

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/7/99**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-3847**

By/Representing: **Kava**

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

Drafter: **rkite**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - forests and parks**

Extra Copies:

Pre Topic:

LFB:.....Kava -

Topic:

Milwaukee tree planting demonstration project

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	rkite 05/12/99	jgeller 05/12/99	kfollet 05/13/99	_____	lrb_docadmin 05/13/99		

FE Sent For:

<END>

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/?	rkite	1 5/12 Jg	5/12/99 Kj	Kj/hmh 5/12			

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<END>

Senator Burke
Representative Riley

NATURAL RESOURCES -- FORESTS AND PARKS

Milwaukee Tree Planting Demonstration Project

Motion:

Move to earmark \$50,000 annually in 1999-01 only from the urban forestry grant program for a tree planting demonstration program in Milwaukee.

*\$50,000 in
each fiscal year
of biennium*

Note:

The tree planting program involves the planting of trees on private land, including the central city. The motion would earmark \$50,000 of the \$529,900 provided annually for the urban forestry grant program under AB 133 for the Milwaukee tree planting project. A similar earmark was made in the 1997-99 biennial budget.

MO#		
1	Burke	Y N
	Decker	Y N
	Jauch	Y N
	Moore	Y N
	Shibilski	Y N
	Plache	Y N
	Cowles	Y N
	Panzer	Y N
	Gard	Y N
	Porter	Y N
	Kaufert	Y N
	Albers	Y N
	Duff	Y N
	Ward	Y N
	Huber	Y N
2	Riley	Y N

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1999 - 2000 LEGISLATURE

LRBb0263/1

RNK.....

D-Note

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LFB:.....Kava - Milwaukee tree planting demonstration project

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 1. Page 1414, line 24: after that line insert:

3 nonstat (10^d) URBAN FORESTRY GRANT FOR MILWAUKEE. From the appropriation under
4 section 20.370 (5) (bw) of the statutes, the department of natural resources shall
5 provide \$50,000 in fiscal year 1999-2000 and \$50,000 in fiscal year 2000-01 to the
6 city of Milwaukee for a tree planting demonstration project.”.

7 (END)

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

LRBb0263/1dn

RNK.....

1
JK

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”. As it is difficult to predict the potential for and outcome of any court action on this amendment, you 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

LRBb0263/1dn
RNK:jlg:kjf

May 12, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0263/1
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