

## 2003 SENATE BILL 394

January 14, 2004 - Introduced by Senators SCHULTZ, KEDZIE, WELCH, A. LASEE, KANAVAS, STEPP, BROWN and REYNOLDS, cosponsored by Representatives JOHNSRUD, LADWIG, JESKEWITZ, MUSSER, AINSWORTH, J. WOOD, GUNDERSON, PETROWSKI, GRONEMUS, ALBERS, VAN ROY, FREESE, WEBER, KESTELL, LEMAHIEU and KRAWCZYK. Referred to Committee on Environment and Natural Resources.

1 **AN ACT to create** 23.0916 of the statutes; **relating to:** information about real  
2 property purchased with stewardship money and public access to that property.

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### *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).

Current law grants the state the authority to bond for various conservation purposes under the stewardship program. The stewardship program consists of four subprograms: one for land acquisition; one for property development and local assistance; one for bluff protection; and one for the Baraboo Hills. Purposes for which bonding under the land acquisition subprogram may be used include land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Bonding under the property development and local acquisition subprogram may be used only for nature-based outdoor recreation, as defined in rules promulgated by DNR, with limited exceptions. Under this subprogram, DNR 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 nature-based, outdoor recreation purposes.

This bill requires DNR to create and maintain a mapping tool on DNR's website that identifies all land purchased under the stewardship programs and that is available to the public at no charge. The bill grants the public access to all lands purchased with stewardship money that is owned by the state, a governmental unit,

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or a nonprofit conservation organization. The owner of the land is required to provide notice of public access with specific signs along the access roads and property lines. Some properties may have public access restricted under the bill if DNR determines that some restriction is necessary for public safety, to protect endangered or threatened animals or plants, or to protect unique natural features. If access is restricted, the signs required by the bill must include that information. If an owner of the land purchased under the stewardship programs fails to comply with the requirements under the bill, the owner is not eligible for any grants or program under the stewardship programs until the owner complies with the requirements.

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

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

1           **SECTION 1.** 23.0916 of the statutes is created to read:

2           **23.0916 Warren Knowles-Gaylord Nelson stewardship programs**

3 **property access and information. (1) DEFINITIONS.** In this section:

4           (am) “Governmental unit” has the meaning given in s. 23.09 (19) (a) 2.

5           (b) “Land” has the meaning given in s. 23.0917 (1) (d).

6           (c) “Nonprofit conservation organization” has the meaning given in s. 23.0955

7 (1).

8           (d) “Stewardship programs” means the stewardship programs under ss.

9 23.0915 and 23.0917.

10           **(2) LAND MAPPING AND DIRECTORY.** (a) Within 9 months after the effective date  
11 of this paragraph .... [revisor inserts date], the department shall establish and  
12 maintain an interactive mapping tool at the department’s website that identifies all  
13 land purchased under the stewardship programs, except as provided in sub. (3) (c).  
14 Public access to the mapping tool at the website shall be available without charge.

15           (b) Within 12 months after the effective date of this paragraph .... [revisor  
16 inserts date], the department shall publish a directory of all land purchased under

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1 the stewardship programs, except as provided in sub. (3) (c). The directory shall be  
2 organized by county and town and shall identify the legal description of the location  
3 of the land. The directory shall be updated at least every 2 years. The department  
4 may charge a fee for the directory, but the fee may not exceed the cost of the  
5 publication of the directory.

6 **(3) ACCESS TO STEWARDSHIP PROGRAMS PROPERTY.** (a) Except as provided in par.  
7 (c), the public shall have access to all of the following:

8 1. Land purchased under the stewardship programs that is owned by the state  
9 and under the jurisdiction of the department.

10 2. Land purchased under the stewardship programs or under s. 23.096 (2) that  
11 is owned by a nonprofit conservation organization.

12 3. Land purchased under the stewardship programs that is owned by a  
13 governmental unit.

14 (b) The owner of land purchased under the stewardship programs or under s.  
15 23.096 (2) on or after the effective date of this paragraph .... [revisor inserts date],  
16 shall provide notice of public access to that land by the placement of signs adequate  
17 to give notice adjacent to the land. The owner of land purchased under the  
18 stewardship programs or under s. 23.096 (2) before the effective date of this  
19 paragraph .... [revisor inserts date], shall provide notice of public access to that land  
20 by the placement of signs adequate to give notice adjacent to the land within 6  
21 months after the effective date of this paragraph .... [revisor inserts date]. The signs  
22 shall be at least 10 inches high by 12 inches wide, made of a durable substance, with  
23 wording that is visible from adjacent properties or public rights of way. The signs  
24 shall be placed on all access roads to the land, on the property lines of the parcel of  
25 land and, where practicable, at intervals of not more than 1,000 yards along the

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1 property lines. The signs shall include information about any activities that are  
2 restricted or prohibited on the land, the name of the owner of the property, and the  
3 name and telephone number of a person to call regarding the land.

4 (c) Public access to land purchased under the stewardship programs or under  
5 s. 23.096 (2) may be restricted or prohibited as provided in s. 23.29 (11), if public  
6 access was not acquired as part of the purchase, or if the department determines that  
7 the restriction or prohibition is necessary for public safety or to protect endangered  
8 or threatened wild animals or plants, or to protect unique natural features. The  
9 department is not required to include these lands on the mapping website or  
10 directory under sub. (2). If the department determines after the effective date of this  
11 paragraph .... [revisor inserts date], that public access to any land purchased under  
12 the stewardship programs or under s. 23.096 (2) should be restricted or prohibited,  
13 the department shall report that determination and the reasons for the  
14 determination to the legislature under s. 13.172 (2) within 30 days after making the  
15 determination. Within 90 days after the effective date of this paragraph .... [revisor  
16 inserts date], the department shall provide to the legislature under s. 13.172 a list  
17 of all land purchased under the stewardship programs or under s. 23.096 (2) the  
18 access to which has been restricted or prohibited and the reasons for that action.

19 (d) If the owner of land purchased under the stewardship programs or under  
20 s. 23.096 (2) fails to comply with the requirements of par. (b), that person is not  
21 eligible for any program or grant under s. 23.0915, 23.0917, or 23.096 (2) until the  
22 department determines that the person is in compliance with par. (b).

23 (END)