

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: rkite

Wantcd: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - LWSR stewardship

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN4505,

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**Topic:**

Stewardship funding for a camping and recreation area in Hillsboro

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**Instructions:**

See Attached

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**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 06/16/2001	gilfokm 06/16/2001	jfrantze 06/16/2001	_____	lrb_docadmin 06/16/2001		
/2	gibsom 06/18/2001	gilfokm 06/18/2001	haugeca 06/18/2001	_____	lrb_docadmin 06/19/2001		

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*12-6/118 [Signature]*     *12 kmh 6/18/01*

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FE Sent For:

<END>

MCG

**HILLSBORO CAMPING & RECREATION AREA**

Move to require the Department of Natural Resources Stewardship 2000 program to approve a \$60,000 grant during the 2001-03 biennium to the City of Hillsboro for the creation of a camping and recreation area off of the Hillsboro & NorthEastern Spur Trail.

The Spur is a former railroad bed of 4.5 miles that connects to the "400" State Trail in Union Center and is part of the State Trails Network Plan. The City of Hillsboro is part of a coalition with Vernon County and Juneau County that has a memorandum of understanding with the State of Wisconsin regarding the trail.

CN 4505

The 7.5-acre parcel of land that would be purchased with this \$60,000 would well serve a future camping and recreational area, immediately off the trail, for the many users of the trail system for many years to come. This area will also help Hillsboro promote tourism for the area and address a lack of camping and recreation areas in the region.

LOCATION/STATUS: New Proposal

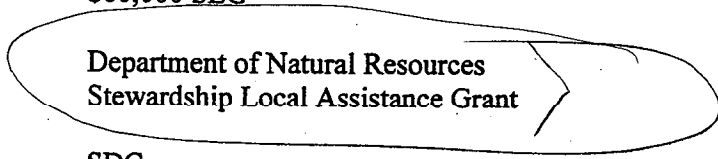
DEPARTMENT(S): Department of Natural Resources

FISCAL IMPACT: \$60,000 SEG

FUNDING SOURCE(S): Department of Natural Resources  
Stewardship Local Assistance Grant

INTRODUCTION: SDC

POLITICAL: N/A



23.09(20)



State of Wisconsin  
2001 - 2002 LEGISLATURE

11 RMR  
LRBb1008/AM  
RNK. King

D-Note

SDC:.....Keckhaver – CN4505, Stewardship funding for a camping and recreation area in Hillsboro

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 *✓* 1. Page 451, line 17: after that line insert:

3 "SECTION 1039fm. 23.197 (5r) of the statutes is created to read:

*Notwithstanding*

4 23.197 (5r) HILLSBORO; CAMPING AND RECREATIONAL AREA. From the  
5 appropriation under s. 20.866 (2) (ta), the department shall provide \$60,000 to the  
6 city of Hillsboro to acquire land for the development of a camping and recreational  
7 area near the Hillsboro and Northeastern Spur Trail in the city of Hillsboro. For  
8 purposes of s. 23.0917, moneys provided from the appropriation under s. 20.866 (2)  
9 (ta) shall be treated as moneys obligated from the subprogram for property  
10 development and local assistance. *The requirement under s. 23.09 (2) (b) that state*

*the state aid provided under*

*the*

*aid under s. 23.09(20) ~~which~~ 50% of acquisition and development costs does not apply to this subsection."*

(END)

*matching requirement under s. 23.09(20)(b)*

1

2

3

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb [unclear] 1dn  
RNK [unclear]  
b1008/1  
RNK  
[unclear]

June 6, 2001

Caucus

1.

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under article IV, section 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 article 4, section 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, the ~~committee~~ 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

2. Under this ~~draft~~ amendment, ~~is this project~~ this project is funded from the program for aids for local parks under s. 23.09(20). Is this  $\frac{0.2}{2} = ?$  ?

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

LRBb1008/1dn  
RNK:kmg:cmh

June 16, 2001

1. It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under article IV, section 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 article 4, section 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, the caucus may wish to consider introducing this proposal as a separate bill.
2. Under this amendment this project is funded from the program for aids for local parks under s. 23.09 (20). Is this OK?

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us





SDC:.....Keckhaver – CN4505, Stewardship funding for a camping and recreation area in Hillsboro

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10 development and local assistance. Notwithstanding s. 23.09 (20) (b), the 50%

1 matching requirement under s. 23.09 (20) (b) does not apply to the state aid provided  
2 under this subsection.”.

3 (END)

DN

This redraft deletes the phrase "to acquire land".

MBB

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

LRBb1008/2dn  
RNK:kmg:hmh

June 18, 2001

This redraft deletes the phrase "to acquire land."

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

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1 local assistance. Notwithstanding s. 23.09 (20) (b), the 50% matching requirement  
2 under s. 23.09 (20) (b) does not apply to the state aid provided under this subsection.”.

3 (END)