

1993 Senate Bill 767

Date of enactment: **April 16, 1994**
 Date of publication*: **April 29, 1994**

1993 WISCONSIN ACT 343

AN ACT *to repeal* 23.096 (1) (intro.); *to renumber and amend* 23.096 (1) (a) and 23.096 (1) (b); *to amend* 20.866 (2) (tz) (title), 23.09 (2) (d) 14, 23.09 (2q) (title), 23.09 (2r) (title), 23.0915 (title), 23.0915 (1) (e), 23.0915 (1r) (c), 23.092 (title), 23.092 (1), 23.092 (2), 23.092 (3), 23.092 (4), 23.092 (5) (a), 23.092 (6), 23.096 (2), 30.277 (1) and 144.254 (3) (a); and *to create* 20.370 (4) (az) and 23.0955 of the statutes, **relating to:** eligibility of nonprofit conservation organizations for grants for certain conservation purposes, technical assistance for nonprofit conservation organizations, a payment to the Minnesota–Wisconsin boundary area commission, habitat areas and making an appropriation.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

<u>1993–94</u>	<u>1994–95</u>
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**20.370 Natural resources,
 Department of**

(4) LOCAL SUPPORT

(az) Resource aids—nonprofit conservation organizations;
 Minnesota–Wisconsin boundary area commission SEG B 130,000

SECTION 2. 20.370 (4) (az) of the statutes is created to read:

20.370 (4) (az) *Resource aids — nonprofit conservation organizations; Minnesota–Wisconsin boundary area commission.* Biennially, the amounts in the schedule for a grant to a nonstock, nonprofit corporation under s. 23.0955 (2) and for a payment to the Minnesota–Wisconsin boundary area commission under 1993 Wisconsin Act (this act), section 24 (1). No moneys may be encumbered from the appropriation under this paragraph after June 30, 1995.

SECTION 3. 20.866 (2) (tz) (title) of the statutes is amended to read:

20.866 (2) (tz) (title) *Natural resources; Warren Knowles–Gaylord Nelson stewardship program.*

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SECTION 4. 23.09 (2) (d) 14. of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

23.09 (2) (d) 14. For habitat ~~restoration~~ areas.

SECTION 5. 23.09 (2q) (title) of the statutes is amended to read:

23.09 (2q) (title) WARREN KNOWLES–GAYLORD NELSON STEWARDSHIP PROGRAM; LOWER WISCONSIN STATE RIVERWAY; ICE AGE TRAIL.

SECTION 6. 23.09 (2r) (title) of the statutes is amended to read:

23.09 (2r) (title) WARREN KNOWLES–GAYLORD NELSON STEWARDSHIP PROGRAM; LAND ACQUISITION.

SECTION 7. 23.0915 (title) of the statutes is amended to read:

23.0915 (title) Warren Knowles–Gaylord Nelson stewardship program.

SECTION 8. 23.0915 (1) (e) of the statutes is amended to read:

23.0915 (1) (e) ~~Wildlife habitat restoration~~ Habitat areas and fisheries, \$1,500,000.

SECTION 9. 23.0915 (1r) (c) of the statutes is amended to read:

23.0915 (1r) (c) For land acquisition, the department shall designate for expenditure \$900,000 for urban river grants under s. 30.277 and for grants under s. 23.096 for the purposes under s. 30.277 (2) (a).

SECTION 10. 23.092 (title) of the statutes is amended to read:

23.092 (title) Habitat areas.

SECTION 11. 23.092 (1) of the statutes is amended to read:

23.092 (1) The department shall designate habitat ~~restoration~~ areas in order to enhance wildlife-based recreation in this state, including hunting, fishing, nature appreciation and the viewing of game and nongame species. The department may not designate an area as a habitat restoration area under this subsection if the area is located within the boundaries of a project established by the department before August 9, 1989.

SECTION 12. 23.092 (2) of the statutes is amended to read:

23.092 (2) For each area designated under sub. (1), the department shall prepare a plan, based upon the specific qualities of the area designated, that is designed to protect, enhance the features of that area by the restoration of wildlife or restore the habitat in the designated area. After preparation of a plan for a designated area, the department shall encourage landowners to use specific management practices that are designed to implement the plan.

SECTION 13. 23.092 (3) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

23.092 (3) The department may acquire easements for habitat ~~restoration~~ areas by gift or devise or beginning on July 1, 1990, by purchase. The department may acquire land for habitat ~~restoration~~ areas by gift, devise or purchase.

SECTION 14. 23.092 (4) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

23.092 (4) The department may share the costs of implementing land management practices with landowners, or with nonprofit organizations that are qualified to enhance wildlife-based recreation if ~~such~~ these organizations have the landowner's permission to implement the practices. The department may share the costs of acquiring easements for habitat ~~restoration~~ areas with landowners or with these nonprofit organizations. This subsection does not apply before July 1, 1990.

SECTION 15. 23.092 (5) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

23.092 (5) (a) The department shall determine the value of land or an easement donated to the department that is within a habitat ~~restoration~~ area and is dedicated for purposes of habitat protection, enhancement or restoration. For an easement, the valuation shall be based on the extent to which the fair market value of the land is diminished by the transfer. Beginning on July 1, 1990, and except as provided in par. (b), an amount of money equal to the value of the donation shall be released from the appropriation under s. 20.866 (2) (tz) to be used for habitat protection, enhancement or restoration activities for the same habitat ~~restoration~~ area in which any donation was made on or after August 9, 1989.

SECTION 16. 23.092 (6) of the statutes is amended to read:

23.092 (6) Except as provided in s. 23.0915 (2), the department may not expend more than \$1,500,000 under this section for fisheries, for habitat ~~restoration~~ areas and for grants for this purpose under s. 23.096 in each fiscal year. Of this amount the department may not expend more than \$75,000 for fisheries in each fiscal year.

SECTION 17. 23.0955 of the statutes is created to read:
23.0955 Assistance to nonprofit conservation organizations.

(2) (a) The department shall provide one grant of \$75,000 in the 1993–95 fiscal biennium to a nonstock, nonprofit corporation that is described under section 501 (c) (3) or (4) of the internal revenue code and organized in this state if the corporation meets all of the following requirements:

1. The corporation is exempt from taxation under section 501 (a) of the internal revenue code.
2. The corporation provides support to nonprofit conservation organizations.
3. The corporation has a board of directors that has a majority of members who are representatives of nonprofit conservation organizations.
4. The corporation contributes \$25,000 in funds to be used with the grant under this subsection.

(b) The corporation receiving the grant under this subsection shall do all of the following:

1. Assist in the establishment of nonprofit conservation organizations.
2. Provide technical assistance to nonprofit conservation organizations, especially in the areas of management, receiving federal tax exemptions, conservation easements and real estate transactions.

3. Conduct, with the assistance of the department, a conference in the 1993–95 fiscal biennium on the topics specified in subd. 2.

SECTION 18. 23.096 (1) (intro.) of the statutes is repealed.

SECTION 19. 23.096 (1) (a) of the statutes is renumbered 23.0955 (1) and amended to read:

23.0955 (1) ~~“Nonprofit In this section and s. 23.096, “nonprofit conservation organization” means a nonprofit~~

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corporation, a charitable trust or other nonprofit association whose purposes include the acquisition of property for conservation purposes and that is described in section 501 (c) (3) of the internal revenue code as ~~being and is~~ exempt from federal income tax under section 501 (a) of ~~that the internal revenue code.~~

SECTION 20. 23.096 (1) (b) of the statutes is renumbered 23.096 (1) and amended to read:

23.096 (1) “~~Property~~” In this section, “property” means land or an interest in land.

SECTION 21. 23.096 (2) of the statutes is amended to read:

23.096 (2) The department may award grants to nonprofit conservation organizations to acquire property for the purposes described in ss. 23.09 (19), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29 ~~and~~ 23.293 ~~and~~ 30.277 (2) (a).

SECTION 22. 30.277 (1) of the statutes is amended to read:

30.277 (1) FUNDING. Beginning in fiscal year 1992–93 and ending in fiscal year 1999–2000, from the appropriation under s. 20.866 (2) (tz), the department

shall award grants to municipalities to assist municipalities in projects on or adjacent to rivers that flow through urban areas. For each fiscal year, except as provided in s. 23.0915 (1r) (c), the department shall designate for expenditure \$1,900,000 for grants under this section and for grants under s. 23.096 for the purposes under sub. (2) (a).

SECTION 23. 144.254 (3) (a) of the statutes is amended to read:

144.254 (3) (a) A designation of eligible recipients, which shall include nonprofit conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified lake associations, as defined in s. 144.253 (1), town sanitary districts, public inland lake protection and rehabilitation districts and other local governmental units, as defined in s. 66.299 (1) (a), that are established for the purpose of lake management.

SECTION 24. Nonstatutory provisions. (1) The department of natural resources shall pay to the Minnesota–Wisconsin boundary area commission \$55,000 in the 1993–95 fiscal biennium to continue funding for the lower St. Croix scenic riverway study.