
Wisconsin Legislative Council

ACT MEMO



Prepared by: Rachel Letzing, Deputy Director

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2021 Wisconsin Act 27 [2021 Senate Bill 64]

Use of Proceeds From the Sale of Certain State-Owned Properties Under DNR Jurisdiction

BACKGROUND

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 is required to deposit the proceeds from any such sale in the conservation fund. Under prior law, the sale proceeds were required to 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 Riverway.

2021 WISCONSIN ACT 27

2021 Wisconsin Act 27 expands the purposes for which the proceeds from the sale of certain state-owned property under the jurisdiction of DNR may be used. Under the act, the proceeds from these sales must be used to acquire land, as provided in s. 23.09 (2) (d), Stats.,¹ or easements, as provided in s. 23.094 (3), Stats.,² or to develop land or easements. The act 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. The act prohibits the use of these sale proceeds to fund program administration costs or full-time equivalent positions, other than costs payable to the Department of Administration.

Finally, the act 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 regarding land sales. The report must include a list of all parcels that were approved for sale by the NRB under s. 23.15, Stats., during the

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: (1) state forests; (2) state parks for the purpose of preserving scenic or historical values or natural wonders; (3) public shooting, trapping, or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap, or fish; (4) fish hatcheries and game farms; (5) forest nurseries and experimental stations; (6) preservation of any endangered species or threatened species under s. 29.604, Stats.; (7) state recreation areas designated under s. 23.091, Stats.; (8) state natural areas as authorized under s. 23.27 (4), Stats., and for state natural areas as authorized under s. 23.27 (5), Stats., except that land may not be acquired through condemnation under the authority of s. 23.27 (5), Stats.; (9) any other purpose for which gift lands are suitable, as determined by the department; (10) the Ice Age Trail as designated under s. 23.17 (2), Stats.; (11) the purposes provided in ss. 30.40 to 30.49, Stats., in the Lower Wisconsin State Riverway as defined in s. 30.40 (15), Stats.; (12) state trails; (13) the stream bank protection program; (14) habitat areas and fisheries; (15) state wildlife areas; and (16) bluff protection under s. 30.24, Stats.

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.

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 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.

Effective date: April 25, 2021

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