

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/27/99**

Received By: **gibsom**

Wanted: **Soon**

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:

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

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus #3309,

Topic:

Erosion control study for Kemper Center

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>
/?	gibsom 06/27/99			_____			
/1	rkite 06/27/99	wjackson 06/27/99	hhagen 06/27/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/27/99

Received By: gibsom

Wanted: Soon

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:

Subject: Nat. Res. - nav. waters

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus #3309,

Topic:

Erosion control study for Kemper Center

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?	gibsom 06/27/99 rkite	1 WLJ 6/27		<u>IS/du</u> <u>WJ</u>			

FE Sent For:

<END>

SDC

yes

caucus number 2737

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 748	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Delete FM 748 which provides funding from the forestry account of the conservation fund to allow DNR to provide educational materials dealing with shoreland vegetation.

other notes

drafting instructions: Delete FM 748

more instructions:

caucus number 2758

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
Paper 709 FM 271	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Paper 709, FM 271. Delete current statutory cap of \$7,450,000 for wastewater discharge fees in 99-00, for fees assessed in the spring of 2000 for calendar year 99 discharges. Move to increase the statutory cap to \$7,925,000 in 99-00.

other notes

drafting instructions: See above.

more instructions:

caucus number 3309

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Allocate \$50,000-\$100,000 to Kenosha County to conduct an erosion-control study on the Kemper Center. Study to be done by professional engineering firm experience in shoreline erosion control through RFP.

other notes Modification to above: Allocate \$50,000

drafting instructions: See above and attached.

more instructions:

From recreational boating projects appropriation

caucus number 3809

duplicate flag:
duplicate with: 2721

Already sent

Other reference numbers:	LFB Sum #:
FM 743	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Delete FM 743 which requires countels to zone for and allow construction of minor structures in shoreline setback areas. Instead, preserve current law which requires structures by a min. of 75 feet back from the ordinary high water mark.

other notes

drafting instructions: Delete Freestanding Motion 743 (see above)

more instructions:

**Priority Budget Motion-Kemper Center Erosion Control Study
New Provision**

Kemper Center is a Kenosha county-owned park located on the shores of Lake Michigan in the City of Kenosha. For many years during storms with easterly winds, the property has experienced significant shoreline erosion, causing damage to parking lots and buildings.

I request that we allocate \$50,000-\$100,000 in the budget to Kenosha County to allow it to conduct an erosion-control study. The study would be done by a professional engineering firm experienced in shoreline erosion control which would be selected by Kenosha County through a Request for Proposals (RFP) process.

Kemper Center has recently completed a \$2 million project with over \$1 million of private donations. The renovation will enable Kemper to attract tourists and private conference activities to Kenosha County and to the State of Wisconsin. The erosion-control study would enable the County to directly correct a long-standing erosion problem with environmental and resource-protection sensitivity.

ALLOCATE \$ 50,000



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR

LRBb1409/1

RNK.../.....

Wlj

D-Note

soon

SDC:.....Walter - Caucus #3309, Erosion control study for Kemper Center

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

under section 30.92 (2) of the statutes

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

2 section 1. Page 1539, line 25: after that line insert:

3 "(9s) KEMPER CENTER EROSION CONTROL STUDY. From the appropriation under
4 20.370 (5) (cq) of the statutes, as affected by this act, the department of natural
5 resources shall provide to Kenosha County \$50,000 for an erosion control study of a
6 park owned by Kenosha County that is located on the shores of Lake Michigan in the
7 city of Kenosha and that is known as Kemper Center. Notwithstanding section 30.92
8 (4) (b) 2. of the statutes, Kenosha County need not contribute any moneys to match
9 the amount expended from the appropriation under section 20.370 (5) (cq) of the
10 statutes, as affected by this act. ~~Notwithstanding section 30.92 (4) (b) 7. or 8. of the~~

NONSTATS

1 ~~statutes, the erosion control study specified under this subsection qualifies as a~~
2 ~~recreational boating project for the purpose of expending moneys under this~~
3 ~~subsection. This project need not be placed on the priority list under section 30.92~~
4 ~~(3)(a) of the statutes. This subsection does not apply after June 30, 2000."~~

5

(END)

The Wisconsin Waterway^{commission} need not approve
the study under section 30.92(2)(a)[✓]
of the statutes.

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

LRBb1409/1dn

RNK.../.....

Wlj

1. Under this draft, no moneys can be expended for the project described in this draft after June 30, 2000. Also, the draft provides that the project need not be placed on the priority list under s. 30.92 (3) (a). Is this O.K.?

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

← INS DN
(after ¶ 2.)

2. This draft assumes that the study is of the type that is specified in s. 30.92(2) ~~which~~. These studies are used to determine whether an recreational boating facility ^{ies} should be built. If this assumption is not correct, ~~the~~ this draft will need ~~a~~ redrafting.

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

LRBSample2/dn
.....

INSDN

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.

Query for. Document: LRBSample2/dn

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1409/1dn
RNK:wlj:ksh

June 27, 1999

1. Under this draft, no moneys can be expended for the project described in this draft after June 30, 2000. Also, the draft provides that the project need not be placed on the priority list under s. 30.92 (3) (a). Is this O.K.?

2. This draft assumes that the study is of the type that is specified in s. 30.92 (2). These studies are used to determine whether recreational boating facilities should be built. If this assumption is not correct, this draft will redrafting.

3. 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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1409/1
RNK:wlj:ksh

SDC:.....Walter – Caucus #3309, Erosion control study for Kemper Center

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 1539, line 25: after that line insert:

3 “(9s) KEMPER CENTER EROSION CONTROL STUDY. From the appropriation under
4 section 20.370 (5) (cq) of the statutes, as affected by this act, the department of
5 natural resources shall provide to Kenosha County \$50,000 for an erosion control
6 study under section 30.92 (2) of the statutes of a park owned by Kenosha County that
7 is located on the shores of Lake Michigan in the city of Kenosha and that is known
8 as Kemper Center. Notwithstanding section 30.92 (4) (b) 2. of the statutes, Kenosha
9 County need not contribute any moneys to match the amount expended from the
10 appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act. The

1 Wisconsin waterways commission need not approve the study under section 30.92
2 (2) (a) of the statutes. This subsection does not apply after June 30, 2000.”

3 (END)