
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 61

Assembly Amendment 1

2021 ASSEMBLY BILL 61

Under current law, with certain exceptions, state-owned property under the jurisdiction of the Department of Natural Resources (DNR) may be sold when the Natural Resources Board (NRB) determines the property is no longer necessary for conservation purposes, if the Governor approves. [s. 23.15 (1) and (2), Stats.]

The NRB must deposit the proceeds from any such sale in the conservation fund, and the proceeds must be used exclusively for the purpose of purchasing other areas of land for the creating and establishing of public hunting and fishing grounds, wildlife and fish refuges and state parks, and for land in the Lower Wisconsin State Riverway. [s. 23.15 (4), Stats.]

2021 Assembly Bill 61 modifies the purposes for which the proceeds from sales of state-owned property under the jurisdiction of DNR may be used. Under the bill, the proceeds may be used to acquire or develop any land or easement. However, the bill prohibits the use of the proceeds for program administration costs or full-time equivalent positions.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 specifies that the proceeds from sales of state-owned property under the jurisdiction of DNR may be used to acquire land, as provided in s. 23.09 (2) (d),¹ or easements, as provided in s. 23.094 (3),² or to develop land or easements. In addition, the amendment specifies that if the property was initially purchased by DNR with federal moneys, DNR must comply with any limitations on the use of the proceeds from the sale of the property.

¹ Under s. 23.09 (2) (d), Stats., DNR may acquire by purchase, lease, or agreement, and receive by gifts or devise, lands or waters suitable for: (a) state forests; (b) state parks for the purpose of preserving scenic or historical values or natural wonders; (c) public shooting, trapping, or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap, or fish; (d) fish hatcheries and game farms; (e) forest nurseries and experimental stations; (f) preservation of any endangered species or threatened species under s. 29.604; (g) state recreation areas designated under s. 23.091; (h) state natural areas as authorized under s. 23.27 (4) and for state natural areas as authorized under s. 23.27 (5), except that land may not be acquired through condemnation under the authority of s. 23.27 (5); (i) any other purpose for which gift lands are suitable, as determined by the department; (j) the Ice Age Trail as designated under s. 23.17 (2); (k) the purposes provided in ss. 30.40 to 30.49 in the Lower Wisconsin State Riverway, as defined in s. 30.40 (15); (l) state trails; (m) the stream bank protection program; (n) habitat areas and fisheries; (o) state wildlife areas; and (p) bluff protection under s. 30.24.

² Under s. 23.094 (3), Stats., subject to certain limitations and restrictions, for a stream identified as a priority stream, DNR may acquire a permanent stream bank easement from the owner of land adjacent to the priority stream by gift, devise or by purchase.

The amendment retains the prohibition on the use of sales proceeds for program administration or full-time equivalent positions, but authorizes the proceeds from any sale of property under the bill to be used to fund costs payable to the Department of Administration.

Finally, the amendment requires DNR, beginning on December 30, 2021, to submit a biennial report on land sales to the Joint Committee on Finance and the Senate and Assembly standing committees with jurisdiction over environment, forestry, and natural resources. The report must include a list of all parcels that were approved for sale by the NRB under s. 23.15, Stats., during the previous fiscal biennium. For each listed parcel, DNR must identify the location, acreage, proposed sale price, and reason for sale and must indicate if the parcel was sold, is still for sale, or was removed from the market before sale, and provide an explanation for the parcel's sale status. DNR must also include an accounting of the total revenue received from land sales under s. 23.15, Stats., during the previous fiscal biennium and detail how the proceeds from those land sales were allocated during the previous fiscal biennium.

BILL HISTORY

Representative Kitchens offered Assembly Amendment 1 on March 22, 2021. On April 7, 2021, the Assembly Committee on State Affairs recommended adoption of the amendment, and passage of the bill as amended, on votes of Ayes, 11; Noes, 0.

REL:PC:jal