

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: 03/28/2002

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - handicapped ed.
Education - MPS

Extra Copies: MJL

Submit via email: NO

Pre Topic:

SCC:.....Engel - CN5543,

Topic:

Special education funding; MPS funding

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 03/28/2002	csicilia 03/28/2002		_____			
/1			jfrantzc 03/29/2002	_____	lrb_docadmin 03/29/2002		
/2	grantpr 04/01/2002	csicilia 04/01/2002	rschluet 04/01/2002	_____	lrb_docadmin 04/01/2002		

FE Sent For:

04/01/2002 11:35:14 AM

Page 2

LRB62918

<END>

2001 Jr2 DRAFTING REQUEST

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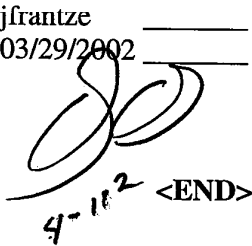
See Attached

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 03/28/2002	csicilia 03/28/2002					
/1			jfrantze 03/29/2002		lrb_docadmin 03/29/2002		

FE Sent For:

1/2 g's
4/11
02


4-18-2 <END>

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1/?	grantpr	1 cjs 3/28 02	J 3/28	J/Ch 3/29			

FE Sent For:

<END>

Department of Public Instruction

Increase special education funding in '02-'03 by \$27.4 million GPR and create a new categorical aid to MPS, "Enhanced capacity and quality aid" funded at \$8.0 million GPR. Include language to deal with the 1/3rd offset.

\$8m 02-03

original

Revis

$$\text{reduce (cc) by } \frac{1}{3} \text{ of } 27.4 + 8 \\ = \textcircled{-11.8}$$

CN 5543

2001

Date (time)
needed _____

LRB b 2918,1

CAUCUS BUDGET AMENDMENT
[CAUCUS AMDTS. ONLY]

PK : cjs : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

CAUCUS AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated; amend the substitute amendment as follows:

#. Page , line :

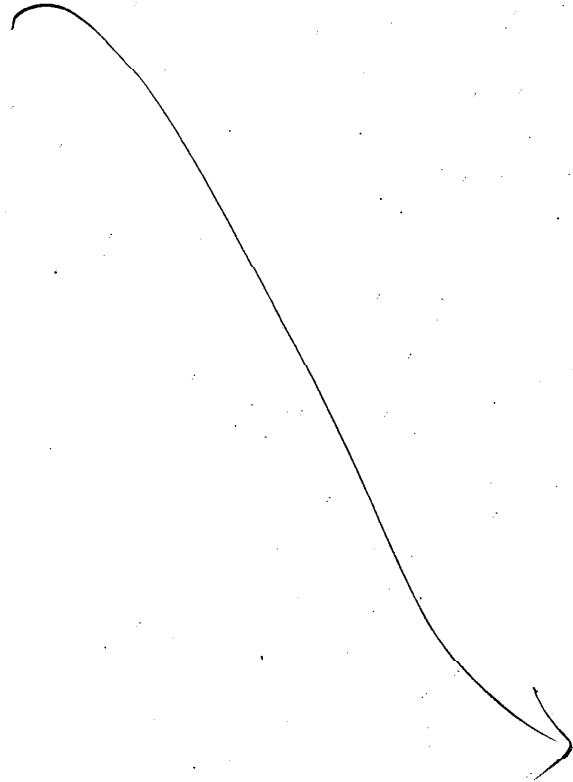
#. Page , line :

#. Page , line :

#. Page , line :

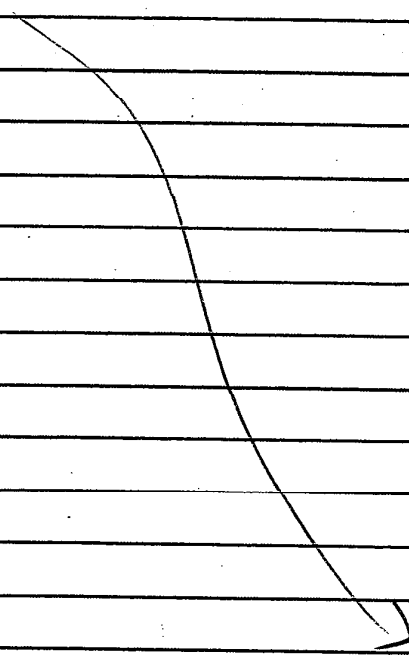
#. Page , line :

#. Page , line :



#, Page [✓] 11, line [✓] 21: after that

line insert :



2001

File With Statute **20.005 (3)** Schedule

LRB _____ / _____

\$\$\$ SCHEDULE

In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

SECTION #. 20.005 (3) (schedule) of the statutes: at the appropriate place,

insert the following amounts for the purposes indicated:

2001-02 2002-03

" 20. 255 .. Public instruction ..
..... department of ..

(2) .. AIDS For work ..

..... EDUCATIONAL PROGRAMMING
Enhanced capacity
(ec) Enhanced capacity
and quality aid
and quality aid

..... ✓ ✓
..... CPR A 0- 8, 9, 10 "

20. _____ ..

() ..

() ..

" \$4,200,945,900 "

Page 14, line 3: delete " \$4,200,945,900 "
and substitute " \$4,189,145,900 " .

Page 14, line 6: after that line insert:

" SEC. 32m. CR. 20.255(2)(ec)

^(B) 20.255(2)(ec) ^(I) Enhanced capacity and

^(I) quality aid. The amounts in the schedule
aid under s. 119.85
for payments to the board of school directors
operating
school district operating under ch. 119: "

~~s. 119.85~~

Page 161, line 11: after that line insert:

" SEC. 284j. CR. 119.85

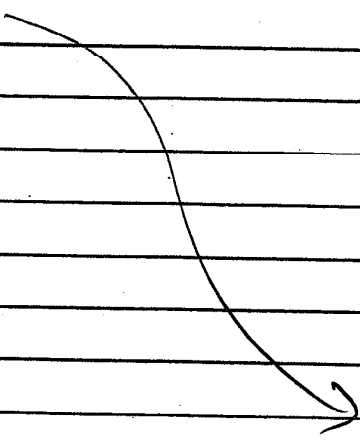
^(B) 119.85 Enhanced capacity and quality aid.
board

no # Annually the state shall pay to the board
the amount appropriated under s. 20.255(2)(ec)
appropriated under s. 20.255(2)(ec). "

(End)

DN

1. This draft provides an additional \$8,000,000 to MPS in 2022-23, but does not specify the purpose of the ~~fund~~ additional aid. Please let me know the purpose if you want the draft to include a purpose.





State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2918/1 ✓
PG:cjs:jf

SCC:.....Engel - CN5543, Special education funding; MPS funding
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

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

2 1. Page 11, line 21: after that line insert:

3 **"20.255 Public instruction, department of**

4 (2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

5 (ec) Enhanced capacity and quality

6 aid GPR A -0- 8,000,000".

7 2. Page 14, line 3: delete "\$4,200,945,900" and substitute "\$4,189,145,900".

8 3. Page 14, line 6: after that line insert:

9 "SECTION 32m. 20.255 (2) (ec) of the statutes is created to read:

1 20.255 (2) (ec) *Enhanced capacity and quality aid.* The amounts in the
2 schedule for aid under s. 119.85 to the school district operating under ch. 119.”


3 **4.** Page 161, line 11: after that line insert:

4 “SECTION 284j. 119.85 of the statutes is created to read:

5 **119.85 Enhanced capacity and quality aid.** Annually the state shall pay
6 to the board the amount appropriated under s. 20.255 (2) (ec).”

7

✓ # Page 411, line 6: after that line insert:



2001

Nonstat File Sequence: **DDD**

LRB _____ / _____

\$\$\$ CHANGE

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → \$change

For the budget action phrase, execute: create → action: → *NS: → 92XX

For the text, execute: create → text: → *NS: → \$change

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9200 department code.

SECTION # [92]. Appropriation changes; ...

2001 "200" SPECIAL EDUCATION

..... In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction

under section 20.255 (2)(b) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$ for fiscal year 2001-02 and the dollar amount is increased by \$ 27,455,000 for fiscal year 2002-03 to increase funding for the [purpose] [purposes] for which the appropriation is made to increase funding for

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

(End)

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

LRBb1003/2dn
RNK:wlj:rs

June 19, 2001

2. adjustment
adjustment

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under article IV, section 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 article 4, section 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 caucus 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

PG

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

LRBb2918/1dn
PG:cjs:jf

March 29, 2002

1. This draft provides an additional \$8,000,000 to MPS in 2002-03, but does not specify the purpose of the additional aid. Please let me know the purpose if you want the draft to include a purpose.

2. It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under article IV, section 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 adjustment 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 article 4, section 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 or outcome of any court action on this amendment, the caucus may wish to consider introducing this proposal as a separate bill.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2918/2
PG:cjs:rs

SCC:.....Engel – CN5543, Special education funding; MPS funding
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
**CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

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- 3 **“20.255 Public instruction, department of**
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- 5 (ec) Enhanced capacity and quality
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- 7 **2.** Page 14, line 3: delete “\$4,200,945,900” and substitute “\$4,189,145,900”.
- 8 **3.** Page 14, line 6: after that line insert:
- 9 **“SECTION 32m.** 20.255 (2) (ec) of the statutes is created to read:

