal year 1999-2000 for the development of Upper Whiting Park. Notwithstanding ~~section~~^{S.} ~~23.09 (2) (b)~~^{of the statutes}, the 50% matching requirement under ~~section~~^{S.} ~~23.09 (2) (b)~~^{of the statutes} does not apply to the state aid provided under this subsection. For purposes of ~~section~~^{sub. (1)} ~~23.0915 (1)~~^{of the statutes}, moneys provided under this subsection shall be treated as moneys for local park aids."

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0663/2
RNK:jlg&wlj:km

LFB:.....Kava - Stewardship funding for Upper Whiting Park

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 485, line 2: after that line insert:

3 **"SECTION 662m.** 23.0915 (2p) of the statutes is created to read:

4 23.0915 (2p) UPPER WHITING PARK. From the appropriation under s. 20.866 (2)
5 (tz), the department shall provide to the village of Whiting \$38,000 in fiscal year
6 1999-2000 for the development of Upper Whiting Park. Notwithstanding s. 23.09
7 (20) (b), the 50% matching requirement under s. 23.09 (20) (b) does not apply to the
8 state aid provided under this subsection. For purposes of sub. (1), moneys provided
9 under this subsection shall be treated as moneys for local park aids."

10 (END)