

Fiscal Estimate Narratives

DNR 2/14/2022

LRB Number	21-5204/1	Introduction Number	SB-805	Estimate Type	Original
Description condemnation authority for recreational trails					

Assumptions Used in Arriving at Fiscal Estimate

The bill allows the department to condemn lands for the purpose of establishing or extending any of the following:

- a recreational trail;
- a bicycle way as defined in s. 340.01 (5s);
- a bicycle lane as defined in s. 340.01 (5e); or
- a pedestrian way as defined in s. 346.02 (8) (a).

S. 23.09 (2) (d) Wis. Stats. grants the department authority to condemn lands or waters suitable for such purposes after obtaining approval of the appropriate standing committee of each house of the legislature as determined by the presiding officers thereof excepting for recreational trails, bicycle ways, bicycle lanes or pedestrian ways.

A. State Fiscal Effect

Over the past decades, the department has only dealt with willing sellers and has not acted on its existing condemnation authority. The department expects no significant change on current acquisition practices due to authorities proposed in the bill and estimates no significant effect on workload or staffing.

If future department administrations choose to act on the authorities granted under the bill, condemned acquisitions would be constrained by the same appropriated funds and bonding authorities that exist for acquisitions from willing sellers.

B. Local Fiscal Effect

The bill provides local governments the authority to use condemnation to establish or extend recreational trails. As an example, the department interprets the proposed changes to apply to situations where a local government can avoid having to pay a reluctant land owner a rate above just-compensation for property providing for a continuous trail corridor.

Local governments already have broad condemnation authority under Wisconsin statutes and must strictly follow condemnation law. While the bill will have a fiscal impact on local units of government, the specifics of that impact cannot be identified and are therefore indeterminate.

Long-Range Fiscal Implications