

2003 DRAFTING REQUEST

Bill

Received: 12/05/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Terry Van Akkeren (608) 266-0656

By/Representing: Carol Reineking (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.VanAkkeren@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eligibility for harbor assistance grant program

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>
/?							State
/P1	agary 12/12/2003	kgilfoy 12/26/2003	pgreensl 12/29/2003		sbasford 12/29/2003		State
/1	agary 01/12/2004	kgilfoy 01/12/2004	pgreensl 01/12/2004		sbasford 01/12/2004	Inorthro 01/13/2004	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

at intro
1/30

<END>

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FE Sent For:

11-1/12/04
kmq

12/28

12/28

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1/?	agary	1/11-12/26 Kmg	D/29 PG	D/29 SELF			

FE Sent For:

<END>

Aaron -

Here's the draft I
talked with you about.

Let me know if you
have any questions.

Carol Reineking
Rep. Van Akkeren's
office

266-0656

Under current law, the Department of Transportation administers a Harbor Assistance Grant Program, under which the department awards grants to reimburse publicly owned harbors for up to 80% of costs incurred making eligible harbor improvements.

This bill makes privately owned harbors eligible for harbor assistance grants. Under the bill, the department may award grants to privately owned harbors if the harbor facility will be open to use by the public for at least 10 years after it is improved. The bill requires a private harbor grant recipient to refund the grant if the improved harbor facility is closed prematurely to public use.

FE-S

SECTION #. Am; 85.095 (1) (a)

85.095(1)(a) "Eligible applicant" means a county, municipality, town or agency thereof ~~or~~ a board of harbor commissioners organized under s. 30.37 or any person who owns a harbor facility, as defined in s. 30.01 (3).

SECTION #. CR; 85.095 (5)

85.095 (5) **Privately owned harbor facilities.** The department may award a grant under this section for a privately owned harbor facility only if the harbor facility will be open for public use for 10 years following completion of the harbor improvements or for the period specified by the department in the grant agreement, whichever is longer. If the harbor facility improvement for which a grant is awarded under this section is closed to public use during the period specified under this subsection, the grant recipient shall repay grant funds as directed by the department.

[****Note: See Trans 28.08 (5), which requires repayment of grants of the benefited harbor is converted to a use inconsistent with the grant agreement. The repayment requirement under this statute would be in addition to those other reasons requiring repayment.]

(END)

D-Not

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *Sen. Cot.*; relating to: eligibility for the Harbor Assistance Program
2 administered by the Department of Transportation.

an
Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT), in consultation with the Wisconsin Coastal Management Council, administers a Harbor Assistance Program. Under the program, eligible applicants may be awarded grants to partially reimburse the applicant for expenses incurred in making certain harbor improvements. Eligible applicants include counties, cities, villages, towns, and boards of harbor commissioners.

Under this bill, a person who owns a harbor facility is also eligible for grants under the Harbor Assistance Program. However, DOT may only award a grant for improvement of a privately owned harbor facility if the harbor facility will be held open for public use for at least ~~10~~ *ten* years after it is improved. If the privately owned harbor facility is not so held open, the grant recipient must repay the grant funds to the extent and in the manner directed by DOT.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 85.095 (1) (a) of the statutes is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3828/P1dn

ARG:...

kmg

ATTN: Carol Reineking

Under s. 85.095 (1) (a), stats., the phrase "agency thereof" modifies only "town," not "county" or "municipality." Do you want to confer with DOT as to whether this is consistent with the perceived intent or administration of the statute?

What would be the intent of the bill if the grant recipient sells the harbor facility before ten years expire? Options may include repayment of the grant upon sale or no repayment of the grant if the transferee of the harbor facility is subject, as part of the transfer, to repay the grant if the transferee fails to hold the harbor facility open for the remainder of the ten-year period. I believe that created s. 85.095 (5) (b) should address this contingency.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3828/P1dn
ARG:kmg:pg

December 29, 2003

ATTN: Carol Reineking

Under s. 85.095 (1) (a), stats., the phrase "agency thereof" modifies only "town," not "county" or "municipality." Do you want to confer with DOT as to whether this is consistent with the perceived intent or administration of the statute?

What would be the intent of the bill if the grant recipient sells the harbor facility before ten years expire? Options may include repayment of the grant upon sale or no repayment of the grant if the transferee of the harbor facility is subject, as part of the transfer, to repay the grant if the transferee fails to hold the harbor facility open for the remainder of the ten-year period. I believe that created s. 85.095 (5) (b) should address this contingency.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Reineking, Carol
Sent: Friday, January 09, 2004 10:20 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB 03-3828/P1 Topic: Eligibility for harbor assistance grant program

Aaron-

I discussed the draft with DOT and they are happy with the language. We will, therefore, go with it as is.

Let me know if you have any questions.

Carol
Rep. VAn Akkeren's office
266-0656

-----Original Message-----

From: Basford, Sarah
Sent: Monday, December 29, 2003 12:48 PM
To: Rep.VanAkkeren
Subject: Draft review: LRB 03-3828/P1 Topic: Eligibility for harbor assistance grant program

Following is the PDF version of draft LRB 03-3828/P1 and drafter's note.



State of Wisconsin
2003 - 2004 LEGISLATURE

needed by
1/14 end of
day

LRB-3828/22
ARG:kmg:pg

CMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 85.095 (1) (a); and *to create* 85.095 (1) (am) and 85.095 (5) of
2 the statutes; **relating to:** eligibility for the Harbor Assistance Program
3 administered by the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT), in consultation with the Wisconsin Coastal Management Council, administers a Harbor Assistance Program. Under the program, an eligible applicant may be awarded a grant to partially reimburse the applicant for expenses incurred in making certain harbor improvements. Eligible applicants include counties, cities, villages, towns, and boards of harbor commissioners.

Under this bill, a person who owns a harbor facility is also eligible for a grant under the Harbor Assistance Program. However, DOT may only award a grant for improvement of a privately owned harbor facility if the harbor facility will be held open for public use for at least ten years after it is improved. If the privately owned harbor facility is not so held open, the grant recipient must repay the grant funds to the extent and in the manner directed by DOT.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 85.095 (1) (a) of the statutes is amended to read:

2 85.095 (1) (a) “Eligible applicant” means a county, municipality, town or agency
3 thereof ~~or~~, a board of harbor commissioners organized under s. 30.37, or a person who
4 owns a harbor facility.

5 **SECTION 2.** 85.095 (1) (am) of the statutes is created to read:

6 85.095 (1) (am) “Harbor facility” has the meaning given in s. 30.01 (3).

7 **SECTION 3.** 85.095 (5) of the statutes is created to read:

8 85.095 (5) PRIVATE HARBOR FACILITY ELIGIBILITY. (a) Notwithstanding subs. (2)
9 and (3), the department may award a grant under this section to fund harbor
10 improvements and other harbor assistance and improvement projects to a privately
11 owned harbor facility only if the harbor facility is to be held open for public use for
12 at least 10 years following completion of the improvement or project for which
13 reimbursement is provided under sub. (2) (a) or for any period specified by the
14 department in any grant agreement, whichever is longer.

15 (b) If the recipient of a grant described under par. (a) fails to hold the harbor
16 facility open for public use for the period specified in par. (a), the grant recipient shall
17 repay the grant funds to the department to the extent and in the manner directed
18 by the department, and the department shall include this requirement in any grant
19 agreement with the grant recipient.

20

(END)

Northrop, Lori

From: Reineking, Carol
Sent: Monday, January 12, 2004 4:06 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3828/1 Topic: Eligibility for harbor assistance grant program

It has been requested by <Reineking, Carol> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3828/1 Topic: Eligibility for harbor assistance grant program