

1973 Senate Bill 123

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CHAPTER 100 , Laws of 1973

(Vetoed in Part)

AN ACT to repeal and recreate 30.251; and to create 20.370 (1) (fm) of the statutes, relating to the preservation of the Wolf river as a scenic area and making an appropriation.

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

SECTION 1. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

20.370	<u>NATURAL RESOURCES,</u>	1973-74	1974-75
	<u>DEPARTMENT OF</u>		
(1)	<u>FISH AND GAME</u>		
(fm)	Wolf river preservation	GPR A	\$250,000

SECTION 2. 20.370 (1) (fm) of the statutes is created to read:

20.370 (1) (fm) *Wolf river preservation*. From the general fund, the amounts in the schedule for Wolf river preservation.

SECTION 3. 30.251 of the statutes is repealed and recreated to read:

30.251 Wolf river preservation. (1) As used in this section unless the context requires otherwise:

(a) "County" means Menominee county and "county board" means the county board of that county.

(b) "Town" means the town of Menominee, and "town board" means the town board of that town.

(c) "Company" means Menominee Enterprises, Inc.

(d) "Area" means the area described in sub. (3) (a).

(2) The legislature finds that the scenic beauty, wildlife and recreational resources of the Wolf river in the county are seriously threatened by cottage development now built and to be built along the shores. It is probable that there will be federal legislation which will provide for such preservation of the river; and, therefore, the legislature for the purpose of preserving such waters as a scenic waterway, makes the following offer to the county, the town, the company, and other owners and lessees in the area specified in sub. (3) (a).

(3) The state will pay, from the appropriations made by s. 20.370 (1) (fm) and (em), sums as provided in sub. (2) and on the following conditions:

(a) Beginning one week after the acceptance of the offer, no new structure of any kind shall be commenced on or in the waters of the Wolf river in Menominee county nor within 200 feet outward from the shore lines of said river from the northern county boundary through Keshena Falls and all construction in progress in said area shall be discontinued by all parties concerned.

(b) There shall be free public access for fishing and camping privileges but hunting shall be forbidden.

(c) The agreement shall be substantially the same as the agreement under s. 30.251, 1969 stats. except that the terms of the agreement under this section may differ from the terms under s. 30.251, 1969 stats. if the company opens negotiations to change the terms.

(d) The county and the town agree that the moneys under this section shall be paid to the company for the following purposes:

1. Cost sharing in federal projects or matching funds.
2. Debt retirement including retirement of common stock and bonds.
3. Interest or dividends to Menominee Enterprises, Inc. shareholders.
4. Payment to Menominee county for tax relief.

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(e) That this agreement terminates ~~at the end of calendar year 1973 or~~ when the legislature fails to appropriate funds for this purpose or when federal legislation superseding this section is enacted and approved by the county, town and company or when the company refuses a payment from the state.

Vetoed
in Part

(f) The company may terminate this agreement ~~effective at the end of the 1st, 2nd or 3rd year of this agreement~~ if it has not accepted the payment from the state for the year for which it terminates.

Vetoed
in Part

(g) If any private owner or lessee, other than the company, of property in the area or waters specified in par. (a) fails to join any such agreement between the county, town and the company, the governor may approve the agreement made by the parties, and payments shall be made to the parties of the agreement as made, but the agreement shall also provide that the county, town and the company shall endeavor to have such private owners and lessees join in the agreement and provide a formula for ascertaining the amount to be paid to each. Any such separate agreement shall be effective when approved by the governor and the amount agreed upon shall be certified from the appropriation made by s. 20.370 (1) (em).

(h) The county board and the town board are directed to meet in special session within 30 days after the effective date of this section (1973), or if such day is a legal holiday, then on the next business day, and, together with the officials of the company, and representatives of owners and lessees of property in the areas described in par. (a), consider and act on said offer. The officials of the company and other area representatives of owners and lessees are requested to attend such meetings. The attorney general or his representative and a representative of the department of natural resources shall, and any other representative attorney or person may, attend such meetings. The chairman of the county board shall as soon as possible after the effective date of this section (1973), cause to be published a notice of the time, place and purpose of the meeting as a class 1 notice, under ch. 985.

(i) The department of natural resources, in agreement with the county board, town and company, shall make such rules as are necessary for the protection and reasonable use of the area.

(4) No payment shall be made from the appropriation made by s. 20.370 (1) (fm) and (em), unless approved by the governor.

(5) The department of natural resources shall inspect the area to ascertain the participants' compliance with the agreement, and if noncompliance is found the department shall institute proper proceedings to effect compliance.

(6) Payments from the appropriation made by s. 20.370 (1) shall be made on certification by the department of natural resources.

(7) As part of the agreement set forth under sub. (3):

(a) Each payee shall agree that in the event the lands described in this section, or any part thereof, are purchased in fee at any time within 10 years after the effective date of this section (1973), it will pay a price equal to the fair market value of the lands, after deducting therefrom an amount equal to the pro rata sum of the payments made, up to the time such lands are purchased by the state, under the agreement set forth in sub. (3).

(b) Payments made previous to the effective date of this section (1973), shall be excluded in determining the sum to be deducted from the purchase price.
