



## 2025 ASSEMBLY BILL 633

November 7, 2025 - Introduced by Representatives MIRESE, DESANTO, CLANCY, ANDRACA, ARNEY, BROWN, CRUZ, DESMIDT, FITZGERALD, GOODWIN, HONG, JOHNSON, MADISON, MOORE OMOKUNDE, PALMERI, PHELPS, PRADO, ROE, SNODGRASS, STUBBS, TAYLOR and TENORIO, cosponsored by Senator LARSON. Referred to Committee on Environment.

- 1 **AN ACT to create** 27.012 of the statutes; **relating to:** the rights of Devil's Lake
- 2 State Park and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that Devil's Lake State Park (the park) has various rights, including the right to flourish, evolve, and be clean (commonly known as "rights of nature"). The bill prohibits any government entity or business from conducting activities that infringe upon these rights. The bill also prohibits any state agency or department from conducting, authorizing, licensing, permitting, or funding any activities that infringe upon these rights.

Under the bill, the attorney general is authorized to enforce the rights conferred upon the park and any individual may file a legal action, or intervene in any legal action, in the name of the park to enforce these rights. Violations committed by a government entity or business are punishable by a forfeiture of \$1,000 for each violation. In addition, any agency or department of the state, and any government entity or business, that violates these rights is liable for damages caused to the park, which must be assessed in the amount necessary to restore the park to the condition that existed before the violation was committed or in the amount the court determines will adequately mitigate the damage.

The bill requires every state agency and department to review existing and proposed agency or department activities, and all laws, administrative rules, and policies administered by the agency or department, to identify violations of the rights of the park and take necessary steps to remedy any violations.

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Finally, the bill requires the Department of Natural Resources to complete an environmental study of the park, to include identification of degraded, damaged, or destroyed ecosystems or species. The bill requires DNR, within five years, to complete a full restoration of the park, beginning with any ecosystems or species identified in their environmental study.

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.** 27.012 of the statutes is created to read:

2           **27.012 Rights of Devil's Lake State Park.** (1) In this section, "Devil's  
3 Lake State Park" means the state park in the town of Baraboo in Sauk County that  
4 includes the lake known to the Ho-Chunk people as Tee Wakacak.

5           (2) Devil's Lake State Park has rights, including all of the following:

6           (a) The right to naturally exist, flourish, regenerate, and evolve.

7           (b) The right to full restoration, recovery, and preservation.

8           (c) The right to abundant, pure, clean, unpolluted water.

9           (d) The right to natural groundwater recharge and surface water recharge.

10          (e) The right to a healthy natural environment and natural biodiversity.

11          (f) The right to natural water flow.

12          (g) The right to perform its natural ecosystem functions.

13          (h) The right to be free of activities that infringe upon the rights established  
14 under pars. (a) to (g).

15          (3) (a) No government entity and no business may engage in activities that  
16 infringe upon the rights established in sub. (2).

17          (b) No agency or department of the state may conduct, authorize, license,  
18 permit, or fund any activities that infringe upon the rights established in sub. (2).

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1 This paragraph may not be construed to abrogate the department's powers or  
2 duties under s. 27.01.

3 (4) (a) No later than one year after the effective date of this paragraph ....  
4 [LRB inserts date], each agency and department of the state shall review all  
5 existing and proposed agency or department activities, and all laws, administrative  
6 rules, and policies administered by the agency or department, to identify violations  
7 of sub. (2).

8 (b) No later than 2 years after the effective date of this paragraph .... [LRB  
9 inserts date], each agency and department of the state shall take necessary steps to  
10 remedy any violation identified par. (a).

11 (c) No later than one year after the effective date of this paragraph .... [LRB  
12 inserts date], the department shall complete an environmental study of Devil's  
13 Lake State Park, to include identification of degraded, damaged, or destroyed  
14 ecosystems or species.

15 (d) No later than 5 years after the effective date of this paragraph .... [LRB  
16 inserts date], the department shall complete a full restoration of Devil's Lake State  
17 Park, beginning with any ecosystems or species identified in par. (c).

18 (5) (a) The attorney general is authorized to enforce this section.

19 (b) Any individual may file a legal action, or intervene in any legal action, in  
20 the name of Devil's Lake State Park as the real party in interest, to enforce the  
21 provisions of this section. A legal action under this paragraph is not dependent on  
22 any action by the attorney general under par. (a).

23 (c) If a legal action is brought under par. (a) or (b), the party conducting the  
24 activity alleged to be in violation of sub. (2) bears the burden of proving that no

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1 violation exists. The court may not use a lack of scientific certainty as a reason to  
2 deny or postpone legal enforcement.

3 (6) (a) Any government entity or business that violates sub. (3) (a) shall be  
4 subject to a forfeiture of \$1,000 for each violation.

5 (b) Any agency or department of the state, and any government entity or  
6 business, that violates sub. (3) shall be liable for damages caused to Devil's Lake  
7 State Park by the violation. The court shall assess damages in the amount  
8 necessary to restore Devil's Lake State Park to the condition that existed before the  
9 violation was committed or, if restoration is impractical, in the amount the court  
10 determines will adequately mitigate the damages caused by the violation. The  
11 damages assessed under this paragraph shall be credited to the conservation fund  
12 and set aside to be used exclusively for the restoration of state parks, with first  
13 priority given to restoration of Devil's Lake State Park.

14 (7) Nothing in this section may be construed to confer liabilities, duties,  
15 obligations, or responsibilities on Devil's Lake State Park.

16 (8) Nothing in this section may be construed to abrogate the rights of a  
17 federally recognized American Indian tribe or band in this state or the individual  
18 rights of its members.

19 (END)