

1983 Assembly Bill 1015

Date of enactment: May 8, 1984  
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**1983 Wisconsin Act 423**

AN ACT to repeal 24.61 (5) and 24.64; to renumber 24.085; and to amend 24.04 (1), 24.08 (1) to (3), 24.09 (title) and (1), 24.11 (1), 24.27, 24.63 (2) and 24.66 (6) of the statutes, relating to various changes in the requirements and procedures governing the board of commissioners of public lands in the sale of land and granting loans.

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

SECTION 1. 24.04 (1) of the statutes is amended to read:

24.04 (1) RECEIPTS. The board shall collect from purchasers of land a fee of \$5 for every certificate and \$5 for every patent issued by it ~~and~~. The board shall pay the moneys collected, together with all moneys for expenses of advertising, damages and costs received either by redemption or resale of any public lands forfeited after having been being sold by the state, into the state treasury to the credit of the general common school fund. The chief clerk may take the acknowledgments of the board to all certificates and patents, and no fees may be charged therefor.

SECTION 2. 24.08 (1) to (3) of the statutes are amended to read:

24.08 (1) LANDS APPRAISED. Every parcel of public land, ~~from whatever source derived, that has~~ was never been appraised, every parcel thereof of public land forfeited to the state under s. 24.28; and every parcel of land mortgaged to secure any loan of trust funds and bid in by the state at a sale ~~thereof of that land~~ under the mortgage; shall be appraised ~~pursuant to~~ under this section before it is offered or reoffered for sale at public auction ~~or, at private sale.~~ All such or exchanged for other lands. These lands may be reappraised whenever ~~necessity therefor arises~~ necessary.

(2) APPRAISER. The board ~~shall as often as it deems it necessary,~~ may make and enter in its minutes an order that any parcel or parcels of the public lands be appraised, describing the lands, appointing an appraiser and stating the reasons why the appraisal is

deemed necessary. So far as practical ~~such~~ the appraiser shall be a person ~~already~~ in the employ of the ~~department of natural resources board~~, of good character, approved integrity, sound judgment, and well acquainted with the public lands; but ~~when a competent person cannot be selected from a list of such employes~~ the board may employ under contract any competent appraiser ~~may be employed under contract by the board of commissioners of public lands~~ if it deems it necessary.

(3) APPRAISAL. The ~~appraisement~~ appraisal shall be made from actual view and at cash value, ~~the land and the timber thereon, if any, to be appraised separately.~~ It shall be in writing and be verified by the affidavit of the appraiser who shall testify that the ~~same appraisal~~ appraisal is just and was made as required by law. ~~Such appraisement~~ The appraisal shall ~~then~~ be filed with the chief clerk and recorded.

SECTION 3. 24.085 of the statutes, as affected by 1983 Wisconsin Act 27, is renumbered 23.15.

SECTION 4. 24.09 (title) and (1) of the statutes are amended to read:

**24.09 (title) Procedure before sale or exchange; withdrawal; resale.** (1) ~~All~~ (a) Except as provided under par. (c), the board may not sell or exchange any public lands that have been heretofore which were not appraised or appraised pursuant to under s. 24.08, shall, in the discretion of the board, be offered for sale. Except as provided under pars. (b) and (c), the board may not sell or exchange any public lands except at public auction, except that lands.

(b) Lands required for federal, state or, county, city, village, town or school district use may be sold at the appraised value to counties or exchanged for land of approximately equivalent value with the federal government, other state departments, boards or commissions at the appraised value and except that lands, counties, cities, villages, towns or school districts.

(c) Lands located within the federally recognized exterior boundaries of Indian reservations or located adjacent to the federally recognized boundaries of Indian reservations may be sold to or exchanged with the Indian tribe or tribes located on such those reservations or sold to or exchanged with the United States federal government for the benefit and use of such tribe or tribes upon prices, terms and conditions agreeable to the board and without being subject to the restrictions and procedure otherwise provided by law for the sale of public lands.

(d) All sales other than to counties, state agencies or to the United States or an Indian tribe, as hereinbefore provided, sales under par. (b) or (c) shall be made at such the times and public places as the board designates; and it shall, previous. Prior to any such sale, the board shall publish a class 3 notice, under ch. 985, specifying the time and place and describing the lands to be sold in a newspaper published in the county where such the lands are situated.

SECTION 5. 24.11 (1) of the statutes is amended to read:

24.11 (1) FOR CASH OR INSTALMENTS. (a) Except as provided otherwise in under sub. (4), public lands may be sold for cash, to be paid at the time of the sale, or on according to the following terms: specified under par. (b).

(b) The first payment shall be not less than 15% of the purchase price, and shall be made at the time of the sale together with interest on the deferred payments in advance to February first 1 of the following year. In no case, however, shall However, the first payment may not be less than the value of the timber, if any, on the lands sold. The deferred Annual payments may of principal and interest shall be made at any time within for a maximum of 20 years after the date of the sale at the option of the purchaser, with interest thereon on the principal at the rate of 7% per year, payable annually in advance on February first 1 of each year.

SECTION 6. 24.27 of the statutes is amended to read:

**24.27 Purchase money a loan.** The purchaser of ~~any such land~~ public lands, when the balance of the purchase money ~~therefor shall become~~ becomes due, may retain the same as a loan from year to year on payment annually in advance, or on or before May 31, of the interest on the sum due, at the rate of interest specified in the certificate of sale, and the taxes annually assessed on the land described in ~~such~~ the certificate, until required to pay the whole or part by the board, ~~as provided in subch. II,~~ or until the legislature shall otherwise direct.

SECTION 7. 24.61 (5) of the statutes is repealed.

SECTION 8. 24.63 (2) of the statutes is amended to read:

**24.63 (2) SCHOOL DISTRICT LOANS.** A state trust fund loan to a school district may be made for any time, not exceeding 20 years, as is agreed upon between the school district and the board, and for an amount which, together with all other indebtedness of that district, does not exceed its allowable indebtedness as determined under s. 67.03 (1), ~~except that in determining this debt limit the valuation of all taxable personal property in excess of 50% of the valuation of the real estate shall be disregarded.~~ The principal shall be payable in approximately equal annual instalments.

SECTION 9. 24.64 of the statutes is repealed.

SECTION 10. 24.66 (6) of the statutes is amended to read:

**24.66 (6) PROCEEDINGS TO BE RECORDED AND BECOME CONCLUSIVE EVIDENCE.** The ~~aforsaid~~ application, statement and all accompanying exhibits and documents shall be recorded in the office of the board ~~and thereupon be filed in the office of the secretary of state,~~ and shall, together with the record ~~thereof,~~ be ~~is~~ conclusive evidence of the facts ~~therein~~ stated.

**SECTION 11. Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

<b>A</b>	<b>B</b>	<b>C</b>
Statute Sections	References Deleted	References Inserted
15.341 (intro.)	24.085	none

**SECTION 12. Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

<b>A</b>	<b>B</b>	<b>C</b>
Statute Sections	Old Cross-References	New Cross-References
28.02 (4)(a) and (b) (intro.)	24.085	23.15

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