

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

LRBa1752/1dn  
MES:jld:jf

February 12, 2014

Representative Vos:

This drafter's note is meant to alert you to the possibility that this amendment may be challenged as being nongermane to 2013 SB-338. Assembly Rule 54 (3) (f) states that an amendment to a bill is nongermane if it "substantially expands the scope of the proposal." In addition, the amendment may be considered nongermane under Assembly Rule 54 (1) because it relates to a different subject and is intended to accomplish a different purpose from SB-338. It could be argued that this amendment violates both of these Assembly rules.

In addition, it is possible that, if challenged, a Wisconsin court would find that this amendment is a "private or local bill" that, 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 SB-338 because the bill, as amended, 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. IV, 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." Part of this amendment applies only to the sharing of tax increments by a tax incremental district in the village of Biron.

If the village of Biron provision in this amendment is enacted as a separate, single-subject bill, it could not be challenged under art. IV, sec. 18, of the constitution. Please let me know if you have any questions about the issues raised in this drafter's note.

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