



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5426/1
EHS:cdc

2021 ASSEMBLY BILL 852

January 18, 2022 - Introduced by Representatives CALLAHAN, ARMSTRONG, JAMES, LOUDENBECK, MURPHY and RAMTHUN, cosponsored by Senators FELZKOWSKI, BALLWEG, BERNIER, COWLES, NASS and STROEBEL. Referred to Committee on Forestry, Parks and Outdoor Recreation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 23.09 (19) (e), 23.09 (20) (b) and 23.0953 (4);
2 and *to create* 20.370 (7) (ae), 23.09 (19) (e) 2. and 3., 23.09 (20) (b) 3. and 4.,
3 23.0953 (4) (b) and (c) and 23.096 (4) (am) of the statutes; **relating to:** the sale,
4 transfer, or conversion of property acquired with certain grants under the
5 Warren Knowles-Gaylord Nelson Stewardship 2000 Program and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill allows an entity that has acquired property with the use of a grant under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program to sell, transfer, or convert the use of that property under certain circumstances.

Current law authorizes the state to incur public debt for certain conservation activities under the stewardship program, which is administered by the Department of Natural Resources. The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants to others to acquire land for these purposes. As part of the stewardship program, DNR may award the following grants:

1. To nonprofit conservation organizations to acquire property for conservation purposes (“NCO grant”).

2. To counties to acquire property for a county forest or for a project that promotes nature-based outdoor recreation or conservation and for which DNR is requesting the county’s assistance (“county forest grant”).

ASSEMBLY BILL 852

3. To a city, village, town, county, lake sanitary district, public inland lake protection and rehabilitation district, or the Kickapoo reserve management board to acquire property for urban green space (“urban green space grant”).

4. To a city, village, town, county, or the Kickapoo reserve management board to acquire property for nature-based outdoor recreation purposes (“local parks grant”).

Under current law, a recipient of an NCO grant must enter a contract with DNR (“NCO contract”) that contains standards for the management of the property, a prohibition against using the property as security for any debt without DNR approval, a prohibition against closing the property to the public unless DNR determines it is necessary to protect wild animals, plants, or other natural features, and a clause that any subsequent sale or transfer of the property is restricted by law. Current law restricts the circumstances under which property acquired with an NCO grant may be sold or transferred. Current law allows an NCO to sell or transfer property it acquired with an NCO grant to a third party other than a creditor if DNR approves the sale or transfer and the buyer enters into a new NCO contract with DNR. In addition, current law allows an NCO to sell or transfer property acquired with an NCO grant to satisfy a debt or other obligation with DNR approval.

Current law restricts a county from converting land, or rights in land, acquired with a county forest grant to a use that is inconsistent with the type of nature-based outdoor recreation or conservation activity for which the grant was awarded unless the Natural Resources Board approves the conversion. The bill changes the approving authority to DNR.

Current law states that DNR must specify what purpose the recipient of an urban green space grant may use the land or rights in the land acquired with the grant, and the recipient may not convert the land or rights in the land to a use that is inconsistent with those approved uses. The bill specifies that this prohibition does not apply if the grant recipient receives prior approval from DNR.

Under current law, land or rights in land acquired with a local parks grant may not be converted to uses inconsistent with those specified in the grant program (nature-based outdoor recreation and, for municipalities, development of a park system) without prior approval of the state. The bill changes to approving authority to DNR.

The bill adds another circumstance under which an NCO may sell or transfer property it acquired with an NCO grant to a third party other than a creditor, and under which the recipient of a county forest grant, urban green space grant, or local parks grant may convert land, or rights in land, acquired with those grants to an inconsistent use: if the grant recipient notifies DNR in writing of its intent to sell, transfer, or convert the property; the grant recipient reimburses DNR the full amount of the grant it received plus interest, as determined by DNR, within one year after it provided DNR notice of its intent to sell, transfer, or convert the property; and the property remains open to the public until it is sold, transferred, or converted. Under the bill, a grant recipient that has notified DNR of its intent to sell, transfer, or convert the property may withdraw that intent within the one-year period, in which case the reimbursement requirement is lifted and the grant recipient must

ASSEMBLY BILL 852

wait six months before beginning the process again. The bill requires the money that DNR receives as reimbursement of grants plus interest to be used to pay principle on outstanding public debt incurred under the stewardship program.

The bill makes no change to the urban rivers grant program, under which DNR may award a stewardship grant to a city, village, town, county, or the Kickapoo reserve management board for a project on or adjacent to a river that flows through an urban area. Current law does not restrict the sale, transfer, or conversion of property acquired with an urban rivers grant.

For further information see the state 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:

1 **SECTION 1.** 20.370 (7) (ae) of the statutes is created to read:

2 20.370 (7) (ae) *Grant reimbursement - principal repayment.* All moneys
3 received from nonprofit conservation organizations under s. 23.096 (4) (am) 1. b.,
4 from counties under s. 23.0953 (4) (b) 2., and from governmental units under s. 23.09
5 (19) (e) 2. b. and (20) (b) 3. b. to reimburse s. 20.866 (1) (u) for the payment of principal
6 on outstanding public debt incurred under the Warren Knowles-Gaylord Nelson
7 stewardship 2000 program under s. 23.0917 and to make payments under an
8 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

9 **SECTION 2.** 23.09 (19) (e) of the statutes is renumbered 23.09 (19) (e) 1. and
10 amended to read:

11 23.09 (19) (e) 1. As part of its approval of a grant, the department shall specify
12 for which of the purposes listed in par. (c) the governmental unit may use the land
13 or the rights in the land acquired with the grant. The Except as provided under subd.
14 2., without the prior approval of the department the governmental unit may not
15 convert the land or the rights in the land acquired under this subsection to a use that
16 is inconsistent with the uses as approved by the department.

17 **SECTION 3.** 23.09 (19) (e) 2. and 3. of the statutes are created to read:

ASSEMBLY BILL 852**SECTION 3**

1 23.09 (19) (e) 2. A governmental unit may convert the land, or rights in the
2 land, acquired with grant moneys awarded under this subsection to a use that is
3 inconsistent with the uses specified by the department under subd. 1. without prior
4 approval of the department if all of the following apply:

5 a. The governmental unit notifies the department in writing of its intent to
6 convert the land or rights in the land.

7 b. Except as provided in par. (c), the governmental unit reimburses the
8 department the full amount of the grant it received plus interest, as determined by
9 the department, within one year after the date on which it notified the department
10 under subd. 1. This reimbursement requirement applies regardless of whether the
11 land or rights in the land are converted within that period.

12 c. The property remains public until the time of conversion.

13 3. A governmental unit that notifies the department of its intent to convert the
14 land or rights in the land under subd. 2. a. may withdraw its intent before the period
15 under subd. 2. b. expires by notifying the department in writing of that withdrawal.
16 If notification of withdrawal is submitted, the reimbursement requirement under
17 subd. 2. b. does not apply and the governmental unit may not begin the process under
18 subd. 2. again for 6 months.

19 **SECTION 4.** 23.09 (20) (b) of the statutes is renumbered 23.09 (20) (b) 1. and
20 amended to read:

21 23.09 (20) (b) 1. Except as provided in s. 23.096 (2m), state aid under this
22 subsection is limited to no more than 50 percent of the acquisition costs and the
23 development costs of recreation lands and other outdoor recreation facilities. Costs
24 associated with operation and maintenance of parks and other outdoor recreational
25 facilities established under this subsection are not eligible for state aid.

ASSEMBLY BILL 852

1 Administrative costs of acquiring lands or land rights are not included in the
2 acquisition costs eligible for state aid under this subsection.

3 2. Title to lands or rights in lands acquired by a municipality under this
4 subsection shall vest in the municipality, but, except as provided under subd. 3., such
5 land shall not be converted to uses inconsistent with ~~this subsection~~ subd. 1. without
6 prior approval of the ~~state and~~ department. Except as provided under subd. 3.,
7 proceeds from the sale or other disposal of such lands shall be used to promote the
8 objectives of this subsection.

9 **SECTION 5.** 23.09 (20) (b) 3. and 4. of the statutes are created to read:

10 23.09 (20) (b) 3. A governmental unit may convert the land, or rights in the
11 land, acquired with grant moneys awarded under this subsection to a use that is
12 inconsistent with subd. 1. without prior approval of the department and proceeds
13 from the sale or other disposal of such lands are not limited to promotion of the
14 objectives of this subsection if all of the following apply:

15 a. The governmental unit notifies the department in writing of its intent to
16 convert the land or rights in the land.

17 b. Except as provided in subd. 4., the governmental unit reimburses the
18 department the full amount of the grant it received plus interest, as determined by
19 the department, within one year after the date on which it notified the department
20 under subd. 3. a. This reimbursement requirement applies regardless of whether the
21 land or rights in the land are converted within that period.

22 c. The property remains public until the time of conversion.

23 4. A governmental unit that notifies the department of its intent to convert the
24 land or rights in the land under subd. 3. a. may withdraw its intent before the period
25 under subd. 3. b. expires by notifying the department in writing of that withdrawal.

ASSEMBLY BILL 852**SECTION 5**

1 If notification of withdrawal is submitted, the reimbursement requirement under
2 subd. 3. b. does not apply and the governmental unit may not begin the process under
3 subd. 3. again for 6 months.

4 **SECTION 6.** 23.0953 (4) of the statutes is renumbered 23.0953 (4) (a) and
5 amended to read:

6 23.0953 (4) (a) ~~A~~ Except as provided in par. (b), a county may not convert the
7 land, or any rights in the land, acquired with grant moneys awarded under sub. (2)
8 (a) 2. to a use that is inconsistent with the type of nature-based outdoor recreation
9 or conservation activity for which the grant was awarded unless the ~~natural~~
10 ~~resources board~~ department approves the conversion.

11 **SECTION 7.** 23.0953 (4) (b) and (c) of the statutes are created to read:

12 23.0953 (4) (b) A county may convert the land, or rights in the land, acquired
13 with grant moneys awarded under sub. (2) (a) 2. to a use that is inconsistent with the
14 type of nature-based outdoor recreation or conservation activity for which the grant
15 was awarded without the approval of the department if all of the following apply:

16 1. The county notifies the department in writing of its intent to convert the land
17 or rights in the land.

18 2. Except as provided in par. (c), the county reimburses the department the full
19 amount of the grant it received plus interest, as determined by the department,
20 within one year after the date on which it notified the department under subd. 1.
21 This reimbursement requirement applies regardless of whether the land or rights in
22 the land are converted within that period.

23 3. The property remains public until the time of conversion.

24 (c) A county that notifies the department of its intent to convert the land or
25 rights in the land under par. (b) 1. may withdraw its intent before the period under

ASSEMBLY BILL 852

1 par. (b) 2. expires by notifying the department in writing of that withdrawal. If
2 notification of withdrawal is submitted, the reimbursement requirement under par.
3 (b) 2. does not apply and the county may not begin the process under par. (b) again
4 for 6 months.

5 **SECTION 8.** 23.096 (4) (am) of the statutes is created to read:

6 23.096 (4) (am) 1. The nonprofit conservation organization may subsequently
7 sell or transfer the acquired property to a 3rd party other than a creditor of the
8 organization if all of the following apply:

9 a. The nonprofit conservation organization notifies the department in writing
10 of its intent to sell or transfer the property.

11 b. Except as provided in subd. 2., the nonprofit conservation organization
12 reimburses the department the full amount of the grant it received plus interest, as
13 determined by the department, within one year after the date on which it notified the
14 department under subd. 1. a. This reimbursement requirement applies regardless
15 of whether the property is sold or transferred within that period.

16 c. The property remains public until the time of sale or transfer.

17 2. A nonprofit conservation organization that notifies the department of its
18 intent to sell or transfer the property under subd. 1. a. may withdraw its intent before
19 the period under subd. 1. b. expires by notifying the department in writing of that
20 withdrawal. If notification of withdrawal is submitted, the reimbursement
21 requirement under subd. 1. b. does not apply and the nonprofit conservation
22 organization may not begin the process under subd. 1. again for 6 months.

23 (END)