

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/26/99**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

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

Drafter: **rkite**

May Contact:

Alt. Drafters: **gibsom**

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus #2736,

Topic:

Dane County lake and watershed commission membership

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 06/27/99 gibsom 06/28/99	wjackson 06/28/99	haugeca 06/28/99	_____	lrb_docadmin 06/28/99		
/2	gibsom 06/29/99	wjackson 06/29/99	mclark 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

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	gibsom 06/28/99	12/29 Wlj	MRC 6/29	_____			
				Pen+ML			

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/?	rkite	/1 wlj 6/28	CH 6-28	CH 6-28 6-28			

FE Sent For:

<END>

CN 2736

+

Add to the Dane County Lakes and Watershed Commission a member of the Yahara Lakes Association, appointed by the Dane County Executive.

lake association ~~of~~ for



State of Wisconsin
1999 - 2000 LEGISLATURE

RHR
LRBb1319/1
RNK.../.....
Wlj

Soon
D-Note

Please fix request sheet

SDC:.....Walter - Caucus #2736, Dane county lake and watershed
commission membership

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

that ~~is~~ exists on the effective date of this paragraph.... [revisor inserts date] and

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 502, line 14: after that line insert:

3 "SECTION 877m. ^{33.44} ~~33.44~~ (1) (dm) of the statutes is created to read:

4 ⁴⁴ ~~33.44~~ (1) (dm) One member who is a member of a group, whose ^{major} ~~substantial~~

5 purpose is to support the protection or improvement ~~of the lakes for the benefit~~

6 ~~of the general public~~ of all of the following lakes in Dane County:

7 # 1. Lake Mendota,

2. Lake Monona, ^(END) ~~at Lake Monona, Lake Kegonsa, including~~

3. Lake Waubesa, ~~and Lake~~

4. Lake Kegonsa,

5. Mud Lake, that is located between Lake Waubesa
and Lake Kegonsa.

6. Lake Wingra.

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

LRBb1319/1dn

RNK.../.....

WJ

1. Please note that under s. 33.~~41~~⁴⁴ (3) in current law, five commissioners of the Dane county lakes and watershed commission constitute a quorum. Also, under s. 33.~~41~~⁴⁴ (7), the board may meet on the petition of ~~5~~^{five} of the board's members. This draft increases the membership of the commission from ~~9~~^{nine} to ~~10~~^{ten}, by adding a member from the lakes association but does not increase the quorum or the number of members who may petition for a meeting. 44

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

LRBb1319/1dn
RNK:wlj:ch

June 28, 1999

1. Please note that under s. 33.44 (3) in current law, five commissioners of the Dane county lakes and watershed commission constitute a quorum. Also, under s. 33.44 (7), the board may meet on the petition of five of the board's members. This draft increases the membership of the commission from nine to ten, by adding a member from the lakes association but does not increase the quorum or the number of members who may petition for a meeting.

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.

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E-mail: Robin.Kite@legis.state.wi.us



State Senator
Chuck Chvala
SENATE MAJORITY LEADER

FAX COVER SHEET

TO: Robin Rite

FROM: Doug

RE: _____

PAGES: 4 (Including Cover)

DATE: _____

NOTES

on 6/28/99
changed to
Please change (3) ~~to~~
(7) to 6 members.
Thank you for
catching that!

1999 - 2000 LEGISLATURE

RMR
LRBb1319/1 2
RNK:wlj:ch
and MGG

soon

SDC:.....Walter - Caucus #2736, Dane County lake and watershed
commission membership

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1.

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 502, line 14: after that line insert:

3 "SECTION 877m. 33.44 (1) (dm) of the statutes is created to read:

4 33.44 (1) (dm) One member who is a member of a group that exists on the
5 effective date of this paragraph [revisor inserts date], and whose major purpose
6 is to support the protection or improvement of all of the following lakes in Dane
7 County:

8 1. Lake Mendota.

9 2. Lake Monona.

10 3. Lake Waubesa.

1999 - 2000 Legislature

- 2 -

LRBb1319/1
RNK:wj:ch

- 1 4. Lake Kegonsa.
- 2 5. Mud Lake, that is located between Lake Waubesa and Lake Kegonsa.
- 3 6. Lake Wingra. ~~D~~
- 4

(END)

← [INSERT A
INSERT B] ✓

INSA

CS+B STTP^B

Section ~~33~~ 33.44 (3) of the statutes is amended to read:

33.44 (3) ~~Five~~^{Six} commissioners shall constitute a quorum for the transaction of business.

History: 1989 a. 324.

ⓑ ⓐ 877r
ⓑ

Section * 33.44 (7) of the statutes is amended to read:

33.44 (7) The board of commissioners shall meet at least quarterly, and at other times on the call of the chairperson or on the petition of ~~5~~⁶ of the members. "

History: 1989 a. 324.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1319/2
RNK&MGG:wlj:mrc

SDC:.....Walter - Caucus #2736, Dane County lake and watershed
commission membership

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 502, line 14: after that line insert:

3 **“SECTION 877m.** 33.44 (1) (dm) of the statutes is created to read:

4 33.44 (1) (dm) One member who is a member of a group that exists on the
5 effective date of this paragraph [revisor inserts date], and whose major purpose
6 is to support the protection or improvement of all of the following lakes in Dane
7 County:

8 1. Lake Mendota.

9 2. Lake Monona.

10 3. Lake Waubesa.

1 4. Lake Kegonsa.

2 5. Mud Lake, that is located between Lake Waubesa and Lake Kegonsa.

3 6. Lake Wingra.

4 **SECTION 877p.** 33.44 (3) of the statutes is amended to read:

5 33.44 (3) ~~Five~~ Six commissioners shall constitute a quorum for the transaction
6 of business.

7 **SECTION 877r.** 33.44 (7) of the statutes is amended to read:

8 33.44 (7) The board of commissioners shall meet at least quarterly, and at other
9 times on the call of the chairperson or on the petition of ~~5~~ 6 of the members.”.

10 (END)