

1987 Assembly Bill 34

Date of enactment: **November 25, 1987**
Date of publication: **December 7, 1987**

1987 Wisconsin Act 98

AN ACT to renumber and amend 346.16 (2); to amend 23.09 (11) (b), 23.14, 23.30 (1) and 25.28 (2); and to create 20.370 (1) (gg), 23.09 (2) (d) 9, 23.17, 84.06 (11) and 346.16 (2) (b) of the statutes, relating to designating the ice age national scenic trail as a state scenic trail and making an appropriation.

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

SECTION 1. 20.370 (1) (gg) of the statutes is created to read:

20.370 (1) (gg) *Ice age trail — gifts and grants.* All moneys received from gifts, grants or bequests for the development of the ice age trail under s. 23.17 to be expended for the purposes for which made and received.

SECTION 2. 23.09 (2) (d) 9 of the statutes is created to read:

23.09 (2) (d) 9. For the ice age trail as designated under s. 23.17 (2).

SECTION 3. 23.09 (11) (b) of the statutes is amended to read:

23.09 (11) (b) ~~For the purposes of In this subsection, “outdoor recreational facilities shall mean the development of facilities” includes~~ picnic and camping grounds, hiking trails, trail-side campsites and shelters, cross-country ski trails, bridle trails, nature trails, snowmobile trails and areas, beaches and bath houses, toilets, shelters, wells and pumps, and fireplaces. Costs associated with the operation and maintenance of recreational facilities are not eligible for aids under this section. Costs associated with the development of facilities for spectator sports are not eligible for aids under this section.

SECTION 4. 23.14 of the statutes is amended to read:

23.14 Approval required before new lands acquired. Prior to the initial acquisition of any lands by the department after July 1, 1977, for any new facility or project, the proposed initial acquisition shall be submitted to the governor for his or her approval. New

facilities or projects include, without limitation because of enumeration, state parks, state forests, recreation areas, public shooting, trapping or fishing grounds or waters, fish hatcheries, game farms, forest nurseries, experimental stations, endangered species preservation areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle trails, nature trails, bicycle trails, snowmobile trails, youth camps, natural areas and wild rivers.

SECTION 5. 23.17 of the statutes is created to read:

23.17 Ice age trail. (1) DEFINITION. In this section:

(a) “Municipality” means a city, village, town, county or special purpose district.

(b) “State agency” has the meaning designated under s. 16.01 (1).

(2) DESIGNATION. The ice age national scenic trail, as provided for in 16 USC 1244 (a) (10), is designated a state scenic trail, to be known as the “Ice Age Trail”.

(3) DUTIES OF THE DEPARTMENT. The department shall:

(a) Encourage other state agencies, municipalities, organizations and individuals to participate in planning, establishing, developing and maintaining the ice age trail.

(b) Provide information to any person involved in planning, establishing, developing or maintaining the ice age trail regarding trail design, signs, interpretive markers and any other aspects of the ice age trail in which uniformity is desirable.

(c) Encourage municipalities to develop land use plans which preserve rights-of-way for future establishment of the ice age trail.

(d) Prepare a trail management plan and plan for interpretive markers for the ice age trail, in cooperation with the national park service, federal department of the interior.

(e) Coordinate the activities of all state agencies which own property that includes any existing or planned portion of the ice age trail and maintain regular contact with such agencies.

(f) Identify portions of the ice age trail which are proposed to be located on state-owned property, especially highway rights-of-way, and contact state agencies which own such property as soon as possible so that adequate plans for the location of the trail on state property may be developed and the trail location may be altered if the use of state property proves to be impossible.

(g) Coordinate its planning efforts relating to the location, development and maintenance of the ice age trail with the efforts of the national park service, federal department of the interior and any statewide non-profit organization established for the purpose of planning, developing and maintaining the ice age trail.

(4) POWERS OF THE DEPARTMENT. The department may develop the ice age trail on lands under its ownership along the trail route.

(5) STATE LAND. (a) A state agency may not refuse to permit construction of a portion of the ice age trail on property owned by the state agency if the state agency determines that the trail does not conflict with other existing or proposed uses of the property.

(b) Each state agency shall consider the ice age trail in the long-range plans for property owned by the state agency.

(6) OTHER TRAILS. (a) This section does not limit the authority of the department to designate other trails under s. 23.115.

(b) This section does not preclude any portion of the ice age trail from being designated as a part of the national trails system.

SECTION 6. 23.30 (1) of the statutes is amended to read:

23.30 (1) PURPOSE. The purpose of this section is to promote, encourage, coordinate and implement a comprehensive long-range plan to acquire, maintain and develop for public use those areas of the state best adapted to the development of a comprehensive system of state and local outdoor recreation facilities and services in all fields, including, without limitation because of enumeration, parks, forests, camping grounds, fishing and hunting grounds, trails, trail-side campsites and shelters, cross-country ski trails, bridle trails, related historical sites, highway scenic easements, natural areas and local recreation programs, except spectator sports, and to facilitate and

encourage the fullest beneficial public use of these areas.

SECTION 7. 25.28 (2) of the statutes is amended to read:

25.28 (2) Fifty percent of the interest from the monies in the badger fund shall be granted by the badger board to cities, towns, villages and counties that apply for such funds. Grants may be made for capital costs, but not operating or maintenance costs, for recreational facilities that include, but are not limited to, picnic and camping grounds, hiking trails, trail-side campsites and shelters, cross-country ski trails, bridle trails, nature trails, snowmobile trails and areas, beaches and bath houses, toilets, shelters, wells and pumps, fireplaces, tennis courts, softball diamonds, baseball diamonds, soccer fields, playgrounds and playground equipment and for purchases of land for any of these purposes. The badger board shall promulgate rules establishing the criteria under which grants may be made from the interest on the fund under this section. The board may not establish rules that, for the purpose of making grants, take into account the equalized valuation of, or any income data relative to, the city, village, town or county that applies for the grant. The badger board does not have any powers of condemnation.

SECTION 8. 84.06 (11) of the statutes is created to read:

84.06 (11) STATE TRAILS. As a part of any highway improvement or as a separate project under this section, a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail under the management of a state agency, municipality or nonprofit corporation may be incorporated into the highway right-of-way, and facilities for safe crossing of the highway may be provided.

SECTION 9. 346.16 (2) of the statutes is renumbered 346.16 (2) (a) and amended to read:

346.16 (2) (a) ~~No~~ Except as provided in par. (b), no pedestrian or person riding a bicycle or other nonmotorized vehicle ~~or~~ and no person operating a moped or motor bicycle ~~shall~~ may go upon any expressway or freeway when official signs have been erected prohibiting such person from using the expressway or freeway.

SECTION 10. 346.16 (2) (b) of the statutes is created to read:

346.16 (2) (b) A pedestrian or other person under par. (a) may go upon a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail incorporated into the highway right-of-way and crossing the highway if the portion of the trail is constructed under s. 84.06 (11).