

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **06/04/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Pollek**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

LFB:.....Pollek -

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**Topic:**

Targeted runoff management earmark for Sheboygan County

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**Instructions:**

See Attached

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**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	btradewe 06/04/2003	kfollett 06/04/2003	jfrantze 06/04/2003	_____	mbarman 06/04/2003		
/2	btradewe 06/04/2003	kfollett 06/04/2003	jfrantze 06/04/2003	_____	sbasford 06/04/2003		
/3	btradewe 06/05/2003	kfollett 06/05/2003	rschluet 06/05/2003	_____	sbasford 06/05/2003		
/4	btradewe 06/05/2003	kfollett 06/05/2003	rschluet 06/06/2003	_____	sbasford 06/06/2003		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

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/3	btradewe 06/05/2003	kfollett 06/05/2003	rschluet 06/05/2003	_____	sbasford 06/05/2003		

FE Sent For:

*Handwritten signatures and initials:*  
A large circular signature, a smaller circular signature, and the initials "b-b-jf".

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Instructions:

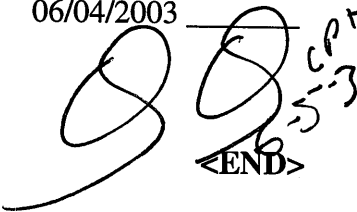
See Attached

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FE Sent For:

13 kjl  
6/5

 CP 5-3  
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12 k/f  
6/4  
6/6/4  
Self  
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1/?	btradewe	11 kjf 6/4	Jb 6/4	Self 6/4			

FE Sent For:

<END>

Senator Fitzgerald  
Representative Stone

NATURAL RESOURCES -- WATER QUALITY

Targeted Runoff Management Earmark  
[LFB Paper #563]

Motion:

Move to earmark \$250,000 in authorized bonding for a grant under the targeted runoff management (TRM) grant program to support bluff mitigation along County Highway LS. Further, direct DNR to provide Sheboygan County with a \$250,000 grant under the TRM program for bluff mitigation along County Highway LS. Exempt the award from the maximum grant amount for the program, and the program's restriction on uses of funds.

Note:

Under the bill, \$9,546,800 in general obligation bonding revenue would be authorized for DNR's priority watershed and targeted runoff management (TRM) programs.

The TRM grant program offers competitive financial awards to support small-scale, short-term projects (generally one to three years) that are completed by local governmental units. The following requirements apply to grants awarded under the TRM grant program: (a) both urban and rural projects can be funded through a TRM grant, with up to 70% of a project's eligible costs funded by the grants, with a maximum of \$150,000 in state funding; (b) the project may last up to three years, but DNR may extend this period one year at its discretion; (c) the project's application identifies the specific watershed, sub-watershed or site of the project; (d) the project will implement nonpoint source pollution control best management practices in an area that is a target area based on the need to comply with one of the following (1) DNR standards, (2) the existence of impaired water bodies that the Department has identified to the federal EPA, (3) the existence of outstanding or exceptional resource waters (as designated by statute), (4) the existence of threats to public health, (5) the existence of an animal feeding operation that has received a notice of discharge or a notice of intent to issue a notice of discharge, or (6) other water quality concerns of national or statewide importance; (e) the project is consistent with priorities identified by DNR on a watershed or other geographic basis; (f) the project is consistent with DATCP approved land and water conservation plans; and (g) DNR and DATCP have determined that the funding provided under DATCP's soil and water resource management program is insufficient to fund the project.

The earmarked funding would be used to mitigate bluff erosion on County Highway LS along the Lake Michigan shoreline in Sheboygan County. The Army Corps of Engineers has developed a Section 14 emergency shoreline protection project plan for this mitigation that it estimates would cost \$1,102,000. Section 14 projects have a 65% Federal and 35% non-Federal Sponsor (NFS) cost share.

*Passes 12-4*  
*No: All Dem's*



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0353/1  
RCT.:G. *[Signature]*

*SOON (in 6/4)*

LFB:.....Pollek – Targeted runoff management earmark for Sheboygan County

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

*O>Note*

TO 2003 SENATE BILL 44

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

2 1. Page 414, line 23: after “281.65” insert “and to provide the grant under 2003”

3 Wisconsin Act ... (this act), section 9138 (3)” *f*

4 2. Page 1085, line 13: after that line insert:

5 “(3) GRANT FOR MITIGATION OF ~~MITIGATION OF~~ BLUFF EROSION. During the 2003-05  
6 fiscal biennium, the department of natural resources shall make a grant of \$250,000  
7 from the appropriation under section 20.866 (2) (te) to Sheboygan County for the  
8 purpose of mitigating bluff erosion along County Highway LS.”

9 (END)

*O-Note*



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

LRBb0353/1dn

RCT: 

*Date*

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".

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)

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

LRBb0353/1dn  
RCT:kjfjf

June 4, 2003

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Phone: (608) 266-7290  
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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb03533~~2~~ 2  
RCT:kjfjf

SOUCN 6/41

YMY

LFB:.....Pollek – Targeted runoff management earmark for Sheboygan County

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,  
TO 2003 SENATE BILL 44**

*Note*

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

2 **1.** Page 414, line 23: after “281.65” insert “and to provide the grant under 2003  
3 Wisconsin Act .... (this act), section 9138 (3f)”.

4 **2.** Page 1085, line 13: after that line insert:

5 “(3f) GRANT FOR MITIGATION OF BLUFF EROSION. During the 2003-05 fiscal  
6 biennium, the department of natural resources shall make a grant of \$250,000 from  
7 the appropriation under section 20.866 (2) (te) <sup>of the statutes</sup> to Sheboygan County for the purpose  
8 of mitigating bluff erosion along County Highway LS.”.

9 (END)

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

LRBb0353/2dn

RCT. *kij*

*Date*

Chris Pollek:

This redraft makes a technical correction.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)

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

LRBb0353/2dn  
RCT:kjfjf

June 4, 2003

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6/5 Per Chris Pallek - Require Sheboygan County to provide  
at least a 3.0% match.

RET



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0353/3  
RCT:kjf:jf (mr)

50 AUG 6/5

LFB:.....Pollek – Targeted runoff management earmark for Sheboygan County

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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8 for the purpose of mitigating bluff erosion along County Highway LS.”

9

(END)

if Sheboygan County contributes an amount equal to at least 30% of the grant for this purpose

6/5/03 Per Chris Pollek - require county to pay at least 30% of total project cost using nonstate funds.

RT





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0353/34

RCT:kjfrs

SOON (m 6/5)

RMV

LFB:.....Pollek - Targeted runoff management earmark for Sheboygan County

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

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7 the appropriation under section 20.866 (2) (te) of the statutes to Sheboygan County  
8 *a project to mitigate* for the purpose of ~~mitigating~~ bluff erosion along County Highway LS if Sheboygan  
9 County ~~contributes~~ *provides* an amount equal to at least 30% of the ~~grant for this purpose~~".

10

(END)

*total project costs from non state revenue sources*



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0353/4

RCT:kjfrs

LFB:.....Pollek – Targeted runoff management earmark for Sheboygan  
County

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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7 the appropriation under section 20.866 (2) (te) of the statutes to Sheboygan County  
8 for a project to mitigate bluff erosion along County Highway LS if Sheboygan County  
9 provides an amount equal to at least 30% of the total project costs from nonstate  
10 revenue sources.”.

11

(END)