



## 2003 ASSEMBLY BILL 618

October 27, 2003 - Introduced by Representatives BIES, KRAWCZYK, AINSWORTH, BOYLE, FREESE, HAHN, HINES, JESKEWITZ, KESTELL, F. LASEE, M. LEHMAN, MONTGOMERY, MUSSER, NISCHKE, OLSEN, OTT, PETROWSKI, PETTIS, STONE and TOWNSEND, cosponsored by Senators KEDZIE, ROESSLER and ZIEN. Referred to Committee on Natural Resources.

1     **AN ACT** *to amend* 23.09 (2p) (b), 23.09 (19) (cg), 23.09 (20) (am), 23.09 (20m) (b),  
2             23.0917 (6) (a), 23.0917 (7) (a), 23.0917 (7) (e), 23.0917 (7) (f) 2., 23.0917 (8) (a),  
3             23.0917 (8) (b), 23.0917 (8) (c), 23.0917 (8) (d), 23.092 (4), 23.092 (5) (a), 23.094  
4             (3g), 23.094 (4) (a), 23.096 (2) (a), 23.098 (2), 23.175 (3) (b) (intro.), 23.175 (3m),  
5             23.27 (4), 23.27 (5), 23.29 (2), 23.29 (3), 23.293 (4), 23.293 (5), 30.24 (2) (intro.),  
6             30.277 (1m), 30.277 (2) (c) and 292.11 (9) (e) 1m. f.; and **to create** 20.370 (1)  
7             (mw), 25.17 (1) (tb) and 25.299 of the statutes; **relating to:** creation of the  
8             stewardship 2000 trust fund and making an appropriation.

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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, which is administered by the Department of Natural Resources (DNR). The state may incur this debt under this program to acquire land for the state for conservation purposes and 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 these conservation purposes. Current law provides no other funding for the stewardship 2000 program.

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This bill creates the stewardship 2000 trust fund. Under the bill, all gifts, grants, bequests and other contributions (donations) made to the stewardship 2000 trust fund may only be used for the stewardship 2000 program.

For further information see the *state and local* 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.** 20.370 (1) (mw) of the statutes is created to read:

2           20.370 (1) (mw) *Warren-Knowles-Gaylord Nelson stewardship 2000 program.*

3           From the stewardship 2000 trust fund, a sum sufficient for the Warren  
4           Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917.

5           **SECTION 2.** 23.09 (2p) (b) of the statutes is amended to read:

6           23.09 (2p) (b) Except as provided in par. (c), an amount of money equal to the  
7           value of the donation under par. (a) shall be released from the appropriation under  
8           s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) or both, or from any combination of these  
9           appropriations, to be used for land acquisition activities for the same project for  
10           which any donation was made on or after August 9, 1989. The department shall  
11           determine how the moneys being released are to be allocated from these  
12           appropriations. This paragraph does not apply to transfers of land from agencies  
13           other than the department.

14           **SECTION 3.** 23.09 (19) (cg) of the statutes is amended to read:

15           23.09 (19) (cg) The department may award grants from the appropriation  
16           under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition of land or rights in land  
17           for urban green space under this subsection only for the purposes of nature-based  
18           outdoor recreation.

19           **SECTION 4.** 23.09 (20) (am) of the statutes is amended to read:

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1           23.09 (20) (am) Any governmental unit may apply for state aids for the  
2 acquisition and development of recreational lands and rights in lands. State aids  
3 under this subsection that are expended from the appropriation under s. 20.370 (1)  
4 (mw) or 20.866 (2) (ta) may only be used for nature-based outdoor recreation. State  
5 aids received by a municipality shall be used for the development of its park system  
6 in accordance with priorities based on comprehensive plans submitted with the  
7 application and consistent with the outdoor recreation program under s. 23.30. An  
8 application under this subsection shall be made in the manner the department  
9 prescribes.

10           **SECTION 5.** 23.09 (20m) (b) of the statutes is amended to read:

11           23.09 (20m) (b) The department shall establish a program to award grants  
12 from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) to governmental  
13 units and nonprofit conservation organizations to acquire development rights in  
14 land for nature-based outdoor recreation. The grants shall be limited to no more  
15 than 50% of the acquisition costs of the development rights.

16           **SECTION 6.** 23.0917 (6) (a) of the statutes is amended to read:

17           23.0917 (6) (a) The department may not obligate from the appropriation under  
18 s. 20.370 (1) (mw) or 20.866 (2) (ta) for a given project or activity any moneys unless  
19 it first notifies the joint committee on finance in writing of the proposal. If the  
20 cochairpersons of the committee do not notify the department within 14 working  
21 days after the date of the department's notification that the committee has scheduled  
22 a meeting to review the proposal, the department may obligate the moneys. If,  
23 within 14 working days after the date of the notification by the department, the  
24 cochairpersons of the committee notify the department that the committee has

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1 scheduled a meeting to review the proposal, the department may obligate the moneys  
2 only upon approval of the committee.

3 **SECTION 7.** 23.0917 (7) (a) of the statutes is amended to read:

4 23.0917 (7) (a) Except as provided in pars. (b) and (c), for purposes of  
5 calculating the acquisition costs for acquisition of land under ss. 23.09 (19), (20) and  
6 (20m), 23.092 (4), 23.094 (3g), 23.096, 30.24 (4) and 30.277 from the appropriation  
7 under s. 20.370 (1) (mw) or 20.866 (2) (ta), the acquisition costs shall equal the sum  
8 of the land's current fair market value and other acquisition costs, as determined by  
9 rule by the department.

10 **SECTION 8.** 23.0917 (7) (e) of the statutes is amended to read:

11 23.0917 (7) (e) For any land for which moneys are proposed to be obligated from  
12 the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) in order to provide a  
13 grant or state aid to a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277  
14 or to a nonprofit conservation organization under s. 23.096, the department shall use  
15 at least 2 appraisals to determine the fair market value of the land. The  
16 governmental unit or nonprofit conservation organization shall submit to the  
17 department one appraisal that is paid for by the governmental unit or nonprofit  
18 conservation organization. The department shall obtain its own independent  
19 appraisal. The department may also require that the governmental unit or nonprofit  
20 conservation organization submit a 3rd independent appraisal. The department  
21 shall reimburse the governmental unit or nonprofit conservation organization up to  
22 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the  
23 land is acquired by the governmental unit or nonprofit conservation organization  
24 with moneys obligated from the appropriation under s. 20.370 (1) (mw) or 20.866 (2)

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1 (ta). This paragraph does not apply if the fair market value of the land is estimated  
2 by the department to be \$200,000 or less.

3 **SECTION 9.** 23.0917 (7) (f) 2. of the statutes is amended to read:

4 23.0917 (7) (f) 2. For any acquisition of any land that is funded with moneys  
5 obligated from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta), the  
6 department, within 30 days after the moneys are obligated, shall submit to the clerk  
7 and the assessor of each taxation district in which the land is located a copy of every  
8 appraisal in the department's possession that was prepared in order to determine the  
9 fair market value of the land involved. An assessor who receives a copy of an  
10 appraisal under this subdivision shall consider the appraisal in valuing the land as  
11 provided under s. 70.32 (1).

12 **SECTION 10.** 23.0917 (8) (a) of the statutes is amended to read:

13 23.0917 (8) (a) The department may not obligate moneys from the  
14 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition of land  
15 for golf courses or for the development of golf courses.

16 **SECTION 11.** 23.0917 (8) (b) of the statutes is amended to read:

17 23.0917 (8) (b) The department may not obligate moneys from the  
18 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition or  
19 development of land by a county or other local governmental unit or political  
20 subdivision if the county, local governmental unit, or political subdivision acquires  
21 the land involved by condemnation.

22 **SECTION 12.** 23.0917 (8) (c) of the statutes is amended to read:

23 23.0917 (8) (c) The department may not obligate moneys from the  
24 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) for the acquisition by a city,  
25 village or town of land that is outside the boundaries of the city, village or town unless

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1 the city, village or town acquiring the land and the city, village or town in which the  
2 land is located approve the acquisition.

3 **SECTION 13.** 23.0917 (8) (d) of the statutes is amended to read:

4 23.0917 (8) (d) The department may not acquire land using moneys from the  
5 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) without the prior approval  
6 of a majority of the members–elect, as defined in s. 59.001 (2m), of the county board  
7 of supervisors of the county in which the land is located if at least 66% of the land  
8 in the county is owned or under the jurisdiction of the state, the federal government,  
9 or a local governmental unit, as defined in s. 66.0131 (1) (a). Before determining  
10 whether to approve the acquisition, the county in which the land is located shall post  
11 notices that inform the residents of the community surrounding the land of the  
12 possible acquisitions.

13 **SECTION 14.** 23.092 (4) of the statutes is amended to read:

14 23.092 (4) The department may share the costs of implementing land  
15 management practices with landowners, or with nonprofit organizations that are  
16 qualified to enhance wildlife–based recreation if these organizations have the  
17 landowner’s permission to implement the practices. The department may share the  
18 costs of acquiring easements for habitat areas with landowners or with these  
19 nonprofit organizations. If the funding for cost–sharing under this subsection will  
20 be expended from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta), the  
21 amount expended for the cost–sharing may not exceed 50% of the cost of the  
22 management practices or of the acquisition costs for the easement.

23 **SECTION 15.** 23.092 (5) (a) of the statutes is amended to read:

24 23.092 (5) (a) The department shall determine the value of land or an easement  
25 donated to the department that is within a habitat area and is dedicated for purposes

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1 of habitat protection, enhancement or restoration. For an easement, the valuation  
2 shall be based on the extent to which the fair market value of the land is diminished  
3 by the transfer. Except as provided in par. (b), an amount of money equal to the value  
4 of the donation shall be released from the appropriation under s. 20.370 (1) (mw) or  
5 20.866 (2) (ta) or (tz) or both, or from any combination of these appropriations, to be  
6 used for habitat protection, enhancement or restoration activities for the same  
7 habitat area in which any donation was made on or after August 9, 1989. The  
8 department shall determine how the moneys being released are to be allocated from  
9 these appropriations.

10 **SECTION 16.** 23.094 (3g) of the statutes is amended to read:

11 23.094 (3g) ACQUISITION BY POLITICAL SUBDIVISION. A political subdivision may  
12 acquire by gift, devise or purchase land adjacent to a stream identified as a priority  
13 stream under sub. (2) or acquire by gift, devise or purchase a permanent stream bank  
14 easement from the owner of the land. The department may make grants from the  
15 appropriation under s. 20.866 (2) (tz) to political subdivisions to purchase these lands  
16 and easements. The department may make grants under s. 23.096 from the  
17 appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) or both from any  
18 combination of these appropriations. Whenever possible, the land or easement shall  
19 include the land within at least 66 feet from either side of the stream.

20 **SECTION 17.** 23.094 (4) (a) of the statutes is amended to read:

21 23.094 (4) (a) The department shall determine the value of land or an easement  
22 donated to the department for purposes of this section and for stream bank  
23 protection under s. 23.096. For an easement, the valuation shall be based on the  
24 extent to which the fair market value of the land is diminished by the transfer.  
25 Except as provided in par. (b), an amount of money equal to the value of the donation

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1 shall be released from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta)  
2 or (tz) ~~or both, or from any combination of these appropriations,~~ to be used to acquire  
3 easements and land under this section and s. 23.096 for the same stream for which  
4 any donation was made on or after August 9, 1989. The department shall determine  
5 how the moneys being released are to be allocated from these appropriations.

6 **SECTION 18.** 23.096 (2) (a) of the statutes is amended to read:

7 23.096 (2) (a) The department may award grants from the appropriation under  
8 s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) to nonprofit conservation organizations to  
9 acquire property for all of the purposes described in ss. 23.09 (2) (d) 1. to 7., 9., 11.,  
10 12. and 15., (19), (20) and (20m), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29, 23.293,  
11 30.24 and 30.277.

12 **SECTION 19.** 23.098 (2) of the statutes is amended to read:

13 23.098 (2) The department shall establish a program to make grants from the  
14 appropriations under s. ss. 20.370 (1) (mw) and 20.866 (2) (ta) and (tz) to friends  
15 groups and nonprofit conservation organizations for projects for property  
16 development activities on department properties. The department may not  
17 encumber more than \$250,000 in each fiscal year for these grants.

18 **SECTION 20.** 23.175 (3) (b) (intro.) of the statutes is amended to read:

19 23.175 (3) (b) (intro.) Expend an amount from the appropriation under s.  
20 20.370 (1) (mw) or 20.866 (2) (ta) or (tz) or both, or from any combination of these  
21 appropriations, that equals any of the following:

22 **SECTION 21.** 23.175 (3m) of the statutes is amended to read:

23 23.175 (3m) ALLOCATION BETWEEN APPROPRIATIONS. For purposes of sub. (3) (b),  
24 the department shall determine how the moneys being expended are to be allocated  
25 from the appropriations under s. ss. 20.370 (1) (mw) and 20.866 (2) (ta) and (tz). The



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1 ~~department may not allocate or expend any moneys from the appropriation under~~  
2 ~~s. 20.866 (2) (ta) before July 1, 2000.~~

3 **SECTION 22.** 23.27 (4) of the statutes is amended to read:

4 23.27 (4) NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the  
5 intent of the legislature to continue natural areas land acquisition activities from  
6 moneys available from the appropriations under ss. 20.370 (1) (mw) and (7) (fa) and  
7 20.866 (2) (ta), (ts), and (tz). This commitment is separate from and in addition to  
8 the commitment to acquire natural areas under the Wisconsin natural areas  
9 heritage program. Except as provided in s. 23.0915 (2), the department may not  
10 expend from the appropriation under s. 20.866 (2) (tz) more than \$1,500,000 in each  
11 fiscal year for natural areas land acquisition activities under this subsection and for  
12 grants for this purpose under s. 23.096.

13 **SECTION 23.** 23.27 (5) of the statutes is amended to read:

14 23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN  
15 NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate  
16 additional natural areas land acquisition activities with moneys available from the  
17 appropriations under ss. 20.370 (1) (mg) and (mw) and 20.866 (2) (ta), (tt) and (tz)  
18 under the Wisconsin natural areas heritage program. This commitment is separate  
19 from and in addition to the continuing commitment under sub. (4). Moneys available  
20 from the appropriations under ss. 20.370 (1) (mg) and (mw) and 20.866 (2) (ta), (tt)  
21 and (tz) under the Wisconsin natural areas heritage program may not be used to  
22 acquire land through condemnation. The department may not acquire land under  
23 this subsection unless the land is suitable for dedication under the Wisconsin natural  
24 areas heritage program and upon purchase or as soon after purchase as practicable  
25 the department shall take all necessary action to dedicate the land under the

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1 Wisconsin natural areas heritage program. Except as provided in s. 23.0915 (2), the  
2 department may not expend from the appropriation under s. 20.866 (2) (tz) more  
3 than \$500,000 in each fiscal year for natural areas land acquisition activities under  
4 this subsection and for grants for this purpose under s. 23.096.

5 **SECTION 24.** 23.29 (2) of the statutes is amended to read:

6 23.29 (2) CONTRIBUTIONS; STATE MATCH. The department may accept  
7 contributions and gifts for the Wisconsin natural areas heritage program. The  
8 department shall convert donations of land which it determines, with the advice of  
9 the council, are not appropriate for the Wisconsin natural areas heritage program  
10 into cash. The department shall convert other noncash contributions into cash.  
11 These moneys shall be deposited in the general fund and credited to the  
12 appropriation under s. 20.370 (1) (mg). These moneys shall be matched by an equal  
13 amount released from the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta),  
14 (tt) or (tz), or from any combination of these appropriations, to be used for natural  
15 areas land acquisition activities under s. 23.27 (5). The department shall determine  
16 how the moneys being released are to be allocated from these appropriations.

17 **SECTION 25.** 23.29 (3) of the statutes is amended to read:

18 23.29 (3) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall  
19 determine the value of land accepted for dedication under the Wisconsin natural  
20 areas heritage program. If the land dedication involves the transfer of the title in  
21 fee simple absolute or other arrangement for the transfer of all interest in the land  
22 to the state, the valuation shall be based on the fair market value of the land prior  
23 to the transfer. If the land dedication involves the transfer of a partial interest in  
24 land to the state, the valuation shall be based on the extent to which the fair market  
25 value of the land is diminished by that transfer and the associated articles of

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1 dedication. If the land dedication involves a sale of land to the department at less  
2 than the fair market value, the valuation of the dedication shall be based on the  
3 difference between the purchase price and the fair market value. An amount equal  
4 to the value of land accepted for dedication under the Wisconsin natural areas  
5 heritage program shall be released from the appropriation under s. 20.370 (1) (mw)  
6 or 20.866 (2) (ta), (tt) or (tz), or from any combination of these appropriations, to be  
7 used for natural areas land acquisition activities under s. 23.27 (5). This subsection  
8 does not apply to dedications of land under the ownership of the state. The  
9 department shall determine how the moneys being released are to be allocated from  
10 these appropriations.

11 **SECTION 26.** 23.293 (4) of the statutes is amended to read:

12 23.293 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept  
13 contributions and gifts for the ice age trail program. The department may convert  
14 gifts of land which it determines are not appropriate for the ice age trail program into  
15 cash. The department may convert other noncash contributions and gifts into cash.  
16 These moneys shall be deposited in the general fund and credited to the  
17 appropriation under s. 20.370 (7) (gg). An amount equal to the value of all  
18 contributions and gifts shall be released from the appropriation under s. 20.370 (1)  
19 (mw) or 20.866 (2) (ta), (tw) or (tz), or from any combination of these appropriations,  
20 to be used for land acquisition and development activities under s. 23.17. The  
21 department shall determine how the moneys being released are to be allocated from  
22 these appropriations.

23 **SECTION 27.** 23.293 (5) of the statutes is amended to read:

24 23.293 (5) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall  
25 determine the value of land accepted for dedication under the ice age trail program.

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1 If the land dedication involves the transfer of the title in fee simple absolute or other  
2 arrangement for the transfer of all interest in the land to the state, the valuation of  
3 the land shall be based on the fair market value of the land before the transfer. If  
4 the land dedication involves the transfer of a partial interest in land to the state, the  
5 valuation of the land shall be based on the extent to which the fair market value of  
6 the land is diminished by that transfer and the associated articles of dedication. If  
7 the land dedication involves a sale of land to the department at less than the fair  
8 market value, the valuation of the land shall be based on the difference between the  
9 purchase price and the fair market value. An amount equal to the valuation of the  
10 land accepted for dedication under the ice age trail program shall be released from  
11 the appropriation under s. 20.370 (1) (mw) or 20.866 (2) (ta), (tw) or (tz), or from any  
12 combination of these appropriations, to be used for ice age trail acquisition activities  
13 under s. 23.17. The department shall determine how the moneys being released are  
14 to be allocated from these appropriations. This subsection does not apply to  
15 dedications of land under the ownership of the state.

16 **SECTION 28.** 25.17 (1) (tb) of the statutes is created to read:

17 25.17 (1) (tb) Stewardship 2000 trust fund (s. 25.299);

18 **SECTION 29.** 25.299 of the statutes is created to read:

19 **25.299 Stewardship 2000 trust fund.** There is established a separate  
20 nonlapsible trust fund designated the stewardship 2000 trust fund, to consist of all  
21 gifts, grants, or bequests or other contributions made to the stewardship 2000 trust  
22 fund.

23 **SECTION 30.** 30.24 (2) (intro.) of the statutes is amended to read:

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1           30.24 (2) AUTHORIZATION. (intro.) For the purposes of protecting bluff land, the  
2           department may expend money from the appropriation under s. 20.370 (1) (mw) or  
3           20.866 (2) (ta) for a program under which the department may do all of the following:

4           **SECTION 31.** 30.277 (1m) of the statutes is amended to read:

5           30.277 (1m) FUNDING. ~~Beginning in fiscal year 1992-93, from~~ From the  
6           ~~appropriation~~ appropriations under s. ss. 20.370 (1) (mw) and 20.866 (2) (ta) and (tz),  
7           the department shall award grants to governmental units to assist them in projects  
8           on or adjacent to rivers that flow through urban areas. ~~The department may award~~  
9           ~~these grants from the appropriation under s. 20.866 (2) (ta) beginning on~~  
10          ~~July 1, 2000.~~

11          **SECTION 32.** 30.277 (2) (c) of the statutes is amended to read:

12          30.277 (2) (c) Grants awarded under this section from the appropriation under  
13          s. 20.370 (1) (mw) or 20.866 (2) (ta) shall only be used for nature-based outdoor  
14          recreation.

15          **SECTION 33.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

16          292.11 (9) (e) 1m. f. The local governmental unit acquired the property using  
17          funds appropriated under s. 20.370 (1) (mw) or 20.866 (2) (ta) or (tz).

18

(END)