

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0218/1)-AB504)

Received: 01/11/2010

Received By: **mshovers**

Wanted: **Today**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing: **Jeff**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**

Extra Copies: **EVM, JK**

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require Milwaukee County to create an Arts Advisory Board

Instructions:

See attached. Same as a1256/1, but drafted to the sub

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>
/?	mshovers 01/11/2010	kfollett 01/11/2010		_____			
/1			phenry 01/11/2010	_____	mbarman 01/11/2010	mbarman 01/11/2010	

FE Sent For:

<END>

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/?	mshovers	1/11/10	1/11/10	1/11/10			
1/1 MES	1/11/10	1/11/10	ph	ph/ks			

FE Sent For:

<END>

Shovers, Marc

From: Kostelic, Jeff
Sent: Monday, January 11, 2010 9:55 AM
To: Shovers, Marc
Subject: RE: Amendment request to AB 504

Marc,

Thanks for your work on this. It appears as if the substitute to this bill will move forward. Could you draft this language to the substitute? The executive session is tomorrow. Thanks.

Jeff Kostelic
Office of Rep. Richards
266-0650

From: Shovers, Marc
Sent: Wednesday, January 06, 2010 10:54 AM
To: Kostelic, Jeff
Subject: Amendment request to AB 504

Hi Jeff:

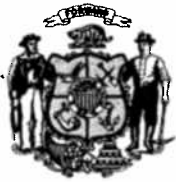
I'll be drafting this amendment, directing Milwaukee County to create an Arts Advisory Board. It is not a problem at all to draft the amendment to both the bill and the sub., however it's possible that a germaneness challenge could be raised under Assembly Rule 54 (3) (f).

That rule states that amendments which substantially expand the scope of a proposal are not germane. Of course this is a determination made by the presiding officer, or the body itself, but I just wanted you to be aware of this potential issue.

Marc

Marc E. Shovers

Managing Attorney
Legislative Reference Bureau
Phone: (608-266-0129)
E-Mail: marc.shovers@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

a1266/1

LRB41256A

MES:jld:ph

stays (RMR)

ASSEMBLY AMENDMENT,
TO ASA _____ (LRB 50218/1)
TO 2009 ASSEMBLY BILL 504

D-NOTE

WANTED:
today -
early AM

substitute amendment

1

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

2

1. Page 1, line 2: after "culture" insert ", and creating a Milwaukee County

3

Arts Advisory Board".

change component

5

2. Page 1, line ~~3~~ ^{12: after} before that line insert:

"SECTION ~~1~~ ^{Im:} 59.794 of the statutes is created to read:

6

59.794 Milwaukee County; arts advisory board. (1) Not later than the

7

first day of the 3rd month beginning after the Milwaukee County board enacts an

8

ordinance under s. 77.70 (2) to impose a sales and use tax for parks, recreation, and

9

culture, the county board shall create an arts advisory board. The county board shall

10

determine the composition, membership, and terms of the members of the arts

11

advisory board.

12

(2) Not later than September 1 of each year, the arts advisory board shall create

13

written recommendations on how the proceeds of the sales and use tax imposed

1 under s. 77.70 (2) shall be spent, and shall send a copy of its recommendations to the
2 county executive and to the chairperson of the county board for their consideration.
3 The recommendations of the arts advisory board are only advisory.

4 (3) If the county board repeals the ordinance imposing the sales and use tax,
5 as described in s. 77.70 (2), the arts advisory board shall cease to exist on December
6 31.”

7 **3.** Page 1, line 3: delete “SECTION 1” and substitute “SECTION 1m”.

8 (END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

a1264/d4
LRBa1256/Tdr
MES:jld:ph

January 8, 2010

stays

substitute amendment

ASA (LRB 50218/1) to

Representative Richards:

This drafter's note is meant to alert you that it is possible that this amendment could be challenged as being nongermane to ~~AB-504~~. Under Assembly Rule 54 (3) (f), an amendment that "substantially expands the scope of the proposal" is nongermane.

The ~~bill~~ authorizes Milwaukee County to impose a sales and use tax for parks, recreation, and culture. It could be argued that this amendment, which creates a Milwaukee County Arts Advisory Board if Milwaukee County imposes that tax, substantially expands the scope of ~~AB-504~~. the substitute amendment

On the other hand, one could argue that this amendment is germane under Assembly Rule 54 (4) (e) because the creation of the advisory body to make recommendations merely relates to the "particularized details" of how the proceeds of the tax should be spent. I just thought you should be aware of both sides of this issue should the amendment be challenged.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

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

LRBa1266/1dn
MES:jld:ph

January 11, 2010

Representative Richards:

This drafter's note is meant to alert you that it is possible that this amendment could be challenged as being nongermane to ASA_ (LRBs0218/1) to AB-504. Under Assembly Rule 54 (3) (f), an amendment that "substantially expands the scope of the proposal" is nongermane.

The substitute amendment authorizes Milwaukee County to impose a sales and use tax for parks, recreation, and culture. It could be argued that this amendment, which creates a Milwaukee County Arts Advisory Board if Milwaukee County imposes that tax, substantially expands the scope of the substitute amendment.

On the other hand, one could argue that this amendment is germane under Assembly Rule 54 (4) (e) because the creation of the advisory body to make recommendations merely relates to the "particularized details" of how the proceeds of the tax should be spent. I just thought you should be aware of both sides of this issue should the amendment be challenged.

Marc E. Shovers
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