

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB394)

Received: 02/19/2004

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Dale Schultz (608) 266-0703

By/Representing: John

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - LWSR stewardship

Extra Copies:

Submit via email: YES

Requester's email: Sen.Schultz@legis.state.wi.us

Carbon copy (CC:) to: john.stolzenberg@legis.state.wi.us
john.obrien@legis.state.wi.us
jonathan.klein@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Access to stewardship property

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>
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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	rnelson2	1 cjs 2/19/04	<i>[Handwritten signature]</i>	<i>[Handwritten signature]</i>			

FE Sent For:

N *<END>*

9223P

Drafting Instructions for a Senate Substitute Amendment to 2003 Senate Bill 394

1. Include the changes in LRBA2238/1, as modified as follows:

- ✓ a. Page 1, line 4: delete lines 4 to 6.
- ✓ b. Page 2, line 1: delete lines 1 to 5.
- ✓ c. Page 2, line 11: delete "public entrance" and substitute "major access points".
- ✓ d. Page 2, line 15: delete the material beginning with "public" and ending with "6" on line 16 and substitute "major access points to the department land within 18".
- ✓ e. Page 2, line 18: delete the material beginning with ", made" and ending with "way" on line 19 and substitute "and made of a durable substance".
- ✓ f. Page 2, line 19: after that line insert:

(br) The signs required under pars. (b) and (bg) shall include information on the primary activities that are restricted or prohibited on the land and the name and telephone number of the owner of the property or a person to contact regarding the land. Signs shall also be placed at the specified major access points that give notice that the land was acquired in whole or in part using stewardship program funds.

insert
A 2-19

- ✓ g. Page 2, line 20: delete line 20 to page 3, line 3.

2. Include the following additional changes in the text of SB 394:

- ✓ a. Page 2, line 10: substitute "18" for "9".
- ✓ b. Page 2, line 13: delete ", except as provided in sub. (3) (c)" and substitute "that is open for public access".
- ✓ c. Page 2, line 15: substitute "18" for "12".
- ✓ d. Page 2, line 16: delete "publish" and substitute "make available".
- ✓ e. Page 3, line 5: after the period insert "In lieu of ^{the department preparing and} making available under this paragraph a directory prepared by the department, the department may provide to the public at ~~its~~ cost, a map, book, or directory published by a private entity which ~~meets~~ ^{and that is} the requirements of this paragraph."
- ✓ f. Page 3, line 6: delete the material beginning with "(a)" and ending with line 13.
- ✓ g. Page 3, line 17: delete "adjacent to the land".
- ✓ h. Page 3, line 20: delete "adjacent to the land within 6" and substitute "within 18".
- ✓ i. Page 3, line 22: delete ", made of a durable substance, with" and substitute "and made of a durable substance."

insert
3-5 ↓

the department's

- ✓ j. Page 3, line 23: delete the material beginning with that line and ending with page 4, line 3 and substitute "The signs shall be placed at major access points to the property."
- k. Page 4, line 4: delete lines 4 to 18 and substitute "(c) The Department shall provide to the Legislature biennially under s. 13.172 (3) a list of all land purchased under the stewardship programs for which public access has been restricted or prohibited and the reasons for that action."
- l. Page 4, line 22: after that line insert:
"Section 2. 23.096 (3) (d) of the statutes is created to read:
23.096 (3) (d) A requirement that, if the department authorizes the nonprofit conservation organization to charge a fee for hunting on the property, the fee for the hunting season may not exceed the sum of the fee for a daily resident vehicle admission receipt under s. 27.01 (7) (f) 2. and the issuing fee for a daily vehicle admission receipt under s. 27.01 (7) (gr)."

Prepared at the request of Sen. Dale Schultz
By John Stolzenberg
Legislative Council Staff
February 18, 2004

Nelson, Robert P.

From: Stolzenberg, John
Sent: Wednesday, February 18, 2004 7:08 PM
To: Nelson, Robert P.
Cc: OBrien, John
Subject: Additional Drafting Instructions for a Senate Substitute Amendment to SB 394

Bob,

Sorry, in working on a summary of the sub, I just caught an additional change to SB 394 that should go into the sub.

✓ In the bill, on page 3, line 1, delete ", except as provided in sub. (3) (c)" and substitute "that is open for public access". This is the same treatment as given in the original drafting instructions for the reference to sub. (3) (c) in the bill on page 2, line 13.

John

-----Original Message-----

From: Stolzenberg, John
Sent: Wednesday, February 18, 2004 5:35 PM
To: Nelson, Robert P.
Cc: OBrien, John
Subject: Drafting Instructions for a Senate Substitute Amendment to SB 394

Bob,

The attached file contains the drafting instructions for an amendment to SB 394 for Sen. Schultz that I had mentioned to you. The request is now for a substitute amendment. Let John O'Brien or me know if you have any questions on these instructions. As I indicated to you, SB 394 is up for a hearing tomorrow in the Senate Environment and Natural Resources Committee.

Thanks.

John



Drafting
Instructions SSA to S

John Stolzenberg
Legislative Council
266-2988

Nelson, Robert P.

From: Stolzenberg, John
Sent: Wednesday, February 18, 2004 5:35 PM
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Subject: Drafting Instructions for a Senate Substitute Amendment to SB 394

Bob,

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John



Drafting
Instructions SSA to §

John Stolzenberg
Legislative Council
266-2988

Now

50368/1

2003 - 2004 LEGISLATURE

LRB-82701
RPN:kpg:pg

SENATE SUB AMD
to

CS

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.

SA

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.

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,

SENATE BILL 394

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.

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 ¹⁸~~12~~ 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 ^{that is open for public access} ~~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 ¹⁸~~12~~ months after the effective date of this paragraph [revisor
16 inserts date], the department shall ^{make available} ~~publish~~ a directory of all land purchased under

SENATE BILL 394

(insert 3-5)

that is open for public access

1 the stewardship programs ~~except as provided in sub. (9)(a)~~. 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 ~~of 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 ~~of 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 ~~8~~

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~~ *108 square inches and* 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

area of each sign

SENATE BILL 394

property [↓] ~~lines~~. The signs shall include ~~information about any activities that are~~
~~restricted or prohibited on the land, the name of the owner of the property, and the~~
be placed at major access points to the property
~~name and telephone number of a person to call regarding the land~~

Insert
4-3

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

(d) If the owner of land purchased under the stewardship programs ~~or under~~
~~s. 23.096 (2)~~ ^{before, on, or after the effective date of this paragraph} fails to comply with the requirements of par. (b), that person is not
 eligible for any program or grant under s. 23.0915, ^{or} 23.0917, ~~or 23.096 (2)~~ until the
 department determines that the person is in compliance with par. (b).
 [revisor inserts date]

Insert
4-22

(END)

**SENATE AMENDMENT ,
TO 2003 SENATE BILL 394**

1 At the locations indicated, amend the bill as follows:

2 ✓1. Page 2, line 3: after that line insert:

3 *insert 2-3* (ag) "Department land" has the meaning given in s. 23.0917 (1) (c)."

4 ✓2. Page 3, line 8: after "programs" insert "before, on, or after the effective date
5 of this subdivision... [revisor inserts date]".

6 ✓3. Page 3, line 10: delete "or under s. 23.096 (2)".

7 ✓4. Page 3, line 14: delete "or under s."

8 ✓5. Page 3, line 15: delete "23.096 (2)".

9 ✓6. Page 3, line 18: delete "or under s. 23.096 (2)".

10 ✓7. Page 3, line 21: delete "signs" and substitute "area of each sign".

11 ✓8. Page 3, line 22: delete "10 inches high by 12 inches wide" and substitute "108
12 square inches".

1 **9.** Page 3, line 23: delete "The" and substitute "At a minimum, the".

2 **10.** Page 3, line 24: delete the material beginning with "to" and ending with
3 "lines" on page 4, line 1, and substitute "and entrances to the land".

4 **11.** Page 4, line 1: after "signs" insert "that are required under this
5 paragraph".

6 **12.** Page 4, line 3: after that line insert:

7 (bg) If the land that is purchased under the stewardship programs on or after
8 the effective date of this paragraph [revisor inserts date], is surrounded by
9 department land, the department shall provide notice of public access to the land
10 purchased under the stewardship programs by the placement of signs adequate to
11 give notice at the ~~public entrance~~ ^{major access points} to the department land. If the land that is
12 purchased under the stewardship programs before the effective date of this
13 paragraph [revisor inserts date], is surrounded by department land, the
14 department shall provide notice of public access to the land purchased under the
15 stewardship programs by the placement of signs adequate to give notice at the ~~public~~
16 ~~entrance~~ ^{major access points} to the department land within ~~8~~ ¹² months after the effective date of this
17 paragraph [revisor inserts date]. The area of each sign shall be at least 108 square
18 inches ^{and} made of a durable substance ^{with wording that is visible from public rights}

19 *insert 4-3*
20 **13.** Page 4, line 4: delete "or under".

21 **14.** Page 4, line 5: delete "s. 23.096 (2)" and substitute "before, on, or after the
22 effective date of this paragraph [revisor inserts date]."

*insert
A 2-11*

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15. Page 4, line 12: delete “or under s. 23.096 (2)” and substitute “before, on, or after the effective date of this paragraph [revisor inserts date],”.

16. Page 4, line 17: delete “or under s. 23.096 (2)”.

✓ **17.** Page 4, line 19: delete “or under”.

✓ **18.** Page 4, line 20: delete “s. 23.096 (2)” and substitute “before, on, or after the effective date of this paragraph [revisor inserts date],”.

✓ **19.** Page 4, line 21: delete “23.0917, or 23.096 (2)” and substitute “or 23.0917”.

(END)

9223P

Drafting Instructions for a Senate Substitute Amendment to 2003 Senate Bill 394

1. Include the changes in LRBA2238/1, as modified as follows:

- a. Page 1, line 4: delete lines 4 to 6.
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- d. Page 2, line 15: delete the material beginning with "public" and ending with "6" on line 16 and substitute "major access points to the department land within 18".
- e. Page 2, line 18: delete the material beginning with ", made" and ending with "way" on line 19 and substitute "and made of a durable substance".
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insert
A 2-19

(P) (br) The signs required under pars. (b) and (bg) shall include information on the primary activities that are restricted or prohibited on the land and the name and telephone number of the owner of the property or a person to contact regarding the land. Signs shall also be placed at the specified major access points that give notice that the land was acquired in whole or in part using stewardship program funds.

g. Page 2, line 20: delete line 20 to page 3, line 3.

2. Include the following additional changes in the text of SB 394:

- a. Page 2, line 10: substitute "18" for "9".
- b. Page 2, line 13: delete ", except as provided in sub. (3) (c)" and substitute "that is open for public access".
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e. Page 3, line 5: after the period insert "In lieu of making available under this paragraph a directory prepared by the department, the department may provide to the public at its cost, a map, book, or directory published by a private entity which ^{now the department preparing and} meets the requirements of this paragraph. ~~and that is~~

the department is

- f. Page 3, line 6: delete the material beginning with "(a)" and ending with line 13.
- g. Page 3, line 17: delete "adjacent to the land".
- h. Page 3, line 20: delete "adjacent to the land within 6" and substitute "within 18".
- i. Page 3, line 22: delete ", made of a durable substance, with" and substitute "and made of a durable substance."

- j. Page 3, line 23: delete the material beginning with that line and ending with page 4, line 3 and substitute "The signs shall be placed at major access points to the property."
- k. Page 4, line 4: delete lines 4 to 18 and substitute "(c) The Department shall provide to the Legislature biennially under s. 13.172 (3) a list of all land purchased under the stewardship programs for which public access has been restricted or prohibited and the reasons for that action."

l. Page 4, line 22: after that line insert:

"Section 2. 23.096 (3) (d) of the statutes is created to read:

23.096 (3) ~~(d)~~ ^(e) A requirement that if the department authorizes the nonprofit conservation organization to charge a fee for hunting on ~~the property~~ ^(and purchased under the stewardship programs), the fee for the hunting season may not exceed the sum of the fee for a daily resident vehicle admission receipt under s. 27.01 (7) (f) 2. and the issuing fee for a daily vehicle admission receipt under s. 27.01 (7) (gr).

lh gert
4-22

Prepared at the request of Sen. Dale Schultz
 By John Stolzenberg
 Legislative Council Staff
 February 18, 2004

LRBs 0368/1
RPN

CCC
to
SSA 1 to SB 394

#. Page 3, line 15: delete "contract"
and substitute "contact".

<end>

cjs



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 394**

Prepared by the Legislative Reference Bureau
(February 26, 2004)

1. Page 3, line 15: delete "contract" and substitute "contact".

(END)