

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/26/2007**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 63912**

By/Representing: **Rushmer**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - LWSR stewardship**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Rushmer -

Topic:

Public access to stewardship lands, rules for closure review

Instructions:

Specify stewardship grants may only be made for land open to hunting, fishing, trapping and hiking unless the property owner finds, and DNR agrees, that a closure is necessary to protect public safety or native plants, animals, or features. In addition, direct the NR board to develop a process by rule to allow for review of a closure finding. Finally, require DNR to submit an annual report identifying each property that is not open the reason for closure.

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<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	mglass 06/27/2007	jdyer 06/27/2007	jfrantze 06/27/2007	_____	sbasford 06/27/2007		
/2	mglass 06/28/2007	jdyer 06/28/2007	rschluet 06/28/2007	_____	lparisi 06/28/2007		

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/3	mglass 07/02/2007	jdye 07/02/2007 jdye 07/05/2007	pgreensl 07/03/2007	_____	lparisi 07/03/2007		
/4			sherritz 07/05/2007	_____	cduerst 07/05/2007		
/5	mglass 07/06/2007	csicilia 07/06/2007	nmatzke 07/06/2007	_____	mbarman 07/06/2007		
/6	mglass 07/06/2007	wjackson 07/06/2007	rschluet 07/06/2007	_____	cduerst 07/06/2007		

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		jdyer 07/05/2007		_____			
/4			sherritz 07/05/2007	_____	cduerst 07/05/2007		
/5	mglass 07/06/2007	csicilia 07/06/2007	nmatzke 07/06/2007	_____	mbarman 07/06/2007		

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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ps/et

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[Handwritten signature]
6287 PB

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/1	mglass 06/27/2007	jdyer 06/27/2007	lrb_lps				

FE Sent For:



State of Wisconsin
2007 - 2008 LEGISLATURE

b0712/1RMR
LRBb0367/2
MGGjld/pg
stays

D-Note

LFB

Assembly
SENATE AMENDMENT,
Assembly
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

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

2 **1.** Page 423, line 15: after that line insert:

3 **"SECTION 638r.** 23.0916 of the statutes is created to read:

4 **23.0916 Stewardship land access. (1) DEFINITIONS.** In this section:

5 (a) "Department land" has the meaning given in s. 23.0917 (1) (c).

6 (b) "Land" has the meaning given in s. 23.0917 (1) (d).

7 (c) "Outdoor activity" means hiking, fishing during an open season, hunting

8 during an open season, or trapping during an open season.

9 (d) "Stewardship land" means that is acquired in whole or in part with funding

10 from the stewardship program under s. 23.0917.

11 **(2) REQUIREMENT OF ACCESS.** (a) Any person receiving a grant on or after the

12 effective date of this paragraph [revisor inserts date], that will be used to acquire

1 stewardship land shall permit one or more outdoor activities on the stewardship land
2 unless the owner and the department jointly determine that it is necessary to
3 prohibit the outdoor activity in order to protect public safety or to protect native wild
4 plants and animals, or other natural features.

5 (b) In lieu of prohibiting an outdoor activity as provided under par. (a), the
6 owner and department may jointly determine to impose restrictions on the outdoor
7 activity if the restrictions will adequately protect public safety, native wild plants
8 and animals, and other natural features.

9 **(3) REPORTING REQUIREMENT.** The department shall prepare an annual report
10 that identifies all stewardship land that has been acquired during each fiscal year
11 and upon which one or more outdoor activities are prohibited. For each acquisition,
12 the report shall specify which outdoor activities are prohibited and shall include the
13 reason for the prohibition. The department shall submit the report to the joint
14 committee on finance and to the appropriate standing committees of the legislature
15 in the manner provided under s. 13.172 (3). The department shall submit the report
16 no later than November 15 for the preceding fiscal year and shall submit the first
17 report no later than November 15, 2008.”.

18 (END)

(c) The board[✓] shall review each determination
made under par. (a)[✓] to determine whether
the prohibition is necessary. The department
shall promulgate rules that est^o establish a pro-
cess for this review.

d-note
↓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

LRB60712/ldn
MGG:jcd

Section 23.0916 (2) (c) ✓ applies only to
"prohibitions" under s. 23.0916 (2) (a) ✓ and not
to "restrictions" under s. 23.0916 (2) (b). ✓ OK?

MGG



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

LRBb0712/1dn
MGG:jld:jf

June 27, 2007

Section 23.0916 (2) (c) applies only to "prohibitions" under s. 23.0916 (2) (a) and not to "restrictions" under s. 23.0916 (2) (b). OK?

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0712/1
MGG:jld:jf

RMR
2

LFB:.....Rushmer - Public access to stewardship lands, rules for closure review

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

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

2 1. Page 423, line 15: after that line insert:

3 "SECTION 638r. 23.0916 of the statutes is created to read:

4 23.0916 Stewardship land access. (1) DEFINITIONS. In this section:

5 (a) ~~"Department land" has the meaning given in s. 23.0917 (1) (c).~~

6 (b) "Land" has the meaning given in s. 23.0917 (1) (d).

7 (c) ~~"Outdoor activity" means hiking, fishing during an open season, hunting~~

8 ~~during an open season, or trapping during an open season.~~

9 (d) "Stewardship land" means ^{land} that is acquired in whole or in part with funding

10 from the stewardship program under s. 23.0917.

g

1 ~~(2) REQUIREMENT OF ACCESS. (a) Any person receiving a grant on or after the~~
 2 ~~effective date of this paragraph [revisor inserts date], that will be used to acquire~~
 3 ~~stewardship land shall permit one or more outdoor activities on the stewardship land~~
 4 ~~unless the owner and the department jointly determine that it is necessary to~~
 5 ~~prohibit the outdoor activity in order to protect public safety or to protect native wild~~
 6 ~~plants and animals, or other natural features.~~

7 (b) In lieu of prohibiting an outdoor activity as provided under par. (a), the
 8 owner and department may jointly determine to impose restrictions on the outdoor
 9 activity if the restrictions will adequately protect public safety, native wild plants
 10 and animals, and other natural features.

INS
2-10

11 ^e (c) The board shall review each determination made under par. (a) to determine
 12 whether the prohibition is necessary. The department shall promulgate rules that
 13 establish a process for this review.

swps.
(2)(b)
and
(3)(b)

14 ^B (5) ³ REPORTING REQUIREMENT. The department shall prepare an annual report
 15 that identifies all stewardship land that has been acquired during each fiscal year
 16 and upon which one or more outdoor activities are prohibited. For each acquisition,
 17 the report shall specify which outdoor activities are prohibited and shall include the
 18 reason for the prohibition. The department shall submit the report to the joint
 19 committee on finance and to the appropriate standing committees of the legislature
 20 in the manner provided under s. 13.172 (3). The department shall submit the report
 21 no later than November 15 for the preceding fiscal year and shall submit the first
 22 report no later than November 15, 2008.”

23 ^B ⁴ REVIEW. ^{CS} ^{NO} (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0712/2ins
MGG:.....

INS 2-10

1 (2) REQUIREMENT OF ACCESS; NONDEPARTMENT LAND. (a) Except as provided in
2 par. (b), any person receiving a grant on or after the effective date of this paragraph
3 [revisor inserts date], that will be used to acquire stewardship land shall permit
4 hunting, fishing, trapping, hiking, sight-seeing, and cross-country skiing by others
5 on the stewardship land.

6 (b) If the land is acquired in fee simple or if the acquisition is an easement or
7 other conveyance that does not consist of or include or otherwise involve an
8 acquisition of development rights, the person may prohibit hunting, fishing,
9 trapping, or hiking, or a combination thereof, if the owner and the department jointly
10 determine that it is necessary to do so in order to protect public safety.

11 (3) REQUIREMENT OF ACCESS; DEPARTMENT LAND. (a) Except as provided in pars.
12 (b) and (c) and ss. 29.089, 29.091, 29.301 (1) (b), and 29.621 (4), the department shall
13 permit hunting, fishing, trapping, hiking, sight-seeing, and cross-country skiing by
14 others on stewardship land that is acquired by the department on or after the
15 effective date of the paragraph [revisor inserts date].

16 (b) If the land is acquired in fee simple or if the acquisition is an easement or
17 other conveyance that does not consist of or include or otherwise involve an
18 acquisition of development rights, the department may prohibit hunting, fishing,
19 trapping, or hiking, or a combination thereof, if the department determines that it
20 is necessary to do so in order to protect public safety.

21 (c) The department may prohibit hunting, fishing, or trapping, or any
22 combination thereof, on stewardship land that is located in fish refuges, game
23 refuges, or state recreation areas.



State of Wisconsin
2007 - 2008 LEGISLATURE

RMR
3
LRBb0712/2
MGG:jld:rs

LFB:.....Rushmer - Public access to stewardship lands, rules for closure review

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TO 2007 SENATE BILL 40

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6 (b) "Stewardship land" means land that is acquired in whole or in part with
7 funding from the stewardship program under s. 23.0917.

8 (2) REQUIREMENT OF ACCESS; NONDEPARTMENT LAND. (a) Except as provided in
9 par. (b), any person receiving a grant on or after the effective date of this paragraph
10 [revisor inserts date], that will be used to acquire stewardship land shall permit

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6 trapping, ~~or hiking~~^g, ~~or a combination thereof~~^{or cross-skiing}, if the owner and the department jointly
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10 permit hunting, fishing, trapping, hiking, ~~sight-seeing~~^g, and cross-country skiing by
11 others on stewardship land that is acquired by the department on or after the
12 effective date of this paragraph [revisor inserts date].

13 (b) If the land is acquired in fee simple or if the acquisition is an easement or
14 other conveyance that does not consist of or include or otherwise involve an
15 acquisition of development rights, the department may prohibit hunting, fishing,
16 trapping, ~~or hiking~~^g, ~~or a combination thereof~~^{or cross-skiing}, if the department determines that it
17 is necessary to do so in order to protect public safety.

18 (c) The department may prohibit hunting, fishing, or trapping, or any
19 combination thereof, on stewardship land that is located in fish refuges, game
20 refuges, or state recreation areas.

21 (4) REVIEW. The board shall review each determination made under subs. (2)
22 (b) and (3) (b) to determine whether the prohibition is necessary. The department
23 shall promulgate rules that establish a process for this review.

24 (5) REPORTING REQUIREMENT. The department shall prepare an annual report
25 that identifies all stewardship land that has been acquired during each fiscal year

1 and upon which one or more outdoor activities are prohibited. For each acquisition,
2 the report shall specify which outdoor activities are prohibited and shall include the
3 reason for the prohibition. The department shall submit the report to the joint
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6 no later than November 15 for the preceding fiscal year and shall submit the first
7 report no later than November 15, 2008.”

8 (END)

Gibson-Glass, Mary

From: Rushmer, Erin
Sent: Tuesday, July 03, 2007 3:29 PM
To: Gibson-Glass, Mary
Cc: Kite, Robin
Subject: public access draft 0712/3

Mary- On the public access draft, 0712/3, page 2, line 21, delete the words "or state recreation areas". They don't want DNR to be able to close those off. Let me know if you have questions on that. Thanks,
-Erin

Have a good fourth!

Erin Rushmer
Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Rushmer@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

RMR
LRBb071273 4
MGG:jld:pg

LFB:.....Rushmer - Public access to stewardship lands, rules for closure review

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7 in the manner provided under s. 13.172 (3). The department shall submit the report
8 no later than November 15 for the preceding fiscal year and shall submit the first
9 report no later than November 15, 2008.”

10

(END)

Gibson-Glass, Mary

From: Rushmer, Erin
Sent: Friday, July 06, 2007 10:58 AM
To: Gibson-Glass, Mary
Subject: 0712/4 one more thing

Mary- Your call reminded me that Daryl did have one more little change to draft 0712. He wanted it to say "the Natural Resources Board is directed to develop a process for the review of a closure finding and that the department shall promulgate rules to that effect."

He wanted to clarify that the NR Board doesn't necessarily have to be reviewing it, they could establish a committee to review it, they could do whatever they want, they just have to "develop" the process. (This is not that important to me, but it's what it says in our summary so I guess we want to be consistent).
Could you make this change for me?

-Erin

Erin Rushmer
Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Rushmer@legis.state.wi.us

Gibson-Glass, Mary

From: Kite, Robin
Sent: Friday, July 06, 2007 11:05 AM
To: Gibson-Glass, Mary
Subject: FW: e-mail access from home

From: Ryan, Robin
Sent: Tuesday, June 26, 2007 8:53 AM
To: Kite, Robin
Subject: FW: e-mail access from home

From: Ryan, Robin
Sent: Wednesday, June 06, 2007 4:40 PM
To: Balinsky, Brett; Kuczenski, Tracy
Subject: e-mail access from home

here is the web address

<https://owa.legis.wisconsin.gov>

note the "s" at the end of "http"

LFB:.....Rushmer – Public access to stewardship lands, rules for closure review

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

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

2 1. Page 423, line 15: after that line insert:

3 "SECTION 638r. 23.0916 of the statutes is created to read:

4 23.0916 Stewardship land access. (1) DEFINITIONS. In this section:

5 (a) "Land" has the meaning given in s. 23.0917 (1) (d).

6 (b) "Stewardship land" means land that is acquired in whole or in part with
7 funding from the stewardship program under s. 23.0917.

8 (2) REQUIREMENT OF ACCESS; NONDEPARTMENT LAND. (a) Except as provided in
9 par. (b), any person receiving a grant on or after the effective date of this paragraph
10 [revisor inserts date], that will be used to acquire stewardship land shall permit

1 hunting, fishing, trapping, hiking, and cross-country skiing by others on the
2 stewardship land.

3 (b) If the land is acquired in fee simple or if the acquisition is an easement or
4 other conveyance that does not consist of or include or otherwise involve an
5 acquisition of development rights, the person may prohibit hunting, fishing,
6 trapping, hiking, or cross-country skiing, or a combination thereof, if the owner and
7 the department jointly determine that it is necessary to do so in order to protect
8 public safety.

9 (3) REQUIREMENT OF ACCESS; DEPARTMENT LAND. (a) Except as provided in pars.
10 (b) and (c) and ss. 29.089, 29.091, 29.301 (1) (b), and 29.621 (4), the department shall
11 permit hunting, fishing, trapping, hiking, and cross-country skiing by others on
12 stewardship land that is acquired by the department on or after the effective date of
13 this paragraph [revisor inserts date].

natural resources

14 (b) If the land is acquired in fee simple or if the acquisition is an easement or
15 other conveyance that does not consist of or include or otherwise involve an
16 acquisition of development rights, the department may prohibit hunting, fishing,
17 trapping, hiking, or cross-country skiing, or a combination thereof, if the
18 department determines that it is necessary to do so in order to protect public safety.

19 (c) The department may prohibit hunting, fishing, or trapping, or any
20 combination thereof, on stewardship land that is located in fish or game refuges.

21 (4) REVIEW. The board shall ^{by rules} ~~review each determination~~ made under subs. (2)
22 (b) and (3) (b) ~~to determine whether the prohibition is necessary. The department~~
23 ~~shall promulgate rules that establish a process for this review.~~

*develop a process for the review of
deter-
mina-
tions*

24 (5) REPORTING REQUIREMENT. The department shall prepare an annual report
25 that identifies all stewardship land that has been acquired during each fiscal year

*develop a process for the review of
deter-
mina-
tions*

1 and upon which one or more outdoor activities are prohibited. For each acquisition,
2 the report shall specify which outdoor activities are prohibited and shall include the
3 reason for the prohibition. The department shall submit the report to the joint
4 committee on finance and to the appropriate standing committees of the legislature
5 in the manner provided under s. 13.172 (3). The department shall submit the report
6 no later than November 15 for the preceding fiscal year and shall submit the first
7 report no later than November 15, 2008.”.

8 (END)

Gibson-Glass, Mary

From: Rushmer, Erin
Sent: Friday, July 06, 2007 1:30 PM
To: Gibson-Glass, Mary
Subject: draft 0712/5

Hi Mary- Sorry to add a /6, but could you tweak the language about public access to the stew land? Daryl was thinking something similar to the managed forest law language where it would read something like this:

Any person receiving a grant... shall permit public access to the land for hunting, fishing, trapping, hiking, and cross country skiing.

(the "by others" language sounds like it could be misused).

Let me know if you have a question on that one. Thanks,
-Erin

Erin Rushmer

*Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Rushmer@legis.state.wi.us*



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0712/5
MGG:jld:nwn

6 RMR

twlj

D-Note ✓

LFB:.....Rushmer – Public access to stewardship lands, rules for closure review

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

(6)

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6 (b) "Stewardship land" means land that is acquired in whole or in part with
7 funding from the stewardship program under s. 23.0917.

8 (2) REQUIREMENT OF ACCESS; NONDEPARTMENT LAND. (a) Except as provided in
9 par. (b), any person receiving a grant on or after the effective date of this paragraph

10

....[revisor inserts date], that will be used to acquire stewardship land shall permit

public access to the stewardship land for

1) hunting, fishing, trapping, hiking, and cross-country skiing by others on the
2) stewardship land.

public access for

3 (b) If the land is acquired in fee simple or if the acquisition is an easement or
4 other conveyance that does not consist of or include or otherwise involve an
5 acquisition of development rights, the person may prohibit hunting, fishing,
6 trapping, hiking, or cross-country skiing, or a combination thereof, if the owner and
7 the department jointly determine that it is necessary to do so ~~in order~~ to protect
8 public safety.

SIF

9 (3) REQUIREMENT OF ACCESS; DEPARTMENT LAND. (a) Except as provided in pars.
10 (b) and (c) and ss. 29.089, 29.091, 29.301 (1) (b), and 29.621 (4), the department shall
11 permit hunting, fishing, trapping, hiking, and cross-country skiing by others on
12 stewardship land that is acquired by the department on or after the effective date of
13 this paragraph [revisor inserts date].

public access for

14 (b) If the land is acquired in fee simple or if the acquisition is an easement or
15 other conveyance that does not consist of or include or otherwise involve an
16 acquisition of development rights, the department may prohibit hunting, fishing,
17 trapping, hiking, or cross-country skiing, or a combination thereof, if the
18 department determines that it is necessary to do so in order to protect public safety.

19 (c) The department may prohibit hunting, fishing, or trapping, or any
20 combination thereof, on stewardship land that is located in fish or game refuges.

public access for

21 (4) REVIEW. The natural resources board, by rule, shall develop a process for
22 the review of determinations made under subs. (2) (b) and (3) (b).

23 (5) REPORTING REQUIREMENT. The department shall prepare an annual report
24 that identifies all stewardship land that has been acquired during each fiscal year
25 and upon which ~~one or more outdoor activities are~~ prohibited. For each acquisition,

public access for hunting, fishing, trapping, hiking

or cross-country skiing is

1 the report shall specify ^{for} which ^{of these} outdoor activities ^{public access is} prohibited and shall include the
 2 reason for the prohibition. The department shall submit the report to the joint
 3 committee on finance and to the appropriate standing committees of the legislature
 4 in the manner provided under s. 13.172 (3). The department shall submit the report
 5 no later than November 15 for the preceding fiscal year and shall submit the first
 6 report no later than November 15, 2008.”.

7 (END)

D-Note

J ~~add~~ made added the phrase [✓] public access [✓]
 to ~~s. 23~~ sub^s (2) (a) [✓] and (b) [✓] and (3) (a) [✓] and
 (b) [✓]; and (c) J also rewrote sub. (5) ^s for
 consistency.

MOB

~~Do not change references in D-Note to
 include s. 23.0916.
 Thanks~~

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

LRBb0712/6dn
MGG:wj:rs

July 6, 2007

I added the phrase "public access" to subs. (2) (a) and (b) and (3) (a), (b), and (c). I also rewrote sub. (5) for consistency.

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0712/6
MGG:jld&wlj:rs

LFB:.....Rushmer - Public access to stewardship lands, rules for closure review

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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TO 2007 SENATE BILL 40

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7 funding from the stewardship program under s. 23.0917.

8 **(2) REQUIREMENT OF ACCESS; NONDEPARTMENT LAND.** (a) Except as provided in
9 par. (b), any person receiving a grant on or after the effective date of this paragraph

10 [revisor inserts date], that will be used to acquire stewardship land shall permit

1 public access to the stewardship land for hunting, fishing, trapping, hiking, and
2 cross-country skiing.

3 (b) If the land is acquired in fee simple or if the acquisition is an easement or
4 other conveyance that does not consist of or include or otherwise involve an
5 acquisition of development rights, the person may prohibit public access for hunting,
6 fishing, trapping, hiking, or cross-country skiing, or a combination thereof, if the
7 owner and the department jointly determine that it is necessary to do so in order to
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10 (b) and (c) and ss. 29.089, 29.091, 29.301 (1) (b), and 29.621 (4), the department shall
11 permit public access for hunting, fishing, trapping, hiking, and cross-country skiing
12 by others on stewardship land that is acquired by the department on or after the
13 effective date of this paragraph [revisor inserts date].

14 (b) If the land is acquired in fee simple or if the acquisition is an easement or
15 other conveyance that does not consist of or include or otherwise involve an
16 acquisition of development rights, the department may prohibit public access for
17 hunting, fishing, trapping, hiking, or cross-country skiing, or a combination thereof,
18 if the department determines that it is necessary to do so in order to protect public
19 safety.

20 (c) The department may prohibit public access for hunting, fishing, or trapping,
21 or any combination thereof, on stewardship land that is located in fish or game
22 refuges.

23 **(4) REVIEW.** The natural resources board, by rule, shall develop a process for
24 the review of determinations made under subs. (2) (b) and (3) (b).

