



2007 ASSEMBLY BILL 156

March 12, 2007 – Introduced by Representatives BIES, GOTTLIEB, GUNDERSON, HRAYCHUCK, MUSSER, F. LASEE, A. OTT, PETROWSKI, STONE, TOWNSEND and M. WILLIAMS, cosponsored by Senators PLALE, COWLES and DARLING. Referred to Committee on Natural Resources.

1 **AN ACT** *to amend* 23.09 (2p) (b), 23.09 (19) (cg), 23.09 (20) (am), 23.09 (20m) (b),
2 23.0917 (7) (a), 23.0917 (7) (e), 23.0917 (7) (f) 2., 23.0917 (8) (a), 23.0917 (8) (b),
3 23.0917 (8) (c), 23.0917 (8) (d), 23.0917 (12), 23.092 (4), 23.092 (5) (a), 23.094
4 (3g), 23.094 (4) (a), 23.096 (2) (a), 23.098 (2), 23.175 (3) (b) (intro.), 23.175 (3m),
5 23.27 (4), 23.27 (5), 23.29 (2), 23.29 (3), 23.293 (4), 23.293 (5), 30.277 (1m),
6 30.277 (2) (c), 292.11 (9) (e) 1m. f. and 292.23 (2) (f); and **to create** 20.370 (1)
7 (mw), 25.17 (1) (tb) and 25.299 of the statutes; **relating to:** creation of the
8 stewardship 2000 trust fund and making an appropriation.

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, which is administered by the Department of Natural Resources (DNR). The state may incur this debt under this program to acquire land for the state for conservation purposes and may award grants or state aid to certain local governmental units, including the Kickapoo Reserve Management Board, and nonprofit conservation organizations to acquire lands for these conservation purposes. Current law provides no other funding for the stewardship 2000 program.

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This bill creates the stewardship 2000 trust fund. Under the bill, all gifts, grants, bequests and other contributions made to the stewardship 2000 trust fund may only be used for the stewardship 2000 program.

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.** 20.370 (1) (mw) of the statutes is created to read:

2 20.370 (1) (mw) *Warren Knowles-Gaylord Nelson stewardship 2000 program.*

3 From the stewardship 2000 trust fund, a sum sufficient for the Warren
4 Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917.

5 **SECTION 2.** 23.09 (2p) (b) of the statutes is amended to read:

6 23.09 (2p) (b) Except as provided in par. (c), an amount of money equal to the
7 value of the donation under par. (a) shall be released from the appropriation under
8 s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) or both, or from any combination of these
9 appropriations, to be used for land acquisition activities for the same project for
10 which any donation was made on or after August 9, 1989. The department shall
11 determine how the moneys being released are to be allocated from these
12 appropriations. This paragraph does not apply to transfers of land from agencies
13 other than the department.

14 **SECTION 3.** 23.09 (19) (cg) of the statutes is amended to read:

15 23.09 (19) (cg) The department may award grants from the appropriation
16 under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition of land or rights in land
17 for urban green space under this subsection only for the purposes of nature-based
18 outdoor recreation.

19 **SECTION 4.** 23.09 (20) (am) of the statutes is amended to read:

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1 23.09 (20) (am) Any governmental unit may apply for state aids for the
2 acquisition and development of recreational lands and rights in lands. State aids
3 under this subsection that are expended from the appropriation under s. 20.370 (1)
4 (mw) or 20.866 (2) (ta) may only be used for nature-based outdoor recreation. State
5 aids received by a municipality shall be used for the development of its park system
6 in accordance with priorities based on comprehensive plans submitted with the
7 application and consistent with the outdoor recreation program under s. 23.30. An
8 application under this subsection shall be made in the manner the department
9 prescribes.

10 **SECTION 5.** 23.09 (20m) (b) of the statutes is amended to read:

11 23.09 (20m) (b) The department shall establish a program to award grants
12 from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) to governmental
13 units and nonprofit conservation organizations to acquire development rights in
14 land for nature-based outdoor recreation. The grants shall be limited to no more
15 than ~~50%~~ 50 percent of the acquisition costs of the development rights.

16 **SECTION 6.** 23.0917 (7) (a) of the statutes is amended to read:

17 23.0917 (7) (a) Except as provided in pars. (b) and (c), for purposes of
18 calculating the acquisition costs for acquisition of land under ss. 23.09 (19), (20) and
19 (20m), 23.092 (4), 23.094 (3g), 23.096, 30.24 (4) and 30.277 from the appropriation
20 under s. 20.370 (1) (mw) or 20.866 (2) (ta), the acquisition costs shall equal the sum
21 of the land's current fair market value and other acquisition costs, as determined by
22 rule by the department.

23 **SECTION 7.** 23.0917 (7) (e) of the statutes is amended to read:

24 23.0917 (7) (e) For any land for which moneys are proposed to be obligated from
25 the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) in order to provide a

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1 grant or state aid to a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277
2 or to a nonprofit conservation organization under s. 23.096, the department shall use
3 at least 2 appraisals to determine the fair market value of the land. The
4 governmental unit or nonprofit conservation organization shall submit to the
5 department one appraisal that is paid for by the governmental unit or nonprofit
6 conservation organization. The department shall obtain its own independent
7 appraisal. The department may also require that the governmental unit or nonprofit
8 conservation organization submit a 3rd independent appraisal. The department
9 shall reimburse the governmental unit or nonprofit conservation organization up to
10 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the
11 land is acquired by the governmental unit or nonprofit conservation organization
12 with moneys obligated from the appropriation under s. 20.370 (1) (mw) or 20.866 (2)
13 (ta). This paragraph does not apply if the fair market value of the land is estimated
14 by the department to be \$200,000 or less.

15 **SECTION 8.** 23.0917 (7) (f) 2. of the statutes is amended to read:

16 23.0917 (7) (f) 2. For any acquisition of any land that is funded with moneys
17 obligated from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta), the
18 department, within 30 days after the moneys are obligated, shall submit to the clerk
19 and the assessor of each taxation district in which the land is located a copy of every
20 appraisal in the department's possession that was prepared in order to determine the
21 fair market value of the land involved. An assessor who receives a copy of an
22 appraisal under this subdivision shall consider the appraisal in valuing the land as
23 provided under s. 70.32 (1).

24 **SECTION 9.** 23.0917 (8) (a) of the statutes is amended to read:

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1 23.0917 (8) (a) The department may not obligate moneys from the
2 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition of land
3 for golf courses or for the development of golf courses.

4 **SECTION 10.** 23.0917 (8) (b) of the statutes is amended to read:

5 23.0917 (8) (b) The department may not obligate moneys from the
6 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition or
7 development of land by a county or other local governmental unit or political
8 subdivision if the county, local governmental unit, or political subdivision acquires
9 the land involved by condemnation.

10 **SECTION 11.** 23.0917 (8) (c) of the statutes is amended to read:

11 23.0917 (8) (c) The department may not obligate moneys from the
12 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition by a city,
13 village or town of land that is outside the boundaries of the city, village or town unless
14 the city, village or town acquiring the land and the city, village or town in which the
15 land is located approve the acquisition.

16 **SECTION 12.** 23.0917 (8) (d) of the statutes is amended to read:

17 23.0917 (8) (d) The department may not acquire land using moneys from the
18 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) without the prior approval
19 of a majority of the members-elect, as defined in s. 59.001 (2m), of the county board
20 of supervisors of the county in which the land is located if at least 66% of the land
21 in the county is owned or under the jurisdiction of the state, the federal government,
22 or a local governmental unit, as defined in s. 66.0131 (1) (a). Before determining
23 whether to approve the acquisition, the county in which the land is located shall post
24 notices that inform the residents of the community surrounding the land of the
25 possible acquisitions.

ASSEMBLY BILL 156**SECTION 13**

1 **SECTION 13.** 23.0917 (12) of the statutes is amended to read:

2 23.0917 (12) EXPENDITURES AFTER JUNE 30, 2010. If the remaining bonding
3 authority for a subprogram under sub. (3) or (4) on June 30, 2010, is an amount
4 greater than zero, the department may expend any portion of this remaining bonding
5 authority for that subprogram in one or more subsequent fiscal years. The
6 department may also expend moneys from the appropriation under s. 20.370 (1)
7 (mw) for the stewardship 2000 trust fund under s. 25.299 after June 30, 2010.

8 **SECTION 14.** 23.092 (4) of the statutes is amended to read:

9 23.092 (4) The department may share the costs of implementing land
10 management practices with landowners, or with nonprofit organizations that are
11 qualified to enhance wildlife-based recreation if these organizations have the
12 landowner's permission to implement the practices. The department may share the
13 costs of acquiring easements for habitat areas with landowners or with these
14 nonprofit organizations. If the funding for cost-sharing under this subsection will
15 be expended from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta), the
16 amount expended for the cost-sharing may not exceed 50% of the cost of the
17 management practices or of the acquisition costs for the easement.

18 **SECTION 15.** 23.092 (5) (a) of the statutes is amended to read:

19 23.092 (5) (a) The department shall determine the value of land or an easement
20 donated to the department that is within a habitat area and is dedicated for purposes
21 of habitat protection, enhancement or restoration. For an easement, the valuation
22 shall be based on the extent to which the fair market value of the land is diminished
23 by the transfer. Except as provided in par. (b), an amount of money equal to the value
24 of the donation shall be released from the appropriation under s. 20.370 (1) (mw) or
25 20.866 (2) (ta) or (tz) or both, or from any combination of these appropriations, to be

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1 used for habitat protection, enhancement or restoration activities for the same
2 habitat area in which any donation was made on or after August 9, 1989. The
3 department shall determine how the moneys being released are to be allocated from
4 these appropriations.

5 **SECTION 16.** 23.094 (3g) of the statutes is amended to read:

6 23.094 (3g) ACQUISITION BY POLITICAL SUBDIVISION. A political subdivision may
7 acquire by gift, devise or purchase land adjacent to a stream identified as a priority
8 stream under sub. (2) or acquire by gift, devise or purchase a permanent stream bank
9 easement from the owner of the land. The department may make grants from the
10 appropriation under s. 20.866 (2) (tz) to political subdivisions to purchase these lands
11 and easements. The department may make grants under s. 23.096 from the
12 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) or both from any
13 combination of these appropriations. Whenever possible, the land or easement shall
14 include the land within at least 66 feet from either side of the stream.

15 **SECTION 17.** 23.094 (4) (a) of the statutes is amended to read:

16 23.094 (4) (a) The department shall determine the value of land or an easement
17 donated to the department for purposes of this section and for stream bank
18 protection under s. 23.096. For an easement, the valuation shall be based on the
19 extent to which the fair market value of the land is diminished by the transfer.
20 Except as provided in par. (b), an amount of money equal to the value of the donation
21 shall be released from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta)
22 or (tz) or both, or from any combination of these appropriations, to be used to acquire
23 easements and land under this section and s. 23.096 for the same stream for which
24 any donation was made on or after August 9, 1989. The department shall determine
25 how the moneys being released are to be allocated from these appropriations.

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1 **SECTION 18.** 23.096 (2) (a) of the statutes is amended to read:

2 23.096 **(2)** (a) The department may award grants from the appropriation under
3 s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) to nonprofit conservation organizations to
4 acquire property for all of the purposes described in ss. 23.09 (2) (d) 1. to 7., 9., 11.,
5 12. and 15., (19), (20) and (20m), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29, 23.293,
6 30.24 and 30.277.

7 **SECTION 19.** 23.098 (2) of the statutes is amended to read:

8 23.098 **(2)** The department shall establish a program to make grants from the
9 appropriations under ~~s.~~ ss. 20.370 (1) (mw) and 20.866 (2) (ta) and (tz) to friends
10 groups and nonprofit conservation organizations for projects for property
11 development activities on department properties. The department may not
12 encumber more than \$250,000 in each fiscal year for these grants.

13 **SECTION 20.** 23.175 (3) (b) (intro.) of the statutes is amended to read:

14 23.175 **(3)** (b) (intro.) Expend an amount from the appropriation under s.
15 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) or both, or from any combination of these
16 appropriations, that equals any of the following:

17 **SECTION 21.** 23.175 (3m) of the statutes is amended to read:

18 23.175 **(3m)** ALLOCATION BETWEEN APPROPRIATIONS. For purposes of sub. (3) (b),
19 the department shall determine how the moneys being expended are to be allocated
20 from the appropriations under ~~s.~~ ss. 20.370 (1) (mw) and 20.866 (2) (ta) and (tz). The
21 department ~~may not allocate or expend any moneys from the appropriation under~~
22 ~~s. 20.866 (2) (ta) before July 1, 2000.~~

23 **SECTION 22.** 23.27 (4) of the statutes is amended to read:

24 23.27 **(4)** NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the
25 intent of the legislature to continue natural areas land acquisition activities from

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1 moneys available from the appropriations under ss. 20.370 (1) (mw) and (7) (fa) and
2 20.866 (2) (ta), (ts), and (tz). This commitment is separate from and in addition to
3 the commitment to acquire natural areas under the Wisconsin natural areas
4 heritage program. Except as provided in s. 23.0915 (2), the department may not
5 expend from the appropriation under s. 20.866 (2) (tz) more than \$1,500,000 in each
6 fiscal year for natural areas land acquisition activities under this subsection and for
7 grants for this purpose under s. 23.096.

8 **SECTION 23.** 23.27 (5) of the statutes is amended to read:

9 23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN
10 NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate
11 additional natural areas land acquisition activities with moneys available from the
12 appropriations under ss. 20.370 (1) (mg) and (mw) and 20.866 (2) (ta), (tt) and (tz)
13 under the Wisconsin natural areas heritage program. This commitment is separate
14 from and in addition to the continuing commitment under sub. (4). Moneys available
15 from the appropriations under ss. 20.370 (1) (mg) and (mw) and 20.866 (2) (ta), (tt)
16 and (tz) under the Wisconsin natural areas heritage program may not be used to
17 acquire land through condemnation. The department may not acquire land under
18 this subsection unless the land is suitable for dedication under the Wisconsin natural
19 areas heritage program and upon purchase or as soon after purchase as practicable
20 the department shall take all necessary action to dedicate the land under the
21 Wisconsin natural areas heritage program. Except as provided in s. 23.0915 (2), the
22 department may not expend from the appropriation under s. 20.866 (2) (tz) more
23 than \$500,000 in each fiscal year for natural areas land acquisition activities under
24 this subsection and for grants for this purpose under s. 23.096.

25 **SECTION 24.** 23.29 (2) of the statutes is amended to read:

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1 23.29 (2) CONTRIBUTIONS; STATE MATCH. The department may accept
2 contributions and gifts for the Wisconsin natural areas heritage program. The
3 department shall convert donations of land which it determines, with the advice of
4 the council, are not appropriate for the Wisconsin natural areas heritage program
5 into cash. The department shall convert other noncash contributions into cash.
6 These moneys shall be deposited in the general fund and credited to the
7 appropriation under s. 20.370 (1) (mg). These moneys shall be matched by an equal
8 amount released from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta),
9 (tt) or (tz), or from any combination of these appropriations, to be used for natural
10 areas land acquisition activities under s. 23.27 (5). The department shall determine
11 how the moneys being released are to be allocated from these appropriations.

12 **SECTION 25.** 23.29 (3) of the statutes is amended to read:

13 23.29 (3) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall
14 determine the value of land accepted for dedication under the Wisconsin natural
15 areas heritage program. If the land dedication involves the transfer of the title in
16 fee simple absolute or other arrangement for the transfer of all interest in the land
17 to the state, the valuation shall be based on the fair market value of the land prior
18 to the transfer. If the land dedication involves the transfer of a partial interest in
19 land to the state, the valuation shall be based on the extent to which the fair market
20 value of the land is diminished by that transfer and the associated articles of
21 dedication. If the land dedication involves a sale of land to the department at less
22 than the fair market value, the valuation of the dedication shall be based on the
23 difference between the purchase price and the fair market value. An amount equal
24 to the value of land accepted for dedication under the Wisconsin natural areas
25 heritage program shall be released from the appropriation under s. 20.370 (1) (mw)

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1 or 20.866 (2) (ta), (tt) or (tz), or from any combination of these appropriations, to be
2 used for natural areas land acquisition activities under s. 23.27 (5). This subsection
3 does not apply to dedications of land under the ownership of the state. The
4 department shall determine how the moneys being released are to be allocated from
5 these appropriations.

6 **SECTION 26.** 23.293 (4) of the statutes is amended to read:

7 23.293 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept
8 contributions and gifts for the ice age trail program. The department may convert
9 gifts of land which it determines are not appropriate for the ice age trail program into
10 cash. The department may convert other noncash contributions and gifts into cash.
11 These moneys shall be deposited in the general fund and credited to the
12 appropriation under s. 20.370 (7) (gg). An amount equal to the value of all
13 contributions and gifts shall be released from the appropriation under s. 20.370 (1)
14 (mw) or 20.866 (2) (ta), (tw) or (tz), or from any combination of these appropriations,
15 to be used for land acquisition and development activities under s. 23.17. The
16 department shall determine how the moneys being released are to be allocated from
17 these appropriations.

18 **SECTION 27.** 23.293 (5) of the statutes is amended to read:

19 23.293 (5) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall
20 determine the value of land accepted for dedication under the ice age trail program.
21 If the land dedication involves the transfer of the title in fee simple absolute or other
22 arrangement for the transfer of all interest in the land to the state, the valuation of
23 the land shall be based on the fair market value of the land before the transfer. If
24 the land dedication involves the transfer of a partial interest in land to the state, the
25 valuation of the land shall be based on the extent to which the fair market value of

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1 the land is diminished by that transfer and the associated articles of dedication. If
2 the land dedication involves a sale of land to the department at less than the fair
3 market value, the valuation of the land shall be based on the difference between the
4 purchase price and the fair market value. An amount equal to the valuation of the
5 land accepted for dedication under the ice age trail program shall be released from
6 the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta), (tw) or (tz), or from any
7 combination of these appropriations, to be used for ice age trail acquisition activities
8 under s. 23.17. The department shall determine how the moneys being released are
9 to be allocated from these appropriations. This subsection does not apply to
10 dedications of land under the ownership of the state.

11 **SECTION 28.** 25.17 (1) (tb) of the statutes is created to read:

12 25.17 (1) (tb) Stewardship 2000 trust fund (s. 25.299);

13 **SECTION 29.** 25.299 of the statutes is created to read:

14 **25.299 Stewardship 2000 trust fund.** There is established a separate
15 nonlapsible trust fund designated the stewardship 2000 trust fund, to consist of all
16 gifts, grants, or bequests or other contributions made to the stewardship 2000 trust
17 fund.

18 **SECTION 30.** 30.277 (1m) of the statutes is amended to read:

19 30.277 (1m) FUNDING. ~~Beginning in fiscal year 1992-93, from~~ From the
20 ~~appropriation~~ appropriations under s. ss. 20.370 (1) (mw) and 20.866 (2) (ta) and (tz),
21 the department shall award grants to governmental units to assist them in projects
22 on or adjacent to rivers that flow through urban areas. ~~The department may award~~
23 ~~these grants from the appropriation under s. 20.866 (2) (ta) beginning on~~
24 ~~July 1, 2000.~~

25 **SECTION 31.** 30.277 (2) (c) of the statutes is amended to read:

