



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4190/1
EHS:amn

2019 ASSEMBLY BILL 855

February 3, 2020 - Introduced by Representatives LOUDENBECK, KITCHENS, TUSLER, PLUMER, NOVAK, BORN, KRUG, BALLWEG, OLDENBURG, QUINN, KURTZ, PETERSEN, PRONSCHINSKE, RODRIGUEZ, ZIMMERMAN, STEFFEN, KNODL, DITTRICH, SKOWRONSKI, WITKE, VANDERMEER, SNYDER, MURPHY, TRANEL, DUCHOW, KATSMA and PETRYK. Referred to Committee on Forestry, Parks and Outdoor Recreation.

1 **AN ACT to repeal** 23.09 (2p), 23.092 (5), 23.094 (4), 23.175 (3) (b) 2., 23.29 (3) and
2 23.293 (5); **to renumber and amend** 23.0917 (5g) (b); **to consolidate,**
3 **renumber and amend** 23.175 (3) (b) (intro.) and 1.; **to amend** 20.866 (2) (ta),
4 20.866 (2) (tw), 23.09 (2r) (a), 23.0915 (2c) (d), 23.0917 (3) (a), 23.0917 (3) (br)
5 2., 23.0917 (4) (a), 23.0917 (4) (d) 2r., 23.0917 (4j) (b), 23.0917 (5g) (a), 23.0917
6 (12), 23.0953 (2) (a) (intro.), 23.096 (2m) (intro.), 23.29 (1), 23.29 (2), 23.29 (11),
7 23.293 (4) and 70.58 (1); and **to create** 23.0917 (3) (am), 23.0917 (3) (dm) 8.,
8 23.0917 (4) (d) 1m. f., 23.0917 (5g) (b) 2., 23.0953 (2) (c), 25.29 (7) (c), 25.29 (7)
9 (d) and 28.043 of the statutes; **relating to:** the ending date of the Warren
10 Knowles-Gaylord Nelson Stewardship 2000 Program and granting bonding
11 authority.

Analysis by the Legislative Reference Bureau

This bill reauthorizes the Warren Knowles-Gaylord Nelson Stewardship 2000 Program until 2030 and makes some changes to it.

Current law authorizes the state to incur public debt for certain conservation activities under the stewardship, which is administered by the Department of

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Natural Resources. The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants to others to acquire land for these purposes. Current law establishes the amounts that DNR may obligate in each fiscal year through fiscal year 2021-22 for expenditure under each of five subprograms of the stewardship program.

This bill reauthorizes the stewardship program until fiscal year 2029-30. For fiscal years through 2021-22, the bill maintains at \$33,250,000 the amount that DNR may obligate under the program each fiscal year, and for fiscal years beginning with 2022-23 and ending in 2029-30 the bill sets this amount at \$21,000,000. The bill increases to \$1,214,250,000 the total amount of public debt that the state may contract under the program.

Beginning in fiscal year 2022-23, the bill reduces the amount DNR may obligate under the land acquisition subprogram from \$21,000,000 to \$9,000,000 and eliminates requirements that DNR set aside \$5,000,000 for grants awarded to counties for land acquisition and certain amounts for DNR to acquire land and to match grants DNR receives under the federal forest legacy program. The bill maintains the requirement that DNR set aside, in each fiscal year, \$1,000,000 for the department to acquire land for the ice age trail and \$7,000,000 for grants awarded to nonprofit conservation organizations (NCOs).

Beginning in fiscal year 2022-23, the bill also reduces from \$9,750,000 to \$9,500,000 the amount DNR may obligate for the property development and local assistance subprogram.

This bill provides that, in each fiscal year beginning in 2022-23, DNR set aside \$5,000,000 to acquire forest land and \$5,000,000 for grants to counties to acquire land for county forests from certain amounts transferred from the general fund to the conservation fund. 2017 Wisconsin Act 59 eliminated the forestation state property tax, and replaced it with this annual transfer from the general fund to the conservation fund of an amount equal to 0.1697 mills for each dollar of assessed valuation of property. Under current law, DNR must use this amount for forest acquisition, preservation, and development.

Under current law, DNR's authority to acquire land is limited to a specified set of purposes, including such purposes as state parks, state forests, state trails, stream bank protection, and habitat areas and fisheries. Current law generally limits DNR's acquisition of land and awarding of grants for land acquisition under the land acquisition subprogram of the stewardship program to this set of purposes as well. This bill allows DNR to acquire or award a grant for the acquisition of a parcel of agricultural land under the land acquisition subprogram for the purpose of leasing a portion of it to any person for agricultural purposes if the remainder of the parcel is used for one of the allowable purposes.

Under current law, in each fiscal year ending in 2019-20, if DNR does not obligate an amount authorized for a stewardship subprogram in a fiscal year, it may not adjust the annual bonding authority for that subprogram by raising the annual bonding authority for the next fiscal year. Under this bill, this restriction applies again beginning in fiscal year 2022-23.

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Under the land acquisition subprogram, DNR may award grants to counties to acquire land for county forests, or for projects that promote nature-based outdoor recreation or conservation and for which DNR is requesting the county's assistance (county grants). Under the bill, a county is not eligible for a county grant if the number of acres of public land in the county that are used for nature conservation purposes constitutes 20 percent or more of the number of acres in the county.

Under current law, one exception to the prohibition on obligating unobligated amounts under the stewardship program is that, if in a given fiscal year the amount that DNR obligates to provide grants to NCOs is less than the amount set aside for that purpose under the land acquisition subprogram, DNR may obligate the unobligated amount in the next fiscal year but only for the purpose of awarding a county grant. Under this bill, beginning with fiscal year 2022-23, this unobligated amount may only be obligated for the purpose of awarding a grant to a governmental unit under the property development and local assistance subprogram.

This bill eliminates current law provisions that require DNR, if it receives a donation of land for state parks, state trails, habitat areas, stream bank protection, the natural areas heritage program, or the ice age trail, to determine the value of the donated land and release an equal amount of stewardship moneys to be used for the same project or similar activities.

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.** 20.866 (2) (ta) of the statutes, as affected by 2019 Wisconsin Act 9,
2 is amended to read:
3 20.866 (2) (ta) *Natural resources; Warren Knowles-Gaylord Nelson*
4 *stewardship 2000 program.* From the capital improvement fund a sum sufficient for
5 the Warren Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917.
6 The state may contract public debt in an amount not to exceed \$1,046,250,000
7 \$1,214,250,000 for this program. The state may contract additional public debt in
8 an amount up to \$42,600,000 for this program. Except as provided in s. 23.0917 (4g)
9 (b), (4m) (k), (5), (5g), and (5m), the amounts obligated, as defined in s. 23.0917 (1)
10 (e), under this paragraph may not exceed \$46,000,000 in fiscal year 2000-01, may
11 not exceed \$46,000,000 in fiscal year 2001-02, may not exceed \$60,000,000 in each

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1 fiscal year beginning with fiscal year 2002-03 and ending with fiscal year 2009-10,
2 may not exceed \$86,000,000 in fiscal year 2010-11, may not exceed \$60,000,000 in
3 fiscal year 2011-12, may not exceed \$60,000,000 in fiscal year 2012-13, may not
4 exceed \$47,500,000 in fiscal year 2013-14, may not exceed \$54,500,000 in fiscal year
5 2014-15, and may not exceed \$33,250,000 in each fiscal year beginning with 2015-16
6 and ending with fiscal year 2021-22, and may not exceed \$21,000,000 in each fiscal
7 year beginning with 2022-23 and ending with 2029-30.

8 **SECTION 2.** 20.866 (2) (tw) of the statutes is amended to read:

9 20.866 (2) (tw) *Natural resources; ice age trail.* From the capital improvement
10 fund, as a part of the outdoor recreation land acquisition program, a sum sufficient
11 for the department of natural resources for the acquisition and development of the
12 ice age trail under s. 23.17. The state may contract public debt in an amount not to
13 exceed \$750,000 for this purpose. Moneys expended from this appropriation in each
14 fiscal year may not exceed an amount equal to the sum of the amount received under
15 s. 20.370 (7) (gg) from gifts, grants and bequests for that fiscal year ~~plus an amount~~
16 ~~equal to the valuation of the land accepted for dedication under s. 23.293 (5) in that~~
17 fiscal year.

18 **SECTION 3.** 23.09 (2p) of the statutes is repealed.

19 **SECTION 4.** 23.09 (2r) (a) of the statutes is amended to read:

20 23.09 (2r) (a) Land acquisition under ~~subs.~~ sub. (2dm) ~~and (2p).~~

21 **SECTION 5.** 23.0915 (2c) (d) of the statutes, as affected by 2019 Wisconsin Act
22 9, is amended to read:

23 23.0915 (2c) (d) No moneys may be committed for expenditure from the
24 appropriation under s. 20.866 (2) (tz) after June 30, ~~2022~~ 2030.

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1 **SECTION 6.** 23.0917 (3) (a) of the statutes, as affected by 2019 Wisconsin Act 9,
2 is amended to read:

3 23.0917 (3) (a) Beginning with fiscal year 2000-01 and ending with fiscal year
4 ~~2021-22~~ 2029-30, the department may obligate moneys under the subprogram for
5 land acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and
6 grants for these purposes under s. 23.096, except as provided under par. (am) and ss.
7 23.197 (2m), (3m) (b), (7m), and (8) and 23.198 (1) (a).

8 **SECTION 7.** 23.0917 (3) (am) of the statutes is created to read:

9 23.0917 (3) (am) Notwithstanding s. 23.09 (2) (d) and the limitation on the
10 purposes for which the department may acquire land and award grants under par.
11 (a), the department may acquire or award a grant for the acquisition of a parcel of
12 agricultural land under par. (a) for the purpose of leasing a portion of it to any person
13 for agricultural purposes if the remainder of the parcel will be used for a purpose
14 specified in s. 23.09 (2) (d).

15 **SECTION 8.** 23.0917 (3) (br) 2. of the statutes, as affected by 2019 Wisconsin Act
16 9, is amended to read:

17 23.0917 (3) (br) 2. For each fiscal year beginning with 2015-16 and ending with
18 ~~2021-22~~ 2029-30, \$7,000,000.

19 **SECTION 9.** 23.0917 (3) (dm) 8. of the statutes is created to read:

20 23.0917 (3) (dm) 8. For each fiscal year beginning with 2022-23 and ending
21 with fiscal year 2029-30, \$14,000,000.

22 **SECTION 10.** 23.0917 (4) (a) of the statutes, as affected by 2019 Wisconsin Act
23 9, is amended to read:

24 23.0917 (4) (a) Beginning with fiscal year 2000-01 and ending with fiscal year
25 ~~2021-22~~ 2029-30, the department may obligate moneys under the subprogram for

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1 property development and local assistance. Moneys obligated under this
2 subprogram may be only used for nature-based outdoor recreation, except as
3 provided under par. (cm).

4 **SECTION 11.** 23.0917 (4) (d) 1m. f. of the statutes is created to read:

5 23.0917 (4) (d) 1m. f. For each fiscal year beginning with 2022-23 and ending
6 with fiscal year 2029-30, \$9,500,000.

7 **SECTION 12.** 23.0917 (4) (d) 2r. of the statutes, as affected by 2019 Wisconsin
8 Act 9, is amended to read:

9 23.0917 (4) (d) 2r. Beginning with fiscal year 2013-14 and ending with fiscal
10 year ~~2021-22~~ 2029-30, the department shall obligate \$6,000,000 in each fiscal year
11 for local assistance.

12 **SECTION 13.** 23.0917 (4j) (b) of the statutes, as affected by 2019 Wisconsin Act
13 9, is amended to read:

14 23.0917 (4j) (b) For fiscal year 2007-08, the department may not obligate more
15 than \$1,500,000 for cost-sharing with local governmental units for recreational
16 boating projects under s. 30.92. For each fiscal year beginning with fiscal year
17 2008-09 and ending with fiscal year ~~2021-22~~ 2029-30, the department may not
18 obligate more than \$2,500,000 for cost-sharing with local governmental units for
19 recreational boating projects under s. 30.92.

20 **SECTION 14.** 23.0917 (5g) (a) of the statutes is amended to read:

21 23.0917 (5g) (a) Except as provided in pars. (b), (c), (d), (e), (f), and (g), if for a
22 given fiscal year, the department obligates an amount from the moneys appropriated
23 under s. 20.866 (2) (ta) for a subprogram under sub. (3) or (4) that is less than the
24 annual bonding authority under that subprogram for that given fiscal year, the
25 department may not obligate the unobligated amount in subsequent fiscal years.

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1 This subsection applies beginning with fiscal year 2011-12 and ending with fiscal
2 year ~~2019-20~~ 2029-30, except that it does not apply to fiscal years ~~2020-21 and~~
3 2021-22.

4 **SECTION 15.** 23.0917 (5g) (b) of the statutes is renumbered 23.0917 (5g) (b) 1.
5 and amended to read:

6 23.0917 **(5g)** (b) 1. If in a given fiscal year beginning with fiscal year 2013-14
7 and ending in 2021-22, the amount that the department obligates from the moneys
8 appropriated under s. 20.866 (2) (ta) to provide grants to nonprofit conservation
9 organizations under s. 23.096 is less than the amount set aside for that purpose
10 under sub. (3) (br) in that fiscal year, the department may obligate the unobligated
11 amount in the next fiscal year but only for the purpose of awarding a grant under s.
12 23.0953 to a county for the acquisition of land for a county forest under s. 28.11.

13 **SECTION 16.** 23.0917 (5g) (b) 2. of the statutes is created to read:

14 23.0917 **(5g)** (b) 2. If in a given fiscal year beginning with fiscal year 2022-23,
15 the amount that the department obligates from the moneys appropriated under s.
16 20.866 (2) (ta) to provide grants to nonprofit conservation organizations under s.
17 23.096 is less than the amount set aside for that purpose under sub. (3) (br) in that
18 fiscal year, the department may obligate the unobligated amount in the next fiscal
19 year but only for the purpose of awarding a grant to a governmental unit under s.
20 23.09 (19), (20), or (20m) or 30.277.

21 **SECTION 17.** 23.0917 (12) of the statutes, as affected by 2019 Wisconsin Act 9,
22 is amended to read:

23 23.0917 **(12)** EXPENDITURES AFTER ~~2022~~ 2030. No moneys may be obligated from
24 the appropriation under s. 20.866 (2) (ta) after June 30, ~~2022~~ 2030.

25 **SECTION 18.** 23.092 (5) of the statutes is repealed.

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1 **SECTION 19.** 23.094 (4) of the statutes is repealed.

2 **SECTION 20.** 23.0953 (2) (a) (intro.) of the statutes, as affected by 2019
3 Wisconsin Act 9, is amended to read:

4 23.0953 **(2)** (a) (intro.) Beginning with fiscal year 2010-11 and ending with
5 fiscal year ~~2021-22~~ 2029-30, the department shall establish a grant program under
6 which the department may award a grant to a county for any of the following:

7 **SECTION 21.** 23.0953 (2) (c) of the statutes is created to read:

8 23.0953 **(2)** (c) A county is not eligible for a grant under this section if the
9 number of acres of public land in the county that are used for nature conservation
10 purposes constitutes 20 percent or more of the number of acres in the county.

11 **SECTION 22.** 23.096 (2m) (intro.) of the statutes, as affected by 2019 Wisconsin
12 Act 9, is amended to read:

13 23.096 **(2m)** (intro.) Notwithstanding sub. (2) (b), in each fiscal year beginning
14 with fiscal year 2010-11 and ending with fiscal year ~~2021-22~~ 2029-30, the
15 department may award grants under this section that equal up to 75 percent of the
16 acquisition costs of the property if the natural resources board determines that all
17 of the following apply:

18 **SECTION 23.** 23.175 (3) (b) (intro.) and 1. of the statutes are consolidated,
19 renumbered 23.175 (3) (b) and amended to read:

20 23.175 **(3)** (b) Expend an amount from the appropriation under s. 20.866 (2) (ta)
21 or (tz) or both that equals ~~any of the following:~~ ~~1. The~~ the amount of a gift, grant,
22 or bequest received for a state trail under this section.

23 **SECTION 24.** 23.175 (3) (b) 2. of the statutes is repealed.

24 **SECTION 25.** 23.29 (1) of the statutes is amended to read:

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1 23.29 (1) INTENT. It is the intent of the legislature to encourage private
2 contributions and land dedications under the Wisconsin natural areas heritage
3 program. ~~It is the intent of the legislature to match private contributions and the~~
4 ~~value of land dedications with state funds in addition to funds normally appropriated~~
5 ~~for natural areas land acquisition activities.~~

6 **SECTION 26.** 23.29 (2) of the statutes is amended to read:

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

18 **SECTION 27.** 23.29 (3) of the statutes is repealed.

19 **SECTION 28.** 23.29 (11) of the statutes is amended to read:

20 23.29 (11) LAND DEDICATIONS; PARTIAL INTEREST; LAND OF OTHER STATE AGENCIES;
21 ACCESS. The department may not accept land for dedication under the Wisconsin
22 natural areas heritage program if the land dedication involves the transfer of a
23 partial interest in the land to the state unless adequate provisions for access are
24 provided. Land under the ownership of the state but under the management and
25 control of another state agency may not be accepted for dedication under the

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1 Wisconsin natural areas heritage program unless adequate provisions for access are
2 provided. Adequate provisions for access are required to include provisions which
3 guarantee access to the land by the department and its agents at reasonable times
4 to inspect the land and to determine if the articles of dedication are being violated.
5 Adequate provisions for access are required to include provisions which guarantee
6 to the department and its agents access and rights to the land necessary to exercise
7 stewardship responsibilities. Adequate provisions for access may not be required to
8 include any provision permitting public access to the land although the department
9 shall encourage public access provisions wherever possible and consistent with
10 preservation of natural values associated with the land. ~~If public access is permitted,~~
11 ~~the department shall consider this as a factor when making its valuation under sub.~~
12 ~~(3).~~ Even if public access is permitted, the department may limit access at its
13 discretion to protect natural values associated with the land or to facilitate
14 stewardship or administration.

15 **SECTION 29.** 23.293 (4) of the statutes is amended to read:

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

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1 ~~determine how the moneys being released are to be allocated from these~~
2 ~~appropriations.~~

3 **SECTION 30.** 23.293 (5) of the statutes is repealed.

4 **SECTION 31.** 25.29 (7) (c) of the statutes is created to read:

5 25.29 (7) (c) Of the moneys received under s. 70.58, in each fiscal year beginning
6 in 2022-23, the department shall set aside \$5,000,000 for grants to counties to
7 acquire land for county forests under s. 23.0953 (2) (a) 1.

8 **SECTION 32.** 25.29 (7) (d) of the statutes is created to read:

9 25.29 (7) (d) Of the moneys received under s. 70.58, in each fiscal year
10 beginning in 2022-23, the department shall set aside \$5,000,000 for the acquisition
11 of forest land under s. 28.043 (2).

12 **SECTION 33.** 28.043 of the statutes is created to read:

13 **28.043 Land acquisition. (1)** In this section, "land" means land in fee simple,
14 conservation easements, other easements in land, and development rights in land.

15 **(2)** The department may use moneys set aside under s. 25.29 (7) (d) to acquire
16 forest land for the purposes specified in s. 23.09 (2) (d).

17 **SECTION 34.** 70.58 (1) of the statutes is amended to read:

18 70.58 (1) Except as provided in subs. (2) and (3), there is levied an annual tax
19 of two-tenths of one mill for each dollar of the assessed valuation of the property of
20 the state as determined by the department of revenue under s. 70.57, for the purpose
21 of acquiring, preserving and developing the forests of the state and for the purpose
22 of forest crop law and county forest law administration and aid payments, for grants
23 to forestry cooperatives under s. 36.56, and for the acquisition, purchase and
24 development of forests described under s. 25.29 (7) (a) ~~and~~, (b), (c), and (d), the
25 proceeds of the tax to be paid into the conservation fund. The tax shall not be levied

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SECTION 34

1 in any year in which general funds are appropriated for the purposes specified in this
2 section, equal to or in excess of the amount which the tax would produce and no tax
3 shall be levied under this section beginning with the property tax assessments as of
4 January 1, 2017.

5 (END)