

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-AB1)

Received: 03/01/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - LWSR stewardship

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Hotynski -

Topic:

Stewardship funding to acquire conservation easements along the Plover River

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>
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FE Sent For:

<END>

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<END>

Senator Shibilski

NATURAL RESOURCES

Plover River

Motion:

Move to require DNR to provide \$250,000 from the Warren Knowles-Gaylord Nelson Stewardship 2000 program to acquire conservation easements along the Plover River in Marathon and Portage Counties.

Note:

Under current law, \$46 million in general obligation bonding authority is available in 2001-02 under the Warren Knowles-Gaylord Nelson Stewardship 2000 program. Under the stewardship biennial spending plan approved by the Natural Resources Board, \$7.25 million of the \$34.5 million for general land acquisition would be earmarked for grants to non-profit conservation organizations, leaving \$19 million available for DNR land acquisition (after \$8.3 million is set aside to account for the \$25 million Great Addition purchase in 1999). Of the 11.5 million available for property development and local assistance, \$4.5 million would be allocated for property development, and \$7 million for local assistance grants. In 2002-03, \$60 million in general obligation bonding authority will be available.

In statute, priorities for land acquisition under Stewardship 2000 are: (a) acquisition of land that preserves or enhances the state's water resources, including land in and for the Lower Wisconsin State Riverway and land abutting wild rivers, wild lakes, and land along the shores of the Great Lakes; (b) acquisition of land for the stream bank protection program; (c) acquisition of land for habitat areas and fisheries; (d) acquisition of land for natural areas; and (e) acquisition of land in the middle Kettle Moraine.

This motion would restore a stewardship earmark contained in the budget bill as passed by the Legislature and subsequently item vetoed by the Governor under 2001 Act 16.

MO#	
Burke	X
Decker	X
Moore	X
Shibilski	X
Plache	X
Wirch	X
Darling	X
Rosenz	X
Gard	X
Kaufert	X
Albers	X
Duff	X
Ward	X
Huebsch	X
Huber	X
Coggs	X

16-2



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2263/1

RNK:.....

D-Note

LFB:.....Hotynski – Stewardship funding to acquire conservation easements
along the Plover River

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the bill as follows:

2 1. Page 51, line 1: after that line insert:

3 “SECTION 72m. 23.197 (6g) of the statutes is created to read:

4 23.197 (6g) PLOVER RIVER; CONSERVATION EASEMENTS. From the appropriation
5 under s. 20.866 (2) (ta), the department shall provide funding in the amount of
6 \$250,000 to acquire conservation easements along the Plover River in Marathon
7 County and Portage County. For the purposes of s. 23.0917, moneys provided under
8 this subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as
9 moneys obligated under the subprogram for land acquisition.”.

10

(END)

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

LRBb2263/1dn

RNK:...

mg

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, the committee may wish to consider introducing this proposal as a separate bill.

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

LRBb2263/1dn
RNK:kmg:rs

March 4, 2002

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State of Wisconsin
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