

1999 DRAFTING REQUEST

Bill

Received: **09/16/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies: **1 DNR**

Topic:

DOA:.....Grinde - Acquisition of natural resource areas

Instructions:

See Attached

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	gibsom 10/2/98	chanaman 10/26/98	jfrantze 10/27/98	_____	lrb_docadmin 10/27/98		State
/1	gibsom 12/15/98	ygeller 12/15/98	ismith 12/16/98	_____	lrb_docadmin 12/16/98		State

FE Sent For:

<END>

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/1	gibsom 12/15/98	ygeller 12/15/98	lrb_wpo <i>IS</i> <i>12/16</i>	_____			State

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **09/16/98**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Natural Resources 72769**

By/Representing: **Susan Felker-Donsing**

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

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies: **1 -DOA attn: Kirsten Grinde**

Topic:

Acquisition of natural resource areas

Instructions:

See Attached

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	gibsom 10/2/98	chanaman 10/26/98	jfrantze 10/27/98	_____	lrb_docadmin 10/27/98		State

1 12/15 jlg

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/16/98

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Natural Resources 72769

By/Representing: Susan Felker-Donsing

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact: See attached

Alt. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies: 1-DOA attn: Kristen Grude

Topic:

Acquisition of natural resource areas

Instructions:

See Attached

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>
1?	gibsom		10/27 JB	10/27 JB/KM			

Submitted
Yes

FE Sent For:

<END>

Statutory Language Proposals

Division: LANDS

Subprograms: FACILITIES & LANDS

Issue/Topic: NATURAL RESOURCE AREA DESIGNATION

Proposed Change: Create a new statutory designation in Chap. 23, Stats. to acquire and designate lands as natural resource areas, and authorize the Department to name the property after the predominate resource features on the property.

Explanatory Note: Currently, when the Department purchases lands, the authorized property designations are more specific, such as public shooting, fishing and trapping grounds. More recent property acquisitions such as the Willow Flowage have broader resource management uses than the more singular purpose designations currently authorized. Creating a natural resource area designation would provide a property designation that would better describe management of these properties, and give the Department legal authority to acquire, plan, and manage these properties.

Desired Effective Date: July 1, 1999 or the effective date of the 1999-01 Biennial Budget

Contact Person: Eric Thompson (6-8251)



State of Wisconsin
1999 - 2000 LEGISLATURE

D-Note
LRB-0192/1
MGG.....
KSN
PI

1999 BILL

D-NOTE

WFOs:
change
back to
Preliminary

The bill also authorizes DNR to designate, acquire, develop, maintain and operate state natural resources areas for the purpose of conserving the state's natural resources.

do not give Catalog

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) may acquire, develop and manage land for specific purposes such as state forests, state parks, state natural areas and hunting and shooting grounds. The bill creates a more general purpose for such lands by authorizing DNR to designate as a state natural resource area land to be used for the purpose of conserving the state's natural resources. Under the bill, DNR may allow various resource management and recreational uses within the boundaries of the area.

For further information see the state 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:

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 244, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 74, 76, 77, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1637 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 410 ss. 1, 19; 1983 a. 426; 1985 a. 116, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 243, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35, 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

2 SECTION 1. 23.09 (2) (d) 3m. of the statutes is created to read:

BILL

1 23.09 (2) (d) 3m. For state natural resources areas.

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313.

2 **SECTION 2.** 23.0912 of the statutes is created to read:

3 **23.0912 State natural resources areas.** (1) The department may designate

4 ~~as a state natural resources area land that the department acquires, develops, operates,~~
5 *state natural resources area* ~~and~~ maintains for the purpose of conserving the state's natural resources. The
6 department may allow various resource management and recreational uses within
7 the boundaries of these areas. The recreational uses may include hunting ~~and~~ *and* fishing.

8 **SECTION 3.** 23.14 of the statutes is amended to read:

9 **23.14 Approval required before new lands acquired.** Prior to the initial

10 acquisition of any lands by the department after July 1, 1977, for any new facility or
11 project, the proposed initial acquisition shall be submitted to the governor for his or
12 her approval. New facilities or projects include, without limitation because of
13 enumeration, state parks, state forests, state natural resources areas, recreation
14 areas, public shooting, trapping or fishing grounds or waters, fish hatcheries, game
15 farms, forest nurseries, experimental stations, endangered species preservation
16 areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle
17 trails, nature trails, bicycle trails, snowmobile trails, youth camps, land in the lower
18 Wisconsin state riverway as defined in s. 30.40 (15), natural areas and wild rivers.

History: 1977 c. 29; 1985 a. 29; 1987 a. 98; 1989 a. 31.

19 **SECTION 4.** 23.15 (4) of the statutes is amended to read:

20 **23.15 (4)** Said natural resources board effecting the sale of any such lands and
21 structures shall, upon receiving payment therefor, deposit the funds in the
22 conservation fund to be used exclusively for the purpose of purchasing other areas
23 of land for the creating and establishing of public hunting and fishing grounds, state

BILL

1 natural resources areas, wildlife and fish refuges and state parks and for land in the
2 lower Wisconsin state riverway as defined in s. 30.40 (15).

3 History: 1983 a. 27; 1983 a. 423 s. 3; Stats. 1983 s. 23.15; 1989 a. 31; 1991 a. 39, 316; 1993 a. 184.

3 **SECTION 5.** 70.114 (1) (c) of the statutes is amended to read:

4 70.114 (1) (c) "Land" means state forests, as defined in s. 28.02 (1), that are
5 acquired after December 31, 1991, state parks that are acquired after
6 December 31, 1991, under s. 27.01 and other areas that are acquired after
7 December 31, 1991, under s. 23.09 (2) (d), 23.091, ~~23.092~~ 23.27, 23.29, 23.293, 23.31
8 or 29.749 (1).

9 History: 1989 a. 336; 1991 a. 39; 1997 a. 248.

(END)

23.0912,

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

LRB-0192/1dn
MGG.....

1. Do you want s. 23.09 (2p) (a) to apply to state natural resources areas? If so, this will need to be redrafted.
2. I included state natural resources areas in s. 70.114 but not in 70.113. OK?
3. I included state natural resources areas in s. 23.15 (4). OK? Also, this list of DNR properties looks too restrictive to me and needs to be updated. Let me know if you want to pursue this.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

- ① Budget drafts for agencies must be done as preliminary drafts. Since they don't have the budget tag line, they are introducible unless they are preliminary.
 OK
- ② Do you need to make any appropriation changes in order to be able to spend money to acquire these lands. Much of S. 20.370 (1) seems to refer specifically to forests, parks & recreation lands. S. 23.15 (4) suggests needing approp. from conservation fund. This is OK. ^{Most Acquisitions} are by bonding - not thru stewardship fund. See 23.091 (2) (a).
- ③ Check second sentence of analysis. (Or:
 ✓ "The bill also authorizes DNR to acquire, develop and manage state natural resource areas for the purpose of...").
- ④ S. 23.09 (2) (d) covers acquisition. What about development/maintaining (assumed by 23.0912). Do you need a sentence like the first sentence in S. 23.0912 (1)?
 See my change
- ⑤ ✓ Check p 3, line 7.
- ⑥ ✓ ^{high} ANL change OK?

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

LRB-0192/P1dn
MGG:ksh:jf

October 27, 1998

1. Do you want s. 23.09 (2p) (a) to apply to state natural resources areas? If so this will need to be redrafted.
2. I included state natural resources areas in s. 70.114 but not in 70.113. OK?
3. I included state natural resources areas in s. 23.15 (4). OK? Also, this list of DNR properties looks too restrictive to me and needs to be updated. Let me know if you want to pursue this.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

Gibson-Glass, Mary

From: ThompE@mail01.dnr.state.wi.us
Sent: Wednesday, December 09, 1998 10:02 AM
To: Gibson-Glass, Mary
Subject: FW: LRB 0192 - Natural Resource Area

I goofed up your e-mail address on the original.

> -----

> From: Thompson, Eric R
> Sent: Wednesday, December 09, 1998 9:28 AM
> To: 'mary.gibson@legis.state.wi.us'
> Cc: 'Grinde, Kirsten'
> Subject: LRB 0192 - Natural Resource Area

>

> Mary,

> You had a question for us on the draft of LRB 0192 on whether or not we
> wanted s. 23.09 (2p)(a) to apply to natural resources areas. The answer
> is "yes", we do. You indicated that if the answer was yes, the provision
> would have to be re-drafted. Hope you can still do that. *done*

>

> On question 2, we agree - include state natural resources areas in s.
> 70.114, but not in 70.113 (70.113 would not apply).

>

> On question 3, we agree that state natural resources areas should be
> included in s.23.15 (4). We also agree that the list of properties should
> be updated, but I suppose that means we should do some work on that and
> get back to you. But I don't know if we'll be able to be timely enough
> for the budget, so you probably shouldn't wait on us. If we shake
> something loose soon, I'll let you know.

>

> One other comment we had was that under 23.0912 regarding hunting and
> fishing, where the draft states "The recreational uses may include hunting
> and fishing.", we had a suggestion that the wording could indicate that
> hunting and fishing is allowed unless restricted by administrative rules
> promulgated by the Department. Do you think the use of "may" in the draft
> adequately covers our ability to restrict those activities if necessary?

>



State of Wisconsin
1999 - 2000 LEGISLATURE

DOA Budget

soon

#1 RMR
LRB-0192/PF
MGG:ksh:jf

Jlg &

1999 BILL

WPO -
please
print new
request sheet

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) may acquire, develop and manage land for specific purposes such as state forests, state parks, state natural areas and hunting and shooting grounds. The bill also authorizes DNR to designate, acquire, develop, maintain and operate state natural resources areas for the purpose of conserving the state's natural resources. Under the bill, DNR may allow various resource management and recreational uses within the boundaries of the state natural resources area.

For further information see the *state* 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:

2 SECTION 1. 23.09 (2) (d) 3m. of the statutes is created to read:

3 23.09 (2) (d) 3m. For state natural resources areas.

4 SECTION 2. 23.0912 of the statutes is created to read:

INJECT 1-3

BILL

1 **23.0912 State natural resources areas.** The department may designate,
2 acquire, develop, operate and maintain state natural resources areas for the purpose
3 of conserving the state's natural resources. The department may allow various
4 resource management and recreational uses within the boundaries of these areas.
5 The recreational uses may include hunting and fishing.

6 **SECTION 3.** 23.14 of the statutes is amended to read:

7 **23.14 Approval required before new lands acquired.** Prior to the initial
8 acquisition of any lands by the department after July 1, 1977, for any new facility or
9 project, the proposed initial acquisition shall be submitted to the governor for his or
10 her approval. New facilities or projects include, without limitation because of
11 enumeration, state parks, state forests, state natural resources areas, recreational
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13 farms, forest nurseries, experimental stations, endangered species preservation
14 areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle
15 trails, nature trails, bicycle trails, snowmobile trails, youth camps, land in the lower
16 Wisconsin state riverway as defined in s. 30.40 (15), natural areas and wild rivers.

17 **SECTION 4.** 23.15 (4) of the statutes is amended to read:

18 23.15 (4) Said natural resources board effecting the sale of any such lands and
19 structures shall, upon receiving payment therefor, deposit the funds in the
20 conservation fund to be used exclusively for the purpose of purchasing other areas
21 of land for the creating and establishing of public hunting and fishing grounds, state
22 natural resources areas, wildlife and fish refuges and state parks and for land in the
23 lower Wisconsin state riverway as defined in s. 30.40 (15).

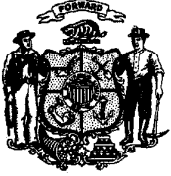
24 **SECTION 5.** 70.114 (1) (c) of the statutes is amended to read:

Section #. 23.09 (2p) (a) of the statutes is amended to read:

or a state natural resources area

23.09 (2p) (a) The department shall determine the value of land donated to the department that is within the project boundaries of a state park, a state forest or a state recreation area. If the donation involves the transfer of the title in fee simple absolute or other arrangement for the transfer of all interest in the land to the state, the valuation shall be based on the fair market value of the land before the transfer. If the donation is a dedication transferring a partial interest in land to the state, the valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer and the associated articles of dedication. If the donation involves a sale of land to the department at less than the fair market value, the valuation of the donation shall be based on the difference between the purchase price and the fair market value.

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0192/1
MGG:jlg&ksh:ijs

DOA:.....Grinde – Acquisition of natural resource areas

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

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2 SECTION 1. 23.09 (2) (d) 3m. of the statutes is created to read:

3 23.09 (2) (d) 3m. For state natural resources areas.

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6 all interest in the land to the state, the valuation shall be based on the fair market
7 value of the land before the transfer. If the donation is a dedication transferring a
8 partial interest in land to the state, the valuation shall be based on the extent to
9 which the fair market value of the land is diminished by that transfer and the
10 associated articles of dedication. If the donation involves a sale of land to the
11 department at less than the fair market value, the valuation of the donation shall
12 be based on the difference between the purchase price and the fair market value.

13 **SECTION 3.** 23.0912 of the statutes is created to read:

14 **23.0912 State natural resources areas.** The department may designate,
15 acquire, develop, operate and maintain state natural resources areas for the purpose
16 of conserving the state's natural resources. The department may allow various
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18 The recreational uses may include hunting and fishing.

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

20 **23.14 Approval required before new lands acquired.** Prior to the initial
21 acquisition of any lands by the department after July 1, 1977, for any new facility or
22 project, the proposed initial acquisition shall be submitted to the governor for his or
23 her approval. New facilities or projects include, without limitation because of
24 enumeration, state parks, state forests, state natural resources areas, recreation
25 areas, public shooting, trapping or fishing grounds or waters, fish hatcheries, game

1 farms, forest nurseries, experimental stations, endangered species preservation
2 areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle
3 trails, nature trails, bicycle trails, snowmobile trails, youth camps, land in the lower
4 Wisconsin state riverway as defined in s. 30.40 (15), natural areas and wild rivers.

5 **SECTION 5.** 23.15 (4) of the statutes is amended to read:

6 23.15 (4) Said natural resources board effecting the sale of any such lands and
7 structures shall, upon receiving payment therefor, deposit the funds in the
8 conservation fund to be used exclusively for the purpose of purchasing other areas
9 of land for the creating and establishing of public hunting and fishing grounds, state
10 natural resources areas, wildlife and fish refuges and state parks and for land in the
11 lower Wisconsin state riverway as defined in s. 30.40 (15).

12 **SECTION 6.** 70.114 (1) (c) of the statutes is amended to read:

13 70.114 (1) (c) "Land" means state forests, as defined in s. 28.02 (1), that are
14 acquired after December 31, 1991, state parks that are acquired after
15 December 31, 1991, under s. 27.01 and other areas that are acquired after
16 December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.0912, 23.27, 23.29, 23.293,
17 23.31 or 29.749 (1).

18 (END)