1997 ASSEMBLY BILL 667

December 18, 1997 – Introduced by Representatives ALBERS, F. LASEE, BRANDEMUEHL, OWENS, SYKORA, GUNDERSON, GOETSCH, SKINDRUD, HASENOHRL, GRONEMUS, MUSSER, FREESE and JOHNSRUD, cosponsored by Senators SCHULTZ and DRZEWIECKI. Referred to Committee on Natural Resources.

1 AN ACT *to create* 23.0915 (1p) of the statutes; **relating to:** access to land that

2 has been landlocked as a result of land being acquired using funding from the

3 Warren Knowles–Gaylord Nelson stewardship program.

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) administers the Warren Knowles–Gaylord Nelson stewardship program which provides funding for various conservation purposes. These purposes include land acquisition by DNR for items such as state parks, state forests, and state trails and the awarding of grants to local governmental units and nonprofit conservation programs for acquisition of land for items such as local parks and urban green space.

This bill prohibits the expenditure of stewardship funding for land acquisition by DNR, a local governmental unit or a nonprofit conservation organization if the acquisition will result in an adjacent landowner not having any access to the landowner's land or that will result in the landowner's having to pay for an easement. In addition, for a dispute concerning denial of access that is pending between a landowner and one of these entities on the day on which the bill becomes law, the bill prohibits the use of additional stewardship funding by the entity until the dispute is resolved or until there is a final administrative or court decision concerning the dispute which neither the entity or the land owner appeals.

For further information see the *state and local* 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:

4 SECTION 1. 23.0915 (1p) of the statutes is created to read:

1   23.0915 **(1p)** PROHIBITIONS ON EXPENDITURES; LANDLOCKED LAND. (a) In this

2   subsection, "acquiring entity" means the department, a local governmental unit, as

3   defined in s. 23.09 (19) (a), or a nonprofit conservation organization, as defined in s.

4   23.0955 (1).

5   (b) An acquiring entity may not use funding from the appropriation under s.

6   20.866 (2) (tz) to acquire land if the acquisition will result in an owner of land that

7   is adjacent to the acquired land being denied access to the owner's land or in the

8   owner having to pay for an easement or conveyance to gain access to the owner's land.

9   (c) If, prior to the effective date of this paragraph .... [revisor inserts date], an

10   acquiring entity has used funding from the appropriation under s. 20.866 (2) (tz) to

11   acquire land that results in an owner of land adjacent to the acquired land being

12   denied access to the land and if the owner disputes the acquisition by commencing

13   an action or by giving written notification to the acquiring entity, the acquiring entity

14   may not expend or receive any additional funding from the appropriation under s.

15   20.866 (2) (tz) until the dispute is resolved between the acquiring entity and the

16   owner or until a court decision or an administrative decision under ch. 227

17   concerning the dispute is entered which neither the acquiring entity nor the owner

18   appeals.

19   **(END)**