2007 ASSEMBLY BILL 641

December 21, 2007 – Introduced by Representatives Friske, Gunderson, Gronemus, Mursau, Meyer, Nerison, M. Williams, Bies, Townsend, Hahn, Ballweg, Lemahieu, Musser and Montgomery, cosponsored by Senator Roessler. Referred to Committee on Natural Resources.

- 1 AN ACT to create 23.37 of the statutes; relating to: requiring the Department
- of Natural Resources to grant easements over certain lands.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to grant to a landowner an easement over land under DNR's jurisdiction or control (DNR land) to allow the landowner access to his or her own land. Under the bill, a landowner is entitled to an easement if the landowner was permitted a way of access over the DNR land by DNR's predecessor in interest in the land and if DNR acquired the land for recreational use by the public. The bill generally requires the landowner to make a request to DNR for an easement within a year after DNR acquired the land. Under the bill, DNR may require the landowner to furnish written evidence that the landowner was permitted a way of access over the DNR land by the department's predecessor in interest.

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

- 3 **Section 1.** 23.37 of the statutes is created to read:
- 4 23.37 Easement for access to land. (1) In this section, "department land"
- 5 means land under the jurisdiction or control of the department.

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- (2) The department shall, upon request, grant to a landowner an easement over department land to allow a way of access to land owned by the landowner if the landowner was permitted a way of access over the department land by the department's predecessor in interest in the department land, and the department acquired the land for recreational use by the public.
- (3) A landowner making a request to the department for an easement under this section shall make the request no later than one year after the date on which the department acquired the land.
- (4) The department may require the landowner requesting an easement under this section to furnish the department with written evidence that the landowner was permitted a way of access over the department land by the department's predecessor in interest.

SECTION 2. Nonstatutory provisions.

(1) Notwithstanding the time limit for making a request to the department of natural resources for an easement specified under section 23.37 (3) of the statutes, as created by this act, a landowner who makes a request for an easement over land acquired by the department of natural resources within 365 days before the effective date of this subsection is eligible to receive the easement if the landowner makes the request to the department no later than the first day of the 13th month beginning after the effective date of this subsection.

21 (END)