

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,

Topic:

Sustainable urban development zone 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>
/?	traderc 06/24/2001	wjackson 06/25/2001		_____			
/1			pgreensl 06/25/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: **06/23/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Tesmer**

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

Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Tesmer - AN94,

Topic:

Sustainable urban development zone 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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	traderc	1 WLJ 6/25	6/25 PS	6/25 Attorney			
----	---------	------------	------------	------------------	--	--	--

FE Sent For:

<END>

B. Local Governmental Unit Negotiation and Cost-Recovery Process for Contaminated Property

1. Expand the applicability of the negotiation and cost-recovery process found in s. 292.35 (Local governmental unit negotiation and cost recovery) so that it may be used by a local governmental unit that does not own a contaminated property.
2. To qualify under this proposal, the local governmental unit must commit itself to paying more than 50 percent of the investigation and remedial action costs, less any financial assistance received, for the contaminated property.
3. Limit this expansion to sites partially owned by a local unit of government, so long as the unit agrees to pay more than 50 percent of the costs.

RET

Affected agency: DNR

Fiscal Impact: \$0

C. Brownfields Earmarks

Delete brownfields earmarks of \$375,000 each to the Milwaukee Economic Development Corporation and the Menomonee Valley Partners, Inc.

Agency affected: DNR

Fiscal impact: \$0

Location/Status: New motion (Kestell)

D. Sustainable Urban Development Zone Program

Amend Joint Finance action to read:

Recreate a competitive sustainable urban development zone grant program. Provide \$525,000 environmental fund SEG in 2001-02 in a biennial appropriation. Specify that the state funds may be used to investigate environmental contamination and for environmental remediation of brownfields properties in municipalities. Earmark \$150,000 to the City of Platteville and \$250,000 to the City of Fond du Lac. Direct DNR to accept applications from municipalities for the remaining funds and to consult with DOA and Commerce in administering the program.

RET

Affected agency: DNR

Location/Status: [Comparative summary of Governor and Joint Finance Committee Budget Recommendations, Natural Resources—Air, Waste and Contaminated Land, page 565, item #13]

9. Forestry

A. Urban Forestry Grant Program

Amend the Joint Finance action relating to earmarked funds for tree planting to read:

2001

Date (time) needed SOON

LRB b 1642 1/1

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

RET : Wlj :

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

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

DNote

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 1067, line 7...: delete "municipalities" and substitute "the City of Platteville, the City of Fond du Lac and other municipalities that are"

#. Page 1067, line 14...: delete that line and substitute:
"Section 33.24 db. RC; 292.77 (4)"

#. Page ..., line ...: 292.77 (4) ^(B) During the 2001-03 fiscal biennium, the department shall make \$150,000 available to the City of Platteville and \$250,000 available to the City of Fond du Lac ~~through~~

#. Page ..., line ...: under sub (2) ^(B)

(End)

~~#. Page ..., line ...:~~

~~#. Page ..., line ...:~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBSample2/dn

LRB61642/1A
RET:WJ

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.

RET

Query for: Document: LRBSample2/dn

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1642/1dn
RCT:wlj:pg

June 25, 2001

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



ARC:.....Tessmer – AM94, Sustainable urban development zone program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 1067, line 7: delete “municipalities” and substitute “the city of
3 Platteville, the city of Fond du Lac and other municipalities that are”.

4 **2.** Page 1067, line 14: delete that line and substitute:

5 “**SECTION 3324db.** 292.77 (4) of the statutes is repealed and recreated to read:
6 292.77 (4) During the 2001-03 fiscal biennium, the department shall make
7 \$150,000 available to the City of Platteville and \$250,000 available to the City of
8 Fond du Lac under sub. (2).”.

9 (END)