

## 2013 DRAFTING REQUEST

### Bill

Received: 9/13/2013 Received By: eshea  
Wanted: As time permits Same as LRB:  
For: David Craig (608) 266-3363 By/Representing: Nate  
May Contact: Drafter: eshea  
Subject: Nat. Res. - parks and forestry Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Craig@legis.wisconsin.gov  
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Access to DNR stewardship-acquired land and managed forest land

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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> |
|--------------|---------------------|---------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /P1          | eshea<br>10/28/2013 | jdyer<br>10/8/2013  | rschluet<br>10/9/2013  | _____          | sbasford<br>10/9/2013 |                       | State<br>S&L    |
| /P2          | eshea<br>11/15/2013 | jdyer<br>10/29/2013 | rschluet<br>10/29/2013 | _____          | mbarman<br>10/29/2013 |                       | State<br>S&L    |
| /1           |                     | jdyer<br>11/18/2013 | rschluet<br>11/18/2013 | _____          | lparisi<br>11/18/2013 | lparisi<br>11/18/2013 | State<br>S&L    |

FE Sent For:

at  
intro

<END>

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| /P2          |                     | jdyer<br>10/29/2013 | rschluet<br>10/29/2013 | _____          | mbarman<br>10/29/2013 |                 | State<br>S&L    |

FE Sent For:

11/18 jld jd  
<END> 11/18/13

FOR ASSEMBLY PERMS

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---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Access to DNR ~~stewardship~~-acquired land and managed forest (law) land ✓

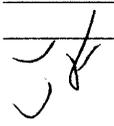
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|--------------|--------------------|---|---|---|-----------------------|-----------------|-----------------|
| /P1          | eshea<br>9/25/2013 | jdye<br>10/8/2013   | rschluet<br>10/9/2013   |  | sbasford<br>10/9/2013 |                 | State<br>S&L    |
| FE Sent For: |                    |  |  |   |                       |                 |                 |

<END>

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Topic:

Access to DNR Stewardship-acquired land and managed forest ~~law~~ land

Instructions:

See attached

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /P1          | eshea          | PI              | 10/8 jld     | SM             |                  |                 |                 |

FE Sent For:

<END>

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Rep. Craig, Nate

- 1) DNR can't purchase land w/ stewardship funds that is landlocked w/out acquiring easement to allow access
- 2) MFL > 160 acres (on which public hunting, etc allowed) must be accessible

put in 23.0917(8)

9/18/13 tel conf. w/Nate from Rep Craig office

Question: apply to land purchased by DNR AND with stewardship grants?

→ Yes - all land meant to be publicly accessible



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3158/P1

EHS:.....

In 9/25/13

Fri (cmh)

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PWF

4

Gen

- 1 AN ACT ...; relating to: access to land acquired with stewardship funding and
- 2 access to managed forest land. ✓

*Analysis by the Legislative Reference Bureau*

(DNR)

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program (stewardship program), ✓ which is administered by the Department of Natural Resources. The state may incur this debt to provide funding to acquire land for the state for conservation purposes and may also use the funding to award grants or state aid to certain local governmental units and nonprofit conservation organizations to acquire lands for conservation purposes (stewardship funding). ✓ Current law requires that land acquired with stewardship funding ✓ be open to the public for nature-based outdoor activities, with certain exceptions.

This bill prohibits the expenditure of stewardship funding to acquire land that is required to be open to the public unless the land is accessible to the public on foot. ✓

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

INSERT ✓  
A

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

- 3 SECTION 1. 23.0917 (8) (h) of the statutes is created to read: ✓

1 23.0917 (8) (h) 1. The department may not obligate moneys from the  
 2 appropriation under s. 20.866 (2) (ta) for the acquisition of land that is required to  
 3 be accessible to the public under s. 23.0916 unless the land is accessible to the public  
 4 on foot.

5 **SECTION 2. Initial applicability.**

6 (1) LAND ACQUIRED WITH STEWARDSHIP FUNDS. The treatment of section 23.0917  
 7 (8) (h) of the statutes first applies to moneys obligated on the effective date of this  
 8 subsection.

9 (2) MANAGED FOREST LAND. The treatment of sections 77.82, 77.83, and 77.88  
 10 of the statutes first applies to land designated as managed forest land under an order  
 11 that takes effect on the effective date of this subsection.

(END)

INSERT  
 2-5 →

(1)(b) 4. (1)(a)(intro.)

(2)(e)



2009 BILL

1 AN ACT *to amend* 77.83 (1) (a) (intro.) and 77.88 (2) (e); and *to create* 77.82 (1)  
2 (b) 4. of the statutes; **relating to:** managed forest land eligibility requirements  
3 and designating managed forest land as closed to the public.

current law, plain

~~Analysis by the Legislative Reference Bureau~~

DNR

<sup>under</sup> Under the managed forest land (MFL) program, the owner of land that meets certain requirements concerning size and the amount of timber on the land may apply to have the Department of Natural Resources designate the land as MFL. The owner of such land is entitled to make an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities consisting of hunting, fishing, hiking, sightseeing, and cross-country skiing. For land that the owner keeps closed, the owner must pay a supplemental amount that is in addition to the annual payment described above.

This bill establishes an additional requirement for MFL eligibility. Under the bill, in order for land to be designated as MFL, it must have public access. The bill specifies that, even if an owner designates an area of MFL land as closed to the public, the closed area must still remain open for hunting and must be accessible to the public for that purpose. (end ins A)

INSERT  
A

\*

**BILL**

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:*

1           **SECTION 1.** 77.82 (1) (b) 4. of the statutes is created to read: ✓  
 2           77.82 (1) (b) 4. A parcel that has no public access. ✓  
 3           **SECTION 2.** 77.83 (1) (a) (intro.) ✗ of the statutes is amended to read:  
 4           77.83 (1) (a) (intro.) An owner may designate land subject to a managed forest  
 5 land order as closed to the public access except that the owner shall permit public  
 6 access to the closed area for hunting by the public. ✓ The closed area may consist of  
 either:  
 8           **SECTION 3.** 77.88 (2) (e) ✗ of the statutes is amended to read:  
 9           77.88 (2) (e) The transferred land shall remain managed forest land if the  
 10 transferee, within 30 days after the transfer, certifies to the department an intent  
 11 to comply with the existing management plan for the land and with any amendments  
 12 agreed to by the department and the transferee, <sup>plan</sup> and provides proof that each person  
 13 holding any encumbrance on the land agrees to the designation. The transferee may  
 14 designate an area of the transferred land closed to the public ✓ access as provided  
 15 under s. 77.83. The department shall issue an order continuing the designation of  
 16 the land as managed forest land under the new ownership.

INSERT 7  
25

**SECTION 4. Initial applicability.**

(1) This act first applies to land designated as managed forest land under an order that takes effect on the effective date of this subsection.

(END)

20

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

10/24/13 EHS tel. conf. with Nate from Rep. Craig's office

Changes:

1. Under MFL, if owner pays fee to have land closed, don't need <sup>public</sup> access. ~~or~~ ~~exclusion~~ for hunting.

2. Wants "access ~~on~~ foot" language in both MFL and Stewardship



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3158/P1 P2  
EHS:jld:rs

In 10/28/13

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

LPS-Fix  
request sheet  
please ✓

✓

Regen

1 AN ACT *to amend* 77.83 (1) (a) (intro.) and 77.88 (2) (e); and *to create* 23.0917  
2 (8) (h) and 77.82 (1) (b) 4. of the statutes; **relating to:** access to land acquired  
3 with stewardship funding and access to managed forest land. ✓

***Analysis by the Legislative Reference Bureau***

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program (stewardship program), which is administered by the Department of Natural Resources (DNR). The state may incur this debt to provide funding to acquire land for the state for conservation purposes and may also use the funding to award grants or state aid to certain local governmental units and nonprofit conservation organizations to acquire lands for conservation purposes (stewardship funding). Current law requires that land acquired with stewardship funding be open to the public for nature-based outdoor activities, with certain exceptions.

This bill prohibits the expenditure of stewardship funding to acquire land that is required to be open to the public unless the land is accessible to the public on foot.

Under current law, under the managed forest land (MFL) program, the owner of land that meets certain requirements concerning size and the amount of timber on the land may apply to have DNR designate the land as MFL. The owner of such land is entitled to make an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities consisting of hunting, fishing, hiking, sightseeing, and cross-country skiing. For

✓  
be accessible to the public on foot, unless it has been designated as closed to public access.

land that the owner keeps closed, the owner must pay a supplemental amount that is in addition to the annual payment described above.

This bill establishes an additional requirement for MFL eligibility. Under the bill, in order for land to be designated as MFL, it must have public access. The bill specifies that, even if an owner designates an area of MFL land as closed to the public, the closed area must still remain open for hunting and must be accessible to the public for that purpose.

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

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4           be accessible to the public under s. 23.0916 unless the land is accessible to the public  
5           on foot.

6           SECTION 2. 77.82 (1) (b) 4. of the statutes is created to read:

7           77.82 (1) (b) 4. A parcel that has no public access.

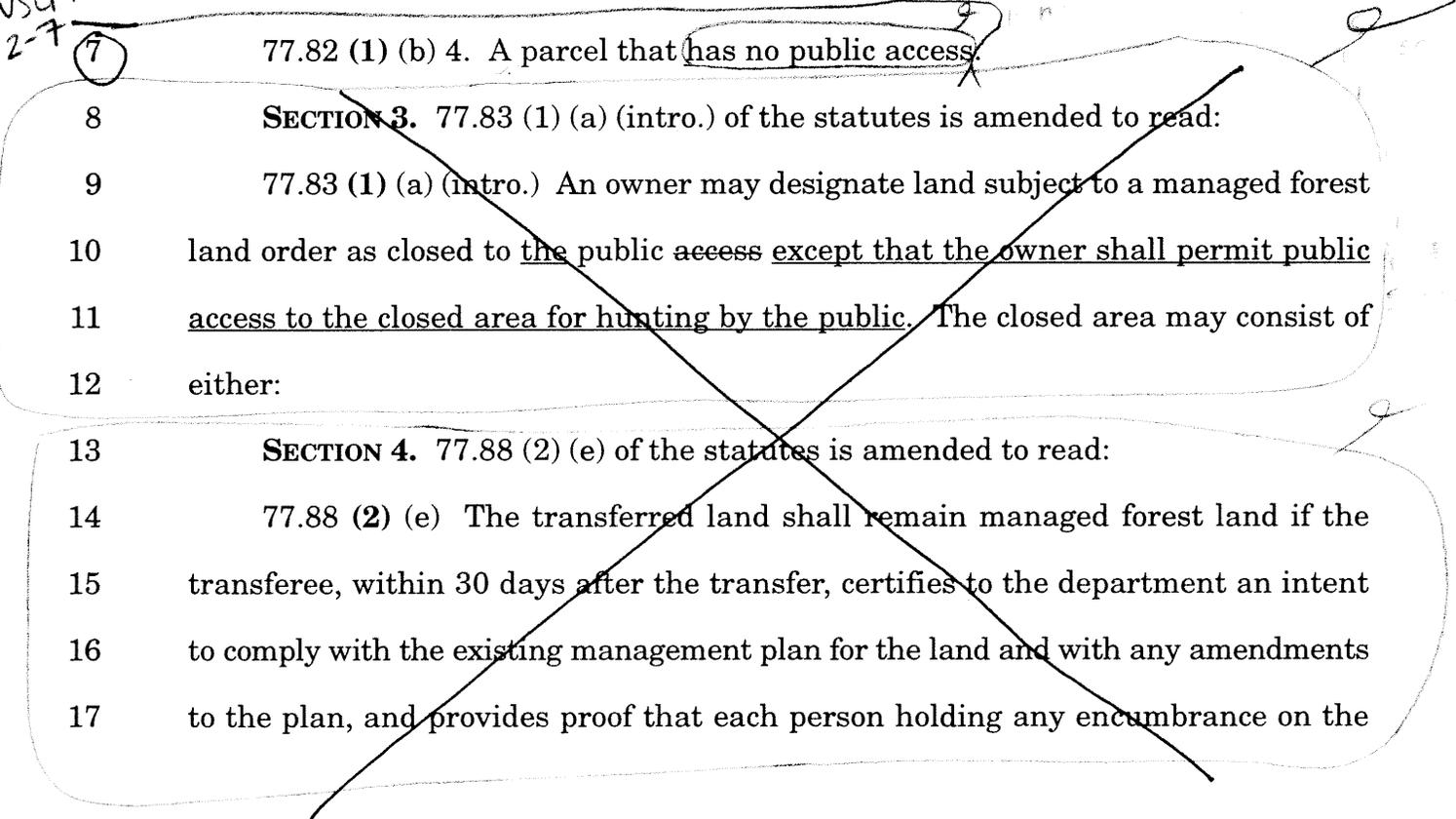
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10          land order as closed to the public access except that the owner shall permit public  
11          access to the closed area for hunting by the public. The closed area may consist of  
12          either:

13          SECTION 4. 77.88 (2) (e) of the statutes is amended to read:

14          77.88 (2) (e) The transferred land shall remain managed forest land if the  
15          transferee, within 30 days after the transfer, certifies to the department an intent  
16          to comply with the existing management plan for the land and with any amendments  
17          to the plan, and provides proof that each person holding any encumbrance on the

✓  
INSERT 6  
2-7  
7



1 land agrees to the designation. The transferee may designate an area of the  
2 transferred land closed to the public access as provided under s. 77.83. The  
3 department shall issue an order continuing the designation of the land as managed  
4 forest land under the new ownership.

5 **SECTION 5. Initial applicability.**

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8 subsection.

9 (2) MANAGED FOREST LAND. The treatment of sections 77.82 (1) (b) 4, 77.83 (1)  
10 (a) (intro.), and 77.88 (2) (e) of the statutes first applies to land designated as  
11 managed forest land under an order that takes effect on the effective date of this  
12 subsection.

13 (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3158/P2ins  
EHS:jld:rs

1 INSERT 2-7

2 ~~is~~ is not accessible to the public on foot. This subdivision does not apply to a parcel or

3 part of a parcel that has been closed to the public under s. 77.83.

is

access

(1)

## Shea, Elisabeth

---

**From:** Schacht, Nathan  
**Sent:** Thursday, November 14, 2013 4:53 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: 3158/P2

It does. Go ahead and jacket 3158. Thank you.

Nathan Schacht  
Office of State Representative David Craig

---

**From:** Shea, Elisabeth  
**Sent:** Monday, November 11, 2013 10:00 AM  
**To:** Schacht, Nathan  
**Subject:** RE: 3158/P2

Hi Nathan,

Yes, the requirement applies to all land purchased with stewardship funding, so it applies to land purchased through those grant programs.

Lis

---

**From:** Schacht, Nathan  
**Sent:** Friday, November 08, 2013 3:22 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: 3158/P2

Elisabeth,

One question, does this requirement apply to stewardship lands purchased through the grant program by local governments and nonprofits as well?

Nathan Schacht  
Office of State Representative David Craig

---

**From:** Shea, Elisabeth  
**Sent:** Monday, November 04, 2013 4:21 PM  
**To:** Schacht, Nathan  
**Subject:** RE: 3158/P2

Hi Nate,

Take a look at s. 23.09165 – that section requires an owner of stewardship land to post notice of public access using signs of at least 108 square inches placed at major access points. Does this cover what you were hoping? Let me know if you would like anything added to that section.

Lis

---

**From:** Schacht, Nathan  
**Sent:** Monday, November 04, 2013 10:19 AM

**To:** Shea, Elisabeth  
**Subject:** 3158/P2

Elisabeth,

One last thing we'd like added.

-Please add language to just the stewardship portion that requires signage visible to the public indicating the entrance points to the land.

Thanks,  
Nate

**Nathan Schacht**  
Office of State Representative David Craig  
83rd Assembly District  
P: (608) 266-3363  
E: [nathan.schacht@legis.wi.gov](mailto:nathan.schacht@legis.wi.gov)

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3158/P2 1

EHS:jld:rs

In 11/15/13

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 BILL

X

Regen

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3 land.

*Analysis by the Legislative Reference Bureau*

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