



2003 ASSEMBLY BILL 607

October 23, 2003 - Introduced by Representatives J. WOOD, SUDER, MUSSER, LEMAHIEU, GRONEMUS, OWENS, HINES, PETROWSKI, AINSWORTH and LOTHIAN. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 23.09 (2) (d) (intro.), 23.09 (10), 23.09 (13), 23.091 (1), 23.0917
2 (3) (a), 23.0917 (4m) (i), 23.092 (3), 23.094 (2m), 23.11 (2), 23.17 (4), 23.196 (2)
3 (a), 23.27 (4), 23.27 (5), 27.01 (1), 27.01 (2) (a), 28.02 (2) and 29.617; and **to**
4 **create** 23.145 of the statutes; **relating to:** limiting the numbers of acres under
5 the jurisdiction of the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) may purchase land for various purposes related to their statutory responsibilities, including for state parks, state forests, public hunting grounds, public fishing waters, fish hatcheries, game farms, state recreation areas, stream preservation, conservation easements, and natural areas.

This bill limits the amount of land that is owned by the state and under the jurisdiction of DNR for these purposes to the amount of land under DNR's jurisdiction on the first day of the sixth month after this bill becomes law.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 607

1 **SECTION 1.** 23.09 (2) (d) (intro.) of the statutes is amended to read:

2 23.09 **(2)** (d) *Lands, acquisition.* (intro.) ~~Acquire~~ Subject to s. 23.145, acquire
3 by purchase, lease or agreement, and receive by gifts or devise, lands or waters
4 suitable for the purposes enumerated in this paragraph, and maintain such lands
5 and waters for such purposes; and may condemn lands or waters suitable for such
6 purposes after obtaining approval of the appropriate standing committees of each
7 house of the legislature as determined by the presiding officer thereof:

8 **SECTION 2.** 23.09 (10) of the statutes is amended to read:

9 23.09 **(10)** CONSERVATION EASEMENTS AND RIGHTS IN PROPERTY. Confirming all the
10 powers hereinabove granted to the department and in furtherance thereof, the
11 department may, subject to s. 23.145, acquire any and all easements in the
12 furtherance of public rights, including the right of access and use of lands and waters
13 for hunting and fishing and the enjoyment of scenic beauty, together with the right
14 to acquire all negative easements, restrictive covenants, covenants running with the
15 land, and all rights for use of property of any nature whatsoever, however
16 denominated, which may be lawfully acquired for the benefit of the public. The
17 department also may grant leases and easements to properties and other lands
18 under its management and control under such covenants as will preserve and protect
19 such properties and lands for the purposes for which they were acquired.

20 **SECTION 3.** 23.09 (13) of the statutes is amended to read:

21 23.09 **(13)** BONG AIR BASE. The department may, subject to s. 23.145, acquire
22 by gift, purchase or otherwise the ~~federally-owned~~ federally owned lands,
23 improvements and appurtenances thereto within the Bong Air Base in Kenosha
24 County which may be disposed of by the federal government to be used by the
25 department for any of the purposes in sub. (2) (d). The department may establish

ASSEMBLY BILL 607

1 zones within the boundaries of the Bong ~~air base~~ Air Base which offer a wide range
2 of variable opportunities for active outdoor recreation consistent with sub. (2) (d) and
3 may promulgate rules to control the activities within the zones.

4 **SECTION 4.** 23.091 (1) of the statutes is amended to read:

5 23.091 (1) DESIGNATION. The department may, subject to s. 23.145, acquire,
6 develop, operate and maintain state recreation areas. State lands and waters may
7 be designated as state recreation areas that are environmentally adaptable to
8 multiple recreational uses, or are so located to provide regional or urban recreational
9 opportunities or for preservation.

10 **SECTION 5.** 23.0917 (3) (a) of the statutes is amended to read:

11 23.0917 (3) (a) Beginning with fiscal year 2000-01 and ending with fiscal year
12 2009-10, the department may, subject to s. 23.145, obligate moneys under the
13 subprogram for land acquisition to acquire land for the purposes specified in s. 23.09
14 (2) (d) and grants for these purposes under s. 23.096, except as provided under ss.
15 23.197 (2m), (3m) (b), (7m), and (8) and 23.198 (1) (a).

16 **SECTION 6.** 23.0917 (4m) (i) of the statutes is amended to read:

17 23.0917 (4m) (i) *Available moneys; uses.* The moneys made available for
18 expenditure under par. (g) or (h) 2. may, subject to s. 23.145, be used by the
19 department to acquire land in the Baraboo Hills for conservation purposes and to
20 award grants to local governmental units and nonprofit conservation organizations.

21 **SECTION 7.** 23.092 (3) of the statutes is amended to read:

22 23.092 (3) The department may acquire easements for habitat areas by gift or
23 devise or beginning on July 1, 1990, by purchase. The department may, subject to
24 s. 23.145, acquire land for habitat areas by gift, devise or purchase.

25 **SECTION 8.** 23.094 (2m) of the statutes is amended to read:

ASSEMBLY BILL 607**SECTION 8**

1 23.094 **(2m)** ACQUISITION OF LAND. For a stream identified as a priority stream
2 under sub. (2), the department may, subject to s. 23.145, acquire land adjacent to the
3 stream by gift or devise or by purchase. Whenever possible, the land acquired shall
4 include the area within at least 66 feet from either side of the stream.

5 **SECTION 9.** 23.11 (2) of the statutes is amended to read:

6 23.11 **(2)** Whenever any lands placed by law under the care and supervision of
7 the department are inaccessible because surrounded by lands belonging to
8 individuals or corporations, and whenever in the opinion of the department the
9 usefulness or value of such lands, whether so surrounded or not, will be increased
10 by access thereto over lands not belonging to the state, the department may, subject
11 to s. 23.145, acquire such lands as may be necessary to construct highways that will
12 furnish the needed access.

13 **SECTION 10.** 23.145 of the statutes is created to read:

14 **23.145 Maximum acreage for state-owned land under the jurisdiction**
15 **of the department. (1)** “Department property” means an area of real property that
16 is owned by the state, that is under the jurisdiction of the department, and that is
17 used for one of the purposes specified in s. 23.09 (2) (d).

18 **(2)** The department may not acquire land for a department property if the
19 acquisition will result in the state owning more than the amount of acreage that is
20 department property on the effective date of this subsection [revisor inserts date].

21 **SECTION 11.** 23.17 (4) of the statutes is amended to read:

22 23.17 **(4)** POWERS OF THE DEPARTMENT. The department may, subject to s. 23.145,
23 acquire land for the ice age trail under s. 23.09 (2) (d) 10., and may develop the ice
24 age trail on lands under its ownership along the trail route.

25 **SECTION 12.** 23.196 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 607

1 23.196 (2) (a) The department may, subject to s. 23.145, acquire and exchange
2 lands for the establishment of the Willow flowage project. The priority and allocation
3 requirements under s. 23.09 (2dm) do not apply to any acquisition of land under this
4 paragraph for which moneys appropriated under s. 20.866 (2) (tz) are expended.

5 **SECTION 13.** 23.27 (4) of the statutes is amended to read:

6 23.27 (4) NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the
7 intent of the legislature to continue natural areas land acquisition activities from
8 moneys available from the appropriations under ss. 20.370 (7) (fa) and 20.866 (2) (ta),
9 (ts) and (tz), subject to s. 23.145. This commitment is separate from and in addition
10 to the commitment to acquire natural areas under the Wisconsin natural areas
11 heritage program. Except as provided in s. 23.0915 (2), the department may not
12 expend from the appropriation under s. 20.866 (2) (tz) more than \$1,500,000 in each
13 fiscal year for natural areas land acquisition activities under this subsection and for
14 grants for this purpose under s. 23.096.

15 **SECTION 14.** 23.27 (5) of the statutes is amended to read:

16 23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN
17 NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate
18 additional natural areas land acquisition activities with moneys available from the
19 appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (ta), (tt) and (tz) under the
20 Wisconsin natural areas heritage program, subject to s. 23.145. This commitment
21 is separate from and in addition to the continuing commitment under sub. (4).
22 Moneys available from the appropriations under ss. 20.370 (1) (mg) and 20.866 (2)
23 (ta), (tt) and (tz) under the Wisconsin natural areas heritage program may not be
24 used to acquire land through condemnation. The department may not acquire land
25 under this subsection unless the land is suitable for dedication under the Wisconsin

ASSEMBLY BILL 607**SECTION 14**

1 natural areas heritage program and upon purchase or as soon after purchase as
2 practicable the department shall take all necessary action to dedicate the land under
3 the Wisconsin natural areas heritage program. Except as provided in s. 23.0915 (2),
4 the department may not expend from the appropriation under s. 20.866 (2) (tz) more
5 than \$500,000 in each fiscal year for natural areas land acquisition activities under
6 this subsection and for grants for this purpose under s. 23.096.

7 **SECTION 15.** 27.01 (1) of the statutes is amended to read:

8 27.01 (1) PURPOSE. It is declared to be the policy of the legislature, subject to
9 s. 23.145, to acquire, improve, preserve and administer a system of areas to be known
10 as the state parks of Wisconsin. The purpose of the state parks is to provide areas
11 for public recreation and for public education in conservation and nature study. An
12 area may qualify as a state park by reason of its scenery, its plants and wildlife, or
13 its historical, archaeological or geological interest. The department shall be
14 responsible for the selection of a balanced system of state park areas and for the
15 acquisition, development and administration of the state parks. No admission
16 charge shall be made to any state park, except as provided in subs. (7) to (9).

17 **SECTION 16.** 27.01 (2) (a) of the statutes is amended to read:

18 27.01 (2) (a) Acquire by purchase, lease or agreement lands or waters suitable
19 for state park purposes and may, subject to s. 23.145, acquire such lands and waters
20 by condemnation after obtaining approval of the senate and assembly committees on
21 natural resources.

22 **SECTION 17.** 28.02 (2) of the statutes is amended to read:

23 28.02 (2) ACQUISITION. The department may, subject to s. 23.145, acquire lands
24 or interest in lands by grant, devise, gift, condemnation or purchase within the
25 boundaries of established state forests or purchase areas; and outside of such

ASSEMBLY BILL 607

1 boundaries for forest nurseries, tracts for forestry research or demonstration and for
2 forest protection structures, or for access to such properties. In the case of
3 condemnation the department shall first obtain approval from the appropriate
4 standing committees of each house of the legislature as determined by the presiding
5 officer thereof.

6 **SECTION 18.** 29.617 of the statutes is amended to read:

7 **29.617 Public hunting and fishing grounds.** The department may, subject
8 to s. 23.145, acquire, lease, develop and maintain public hunting and fishing
9 grounds. The department may agree to adjust and pay damages arising from the
10 operation of public hunting or fishing grounds.

11 **SECTION 19. Initial applicability.**

12 (1) This act first applies to contracts to acquire land that are entered into on
13 the effective date of this subsection.

14 (2) This act first applies to gifts, grants, or bequests made to the department
15 on the effective date of this subsection.

16 **SECTION 20. Effective date.**

17 (1) This act takes effect on the first day of the 6th month beginning after
18 publication.

19 (END)