

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/27/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: SusanMcMurray

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

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Funding for the Root River pathway #144

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>
/?	nelsorp1 06/27/2001			_____			
/1	rkite 06/27/2001	jdye 06/27/2001	pgreensl 06/28/2001	_____	lrb_docadmin 06/28/2001	lrb_docadmin 06/28/2001	

FE Sent For:

<END>

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1/?	nelsorp1	1 6/27 JLD	6/28 PY	6/28 JLD			
FE Sent For:							
<END>							

2001

Date (time) needed soon

LRB b 185811

**ADC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RNK: JLD

D-Note

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

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

~~#. Page , line :~~

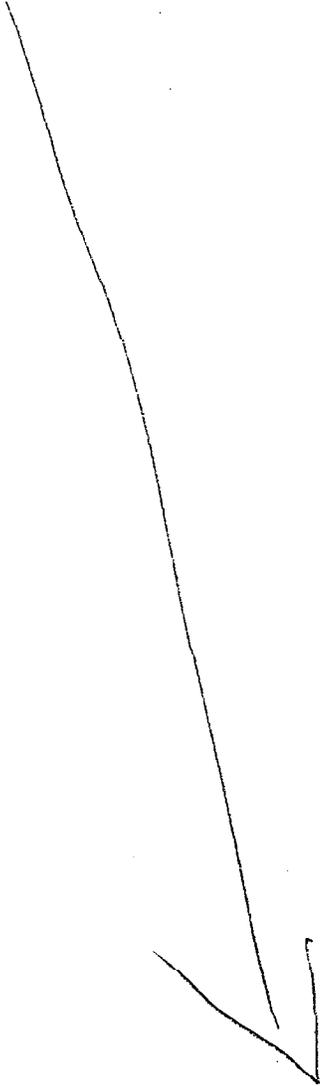
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Assembly Democrat Budget Amendment Requests..

Request Number: 144
(not LRB number)

Agency: **Natural Resources**

Description: Stewardship projects / Root River provision

Contact person: Susan McMurray, 266-7521, Representative Black's Office

Please draft an amendment using the Senate's language relating to funding 50% of the cost, up to \$375, 00 for the Root River Multi-purpose Pathway Project to the City of Racine. See LFB summary of this item on LFB summary of Senate package, p. 28, item 9, part b.

MGG/RNK

RNK

SDC:.....Keckhaver - CN9007, Stewardship funding for Root River pathway project

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 450, line 14: after that line insert:

3 "SECTION 1039[✓]br. 23.197 (1) (a)[✓] of the statutes is amended to read:

4 23.197 (1) (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both, the
5 department shall provide funding to the city of Racine for a multipurpose pathway
6 along the Root River. The amount provided by the department may not exceed the
7 amount that equals the matching contribution for the pathway made by the city of
8 Racine or \$750,000 \$1,125,000, whichever is less."

9 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

b1858/1
LRB0955/1dn
RNK:kmg:pe
jld

June 16, 2001 3 date

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1858/1dn
RNK:jld:pg

June 28, 2001

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.