

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 06/05/2003

Received By: mglass

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 68742

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Hotynski -

Topic:

Funding and exemption for dredging in Little Muskego Lake

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	mglass 06/05/2003	kfollett 06/05/2003	chaskett 06/05/2003	_____	lemery 06/05/2003		
/2	mglass 06/08/2003	jdyer 06/09/2003	jfrantze 06/09/2003	_____	lemery 06/09/2003		
		jdyer		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		06/09/2003		_____			
/3	mglass 06/09/2003	chanaman 06/09/2003	pgreensl 06/09/2003	_____	lemery 06/09/2003		
/4	btradewe 06/10/2003	kfollett 06/10/2003	pgreensl 06/10/2003	_____	lemery 06/10/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 06/05/2003

Received By: mglass

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 68742

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Hotynski -

Topic:

Funding and exemption for dredging in Little Muskego Lake

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	mglass 06/05/2003	kfollett 06/05/2003	chaskett 06/05/2003	_____	lemery 06/05/2003		
/2	mglass 06/08/2003	jdyer 06/09/2003 jdyer 14 kj 6/10	jfrantze 06/09/2003 b/g ps	b/g self	lemery 06/09/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		06/09/2003		_____			
/3	mglass 06/09/2003	chanaman 06/09/2003	pgreensl 06/09/2003	_____	lemery 06/09/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 06/05/2003

Received By: mglass

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 68742

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Hotynski -

Topic:

Funding and chapter 30 exemption for dredging in Little Muskego Lake

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	mglass 06/05/2003	kfollett 06/05/2003	chaskett 06/05/2003	<u> </u>	lemery 06/05/2003		
/2	mglass 06/08/2003	jdyer 06/09/2003 jdyer	jfrantze 06/09/2003	<u> </u> <i>6/9</i> <i>PS/BE</i>	lemery 06/09/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		06/09/2003		_____			

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 06/05/2003

Received By: mglass

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 68742

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Hotynski -

Topic:

Funding and chapter 30 exemption for dredging in Little Muskego Lake

Instructions:

Redraft - upto \$25,000
30.92(4)(b) 2. a. + c. to apply

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	mglass 06/05/2003	kfollett 06/05/2003	chaskett 06/05/2003	_____	lemery 06/05/2003		

12/9 JLD

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **06/05/2003**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 68742**

By/Representing: **Hotynski**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Hotynski -

Topic:

Funding and chapter 30 exemption for dredging in Little Muskego Lake

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/?	mglass	11 kgf 6/5	1 CP 6/5	15/6/5 6/5			

FE Sent For:

<END>

13-3 (1W)

NO
CG
SEN
MOOR

Senator Lazich

NATURAL RESOURCES

Little Muskego Lake Protection and Rehabilitation District

Motion:

Move to earmark \$25,000 from recreational boating project aids for Little Muskego Lake in Waukesha County. Require DNR to provide a grant, not to exceed \$25,000, for the costs of dredging Island Drive Bay to the Little Muskego Lake Protection and Rehabilitation District. Further, require DNR to allow dredging to clean out muck in Island Drive Bay from shore to shore to the lesser of the hard bottom or eight feet of depth.

DNR - statutory ^{permit} exemption ~~is~~ needed
may contact ^{DNR} Jeff Bode
M.E Vollbrecht

Note:

Under the bill, recreational boating project aids are funded at \$4,547,000 annually from the water resources account of the conservation fund. The local match requirement under the program is generally 50% of project costs (40% if the local sponsor conducts an approved boating safety enforcement and education program).

Post-It® Fax Note	7671	Date	June 4, 03	# of pages	3
To	Mary Gibson-Glass	From	Rebecca H.		
Co./Dept.		Co.	LFB		
Phone #		Phone #			
Fax #	4-6948	Fax #			



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR

LRBb0379/3

MGG: [Signature]

soon D-Note

LFB:.....Hotynski - Funding and chapter 30 exemption for dredging in Little Muskego Lake

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO 2003 SENATE BILL 44

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

2

~~(END)~~



~~LFB:.....Hotynski - Recreational boating aids; Memory Lake~~

~~FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION~~

~~SENATE AMENDMENT,~~

~~TO 2003 SENATE BILL 44~~

and
Little Muskego Lake and Rehabilitation/Protection
District

*please
check*

LITTLE MUSKEGO

dredging

1
2
3
4
5
6
7
8
9
10

At the locations indicated, amend the bill as follows:

1. Page 1085, line 13: after that line insert: *¶(a)*

~~"(4) RECREATIONAL BOATING AIDS; MEMORY LAKE.~~ From the appropriation under
section 20.370 (5) (cq) of the statutes, the department of natural resources shall
provide ~~\$400,000~~ ^{\$25,000} in fiscal year 2003-04 to the ~~village of Grantsburg in Burnett~~
~~County~~ ^{Little Muskego} for a project ~~to dredge weeds in Memory Lake.~~ The ~~village of Grantsburg,~~
shall contribute funding for the project equal to 25% of the project's cost. The ~~village~~
of Grantsburg's contribution may be in matching funds or may be in-kind
contributions or both. Notwithstanding section 30.92 (4) (b) 7. and 8. of the statutes,
the project specified under this subsection qualifies as a recreational boating project

1 for the purpose of providing moneys under this subsection. This project need not be
2 placed on the priority list under section 30.92 (3) (a) of the statutes.

3 (END)

from shore to shore

(b) The funding provided under paragraph (a) shall be used to clean out muck in ~~Island Drive Bay~~ of the lake to the ^{hard} bottom of the Bay or to a depth of 8 feet, whichever is less. Section 30.20 of the statutes does not apply to the dredging project specified under paragraph (a)."

in Island Drive Bay

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb03798dn

MGG:.....

1
JG

Date

Attention: Rebecca Hotynski

I have yet to hear from DNR if there are any additional requirements other than those found under s. 30.20 that need to be included in the exemption. However, I thought I would go ahead and prepare the rest of this amendment for your review.

It is possible that a Wisconsin court would find this legislation to be a "private or local bill" which, under Article IV, section 18, of the Wisconsin constitution, must be enacted as single-subject legislation. If this legislation is a "private or local bill" it cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. In light of this, the joint committee may wish to consider introduction of this legislation as a separate bill.

on finance

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

X

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

LRBb0379/1dn
MGG:kjf:cph

June 5, 2003

Attention: Rebecca Hotynski

I have yet to hear from DNR if there are any additional requirements other than those found under s. 30.20 that need to be included in the exemption. However, I thought I would go ahead and prepare the rest of this amendment for your review.

It is possible that a Wisconsin court would find this legislation to be a "private or local bill" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If this legislation is a "private or local bill," it cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. In light of this, the Joint Committee on Finance may wish to consider introduction of this legislation as a separate bill.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

D. Note
soon

RMR
LRBb0379/P2
MGG:kjf:cph
kjld

LFB:.....Hotynski – Funding and chapter 30 exemption for dredging in Little Muskego Lake

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

INS 1-7

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

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

3 “(4g) LITTLE MUSKEGO LAKE.

4 (a) From the appropriation under section 20.370 (5) (cq) of the statutes, the

5 department of natural resources shall provide ~~\$25,000~~ in fiscal year 2003-04 to the

6 Little Muskego Lake and rehabilitation and protection district for a dredging project

7 in Little Muskego Lake. *financial assistance* Notwithstanding section 30.92 (4) (b) 7. and 8. of the

8 statutes, the project specified under this subsection qualifies as a recreational

9 boating project for the purpose of providing moneys under this subsection. This

10 project need not be placed on the priority list under section 30.92 (3) (a) of the

11 statutes.

financial assistance ✓

1 (b) The ~~funding~~ provided under paragraph (a) shall be used in Island Drive Bay
2 to clean out muck from shore to shore to the hard bottom of the Bay or to a depth of
3 8 feet, whichever is less. Section 30.20 of the statutes does not apply to the dredging
4 project specified under paragraph (a).”

5

(END)

d-note
↓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0379/1ins
MGG:kjf:cph

INS 1-7

of natural resources
as financial assistance

~~20~~ ~~4~~ The department shall provide under this paragraph [✓] either an amount equal to the amount contributed by the lake district for the project [✓] or \$1.50 for every dollar contributed by the lake district for the project if the lake district conducts ^{check} a ~~boating safety enforcement and education program approved by the department, but~~ the total amount provided by the department [✓] may not exceed \$25,000. The contribution by the lake district may in the form of money or [✓] in-kind contributions ~~or both.~~

~~20~~ ~~4~~ ← or both.

end of
(ins 1-7)

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

LRBb0379/1²dn
MGG:kjf:cph

Note that s. 30.92 (4) (b) 2. a. allows DNR to cost-share for "up to" 50%. I have drafted this so at a minimum DNR has to match \$1 to \$1, up to the cap of \$25,000. As requested, I have also drafted a mandatory alternative of matching \$1 to \$1.25 from DNR, subject to the cap of \$25,000. (Is my math right?) However, note that under s. 30.92 (4) (b) c., this additional 10% is available only to municipalities, which are limited for purposes of ch.30 to only cities, villages, towns, and counties. See s. 30.01 (4) (c)

¶ I have yet to hear back from DNR on what other sections may need to be cross-referenced in paragraph (b). I'll try again on Monday to get that information.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

The provision allows
¶ Note that ~~the~~ in-kind contributions.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0379/2dn
MGG:kjf:jf

June 9, 2003

Note that s. 30.92 (4) (b) 2. a. allows DNR to cost-share for "up to" 50%. I have drafted this so at a minimum DNR has to match \$1 to \$1, up to the cap of \$25,000. As requested, I have also drafted a mandatory alternative of matching \$1 to \$1.25 from DNR, subject to the cap of \$25,000. (Is my math right?) However, note that under s. 30.92 (4) (b) c., this additional 10% is available only to municipalities, which are limited for purposes of ch.30 to only cities, villages, towns, and counties. See s. 30.01 (4).

Note that the provision allows in-kind contributions.

I have yet to hear back from DNR on what other sections may need to be cross-referenced in paragraph (b). I'll try again on Monday to get that information.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Thursday, June 05, 2003 9:38 AM
To: Bode, Jeff B; Vollbrecht, Mary E
Cc: Hotynski, Rebecca
Subject: Motion # 670 adopted by Joint Finance for the budget bill

Importance: High

Joint Finance adopted a motion (Motion #670) to provide \$25,000 from recreational boating project aids for the costs of a dredging project in Little Muskego Lake. The motion requires DNR to allow dredging without a permit. I therefore need to provide an exemption from DNR permitting procedures to allowing them to do this. I am assuming that I only need to exempt this project from the permit requirements under s. 30.20. If there are any other DNR permitting or other procedures involved please let me know as soon as possible.

Thank you,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

6/9) conv. w/ Jeff Bode
4 pm. put in 30.20. 23.24(3) and 283.31. ~~that~~ Thinko
that's all. Will contact me tomorrow if
isn't.

soon
WPO
fix

LFB:.....Hotynski - Funding and ~~chapter 30~~ exemption for dredging in Little Muskego Lake

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2003 SENATE BILL 44

\$25,000 or

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 1085, line 13: after that line insert:
3 "(4g) LITTLE MUSKEGO LAKE.
4 (a) From the appropriation under section 20.370 (5) (cq) of the statutes, the
5 department of natural resources shall provide financial assistance in fiscal year
6 2003-04 to the Little Muskego Lake and rehabilitation and protection district for a
7 dredging project in Little Muskego Lake. The department of natural resources shall
8 provide as financial assistance under this paragraph ~~an amount~~ an amount equal to the
9 amount contributed by the lake district for the project or \$1.50 for every dollar
10 contributed by the lake district for the project if the lake district conducts a boating
11 safety enforcement and education program approved by the department of natural

whichever is less

be

1 resources, but the total amount provided by the department of natural resources may
 2 not exceed \$25,000. The contribution by the lake district may in the form of money
 3 or in-kind contributions or both. Notwithstanding section 30.92 (4) (b) 7. and 8. of
 4 the statutes, the project specified under this subsection qualifies as a recreational
 5 boating project for the purpose of providing moneys under this subsection. This
 6 project need not be placed on the priority list under section 30.92 (3) (a) of the
 7 statutes.

Sections 23.24,

and 283.31

8 (b) The financial assistance provided under paragraph (a) shall be used in
 9 Island Drive Bay to clean out muck from shore to shore to the hard bottom of the Bay
 10 or to a depth of 8 feet, whichever is less. Section 30.20 of the statutes ~~does~~
 11 to the dredging project specified under paragraph (a).". do

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0379⁴
MGG:kjf&jld:pg
/my

Today

LFB:.....Hotynski – Funding and exemption for dredging in Little Muskego Lake

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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

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

3 “(4g) LITTLE MUSKEGO LAKE.

4 (a) From the appropriation under section 20.370 (5) (cq) of the statutes, the
5 department of natural resources shall provide financial assistance in fiscal year
6 2003-04 to the Little Muskego Lake and rehabilitation and protection district for a
7 dredging project in Little Muskego Lake. The department of natural resources shall
8 provide as financial assistance under this paragraph \$25,000 or an amount equal to
9 the amount contributed by the lake district, whichever is less. The contribution by
10 the lake district may be in the form of money or in-kind contributions or both.
11 Notwithstanding section 30.92 (4) (b) 7. and 8. of the statutes, the project specified

1 under this subsection qualifies as a recreational boating project for the purpose of
2 providing moneys under this subsection. This project need not be placed on the
3 priority list under section 30.92 (3) (a) of the statutes.

4 (b) The financial assistance provided under paragraph (a) shall be used in
5 Island Drive Bay to clean out muck from shore to shore to the hard bottom of the bay
6 or to a depth of 8 feet, whichever is less. Sections 23.24, 30.20, and 283.31 of the
7 statutes do not apply to the dredging project specified under paragraph (a).”

8 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0379/4
MGG:kjf&jld:pg

LFB:.....Hotynski – Funding and exemption for dredging in Little Muskego
Lake

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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

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

3 “(4g) LITTLE MUSKEGO LAKE.

4 (a) From the appropriation under section 20.370 (5) (cq) of the statutes, the
5 department of natural resources shall provide financial assistance in fiscal year
6 2003-04 to the Little Muskego Lake protection and rehabilitation district for a
7 dredging project in Little Muskego Lake. The department of natural resources shall
8 provide as financial assistance under this paragraph \$25,000 or an amount equal to
9 the amount contributed by the lake district, whichever is less. The contribution by
10 the lake district may be in the form of money or in-kind contributions or both.
11 Notwithstanding section 30.92 (4) (b) 7. and 8. of the statutes, the project specified

1 under this subsection qualifies as a recreational boating project for the purpose of
2 providing moneys under this subsection. This project need not be placed on the
3 priority list under section 30.92 (3) (a) of the statutes.

4 (b) The financial assistance provided under paragraph (a) shall be used in
5 Island Drive Bay to clean out muck from shore to shore to the hard bottom of the bay
6 or to a depth of 8 feet, whichever is less. Sections 23.24, 30.20, and 283.31 of the
7 statutes do not apply to the dredging project specified under paragraph (a).”

8 (END)