1997-98 SESSION COMMITTEE HEARING RECORDS

Committee Name:

Joint Committee on Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP
- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

- Appointments ... Appt
- **

- Clearinghouse Rules ... CRule
- **

- Committee Hearings ... CH
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- Executive Sessions ... ES
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- Miscellaneous ... Misc
- 97hrJC-Fi_Misc_pt32

- Record of Comm. Proceedings ... RCP
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Land Information Board

Land Information Program (Paper #140)
Land Information Board Grant Process (Paper #141)

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Land Information Program (Administration -- Transfers and Modifications of Functions)

[LFB Summary: Page 49, #1 and Page 51, #3]

CURRENT LAW

The 13-member Land Information Board, attached to DOA under s. 15.03 for administrative purposes, is responsible for directing and supervising the state land information program and serving as the state clearinghouse for access to land information. In addition, the Board provides grants to counties for projects involving the design, development and implementation of land information systems, preparation of certain maps and integrated land information systems.

Base level funding for the Land Information Board is $2,021,600 PR ($222,600 PR for Board operations and $1,799,000 for grants to counties) with 2.5 PR positions. Funding for Board operations and county grants is provided from a $2 portion of a $10 fee charged for the recording of the first page of certain documents with each county registrar of deeds (the remainder of the $10 fee is retained by the county).

GOVERNOR

Repeal the Land Information Board and shift the current duties and responsibilities of the Board to a new land information program within DOA. Transfer $2,007,400 PR annually ($208,400 PR for program operations and $1,799,000 PR for grants) and 2.5 PR positions to DOA (this represents the Board's base budget plus standard budget adjustments).

In addition, provide increased funding of $601,800 PR and $275,000 SEG in 1997-98 and $434,500 PR and $225,000 SEG in 1998-99 and 5.5 PR positions for: (a) establishment of a modified land information program in DOA; (b) functions of a new Wisconsin Land Council (this provision has been removed from the bill); and (c) development and maintenance of geographic information systems (GIS) for the state that could be used by state and local governmental agencies and the public. Create a continuing, program revenue appropriation, funded from charges to state agencies for DOA local information functions, to provide additional funds to support the land information program. Also, create a segregated appropriation, funded from the recycling fund, for the development and maintenance of GIS.

INTRODUCTION

Senate Bill 77 would eliminate the Land Information Board (LIB), transfer the responsibility for the current land information program from the LIB to DOA, provide increased staffing for the land information program, create a fee to be assessed state agencies for DOA land information functions, create a requirement that the land information program develop and maintain geographic information systems (GIS) and provide funding for GIS from the recycling fund. The first decision that the Committee must make is whether to retain the Land Information Board and land information program as a separate organization as presently structured or to eliminate the Board and transfer the functions of the Board to DOA. The second decision to be made, regardless of whether the program is retained in the LIB or transferred to DOA, is whether to make any modification to the program. The third decision concerns what level of resources to provide for the state land information program.

This paper is divided into three sections: (a) repeal of the Land Information Board and transfer to the land information program; (b) modifications to the operation of the land information program; and (c) staffing and funding for the land information program. Each of these sections is identified and discussed below. At the end of each section is a series of alternatives related to that section.

A. REPEAL OF THE LAND INFORMATION BOARD

Discussion Points

1. The Land Information Board is composed of the following 13 members: (a) the Secretaries (or their designees) of four state agencies (Administration, Agriculture, Trade and Consumer Protection, Natural Resources and Transportation); (b) the State Cartographer; (c) four representatives from county and municipal government selected from various geographical regions of the state, including at least one member of a county board, one member of a city council, village board or town board and one person who is a county officer active in land information management; and (d) four representatives from public utilities and private businesses

selected from various geographical regions of the state, including at least one public utility representative and at least one representative of a professional land information organization. The non-ex officio members are appointed, with the advice and consent of the Senate, by the Governor to six-year terms.

2. The Board is responsible for: (a) directing and supervising the state land information program; (b) serving as the state clearinghouse for access to land records; (c) providing technical assistance and advice to state agencies and local governments with land information responsibilities; (d) maintaining and distributing an inventory of available land information; (e) preparing guidelines to coordinate the modernization of land records and land information systems; (f) reviewing and approving grants to local governmental units; and (g) reviewing and approving countywide plans for land records modernization.

3. The bill would repeal the Board and transfer its responsibilities along with existing funding and positions to DOA.

4. The Department of Administration argues that by consolidating the functions of the Board into DOA, the state could better coordinate the land records and information functions of state agencies (DNR, DOT, DATCP, Commerce, DOR and DOA). DOA indicates that since the majority of the Board's current duties are administrative, these functions could be addressed as well by an administrative agency with more support staff than the Board with its small support staff (2.5 positions). The Department states that program continuity would be maintained because current employes of the Board would be transferred to DOA and existing rules for distributing grants to counties would continue to be used. DOA further argues that by eliminating the LIB and transferring the program to DOA, under the Governor's proposal the current staff, in conjunction with an additional 5.5 PR positions recommended by the Governor, would be able to provide technical and administrative support to both a Wisconsin Land Council as well as work for the existing land information program. However, creation of a Wisconsin Land Council has been removed from the bill for separate legislative consideration.

5. By transferring the land information activities from the separate Board to DOA, DOA would have direct authority over all of the land information activities that the Board currently oversees. Further, as a result of the transfer the following provisions that are currently applicable to the Land Information Board, would instead be made applicable to DOA: (a) DOA could seek advice and assistance from the UW, state agencies, local units of government and experts involved in collecting and managing land information; (b) state agencies would be required to cooperate with DOA in the coordination of land information collection; (c) DNR would be required to cooperate with DOA in conducting wetlands mapping activities or any related land information collection activities and to consult with DOA in determining the scope and character of aerial photographic surveys; (d) DATCP would be required to cooperate with DOA in developing a methodology to collect and organize soil erosion data; and (e) the UW Board of Regents would have to consult with DOA regarding the appointment of the State Cartographer and the cartographer's exercise of his or her duties.

6. During public hearings on the budget, numerous local officials testified regarding the land information program. In general, these officials indicated their opposition to the elimination of the Land Information Board and the transfer of the land information program to DOA. Officials expressed concerns that by eliminating the Board and transferring the program into DOA, land information issues would lose an independent and balanced multimember body designed to address land information issues. A concern was expressed that land information issues of importance to local governments would not be as well addressed by DOA because of the "state" focus of the Department and the loss of local representation that the Board provides.

7. If the Committee feels that the broad membership of the current Board, its distinct status and mission of being responsible only for the state land information program, having a separate staff responsible only for those specific functions and having a Board -- rather than having a single agency head or division administrator -- determine the parameters of the grant program to counties for land information projects is vital, then it may want to retain the Board, its attached status to DOA and its current statutory functions as is provided for under current law.

8. Alternatively, the Committee may feel that combining the land information program responsibilities into DOA as a regular operating program would allow the wider resources of the Department to be harnessed with the relatively small staff of the Land Information Board to provide enhanced services under a DOA-operated land information program and the land information projects grant program.

9. The alternatives below are intended to allow the Committee to first decide on the basic question of whether the Land Information Board and the land information program should be continued as under current law or whether the Board should be eliminated and the land information program and grant program instead managed by DOA.

Alternatives to Bill

A1. Approve the Governor's recommendation to repeal the Land Information Board and transfer the current land information program responsibilities to the Department of Administration.

A2. Retain the Land Information Board and its responsibilities as under current law.

B. LAND INFORMATION PROGRAM MODIFICATIONS

Discussion Points

1. In addition to transferring the land information program from the Land Information Board into DOA, the bill would modify the current land information program to specify that

DOA would facilitate (rather than "provide") the following activities: (a) the review of counties' applications for grants for land information projects; (b) the review of countywide plans for land records modernization; and (c) the provision of technical assistance and advice to state agencies and local governmental units with land information responsibilities. The Department would also be given the added responsibility of preparing guidelines for the integration of records and land information systems between and among state agencies and local units of government and for determining which countywide plans for land records modernization are approved.

2. The Department indicates that the change in statutory language to have DOA "facilitate" certain aspects of the land information program activities as outlined above are intended to place DOA in the role as a coordinator of land information activities, rather than as a provider of land information. Under this modification, it is argued that DOA would be the agency designated to lead land information efforts for the state in concert with other agencies. As such, DOA could on its own, or with the assistance of other state agencies, review and approve grant applications, review and approve countywide plans for land records modernization and provide technical assistance and advice to state agencies and local governmental units. It has not yet been determined exactly how DOA would facilitate these activities. If, however, the Committee decides to eliminate the Land Information Board and transfer the land information program to DOA, it could be argued that directing DOA to pursue a facilitative role rather than that of a provider of service may allow other state agencies and local units of government to have more input into land information activities.

3. It could be argued that regardless of whether the land information program is transferred to DOA or remains with the LIB, it is desirable when providing technical assistance to state agencies and local governments regarding land information to maximize the utilization of resources by having those activities coordinated by the entity responsible for administration of the land information program. As such, the Committee could modify the bill to provide that either the Board or the Department "coordinate" the provisions of technical assistance activities rather than "facilitate" or directly "provide" such services.

4. Under current law, the LIB is required to prepare guidelines to coordinate the modernization of land records and land information systems. The bill would modify current law to include integration of land records and information systems, and specify that the modernization and integration would be in and among local units of government and state agencies. The current law provisions are applied when LIB approves a countywide land record modernization plans and when grants are approved.

5. Since the Board currently provides grants to counties for modernization and integration of land records and information systems, the inclusion of "integration" may be viewed as relatively minor. However, the inclusion of the phrase "in and among local units of government and state agencies" could be viewed to imply that the land information program (whether it remains with the LIB or is transferred to DOA) would be able to require local governments and state agencies to begin to adopt specific standards for modernization and

integration. It is unknown how this expansion of the Board's current duties might be utilized or what purpose is intended. The Committee could delete this program language.

Alternatives to Bill

B1. Approve the Governor's recommendation to modify the land information program to specify that, either the Board or DOA facilitate: (a) review of counties' applications for grants for land information projects; (b) review of countywide plans for land records modernization; and (c) provision of technical assistance and advice to state agencies and local governmental units with land information responsibilities and that either DOA or the Board would have the additional responsibility of preparing guidelines for the integration of land records and land information systems between and among state agencies and local units of government.

B2. Same as Alternative B1, except delete the provision that guidelines for land records and land information systems integration be developed for coordination in and among local units of government and state agencies.

B3. In addition to Alternative B1 or B2, modify the bill to specify that the land information program "coordinate" rather "facilitate" the provision of technical assistance and advise to state agencies and local governments regarding land information.

B4. Maintain current law.

C. STAFFING AND FUNDING FOR THE LAND INFORMATION PROGRAM

Discussion Points

1. Under current law, the Land Information Board (LIB) is responsible for directing and supervising the state land information program and for serving as the state clearinghouse for access to land information. The LIB also provides grants to counties. Funding for Board operations and grants is provided from a $2 fee for the recording of the first page of certain documents with the county registrar of deeds. Monies from the fee are deposited in the continuing appropriation for grants to counties. Funding for program administration is drawn from the grants appropriation in the amount specified in the appropriations schedule. Increased administrative funding results in less funding being available for grants by the Board.

2. The LIB is currently staffed with 2.5 permanent positions (an executive director, a community services specialist and 0.5 administrative assistant). These positions provide staff support to the Board, review and administer grants to counties, and provide technical support to state agencies and local governments. The bill expands the duties of the land information program staff to include: (a) staffing studies and activities of the Wisconsin Land Council

(removed as a policy item from the bill); (b) developing and maintaining geographic information systems (GIS); and (c) preparing guidelines for the integration of land records and land information systems in and among local units of government and state agencies. In order to accomplish these expanded duties, the Governor recommended an additional 5.5 PR positions (2.5 permanent positions funded from the current land information fee and 3.0 project positions funded from a new land information fee assessed against state agencies).

3. As originally submitted, funding under the bill for the Land Council activities, new GIS activities and for the current budget and requests for the Land Information Board activities was not separately identified. Subsequently, a division of these costs has been determined as identified in the following table.

	Current Fee		Agency Fee		Recycling Fund	
	1997-98	1998-99	1997-98	1998-99	1997-98	1998-99
Land Council Staff						
Staff Costs	$38,100	$55,800	$49,300	$67,300	$0	$0
(FTE)	(2.00)	(2.00)	(2.00)	(2.00)	0	0
Supplies and Services	14,300	6,600	88,100	25,900	0	0
Land Council Activities	0	0	187,000	146,600	0	0
Total	$52,400	$62,400	$324,400	$239,800	0	0
Geographic Information Systems						
Staff Costs	$0	$0	$28,900	$39,300	$0	$0
(FTE)			(1.00)	(1.00)		
Supplies and Services	0	0	82,500	13,400	0	0
System Development and Maintenance	0	0	0	0	275,000	225,000
Total	$0	$0	$111,400	$52,700	$275,000	$225,000
Current Board Activities						
Staff Costs	$139,000	$139,700	$0	$0	$0	$0
(FTE)	(2.50)	(2.50)				
Existing Supplies and Services	97,900	97,100	0	0	0	0
Additional Staff Costs	21,600	19,700	0	0	0	0
(FTE)	(0.50)	(0.50)				
State Cartographer Clearinghouse Contract	75,000	60,000	0	0	0	0
Electronic Forms and Annual Report	0	0	25,000	8,000	0	0
Total	$333,500	$316,500	$25,000	$8,000	$0	$0
GRAND TOTAL	$385,900	$378,900	$460,800	$300,500	$275,000	$225,000

4. The issues in this area may be addressed in the following way. First, should funding be provided for any of the following three items as recommended by the Governor: (a) staff for a Wisconsin Land Council; (b) funds for development and maintenance of geographic information systems; or (c) funds for an additional 0.5 PR position in the LIB, a contract with the State Cartographer and development of forms to allow electronic submission of land information? Second, if funding is to be provided for any of these new activities, should the funds come the existing source that currently funds both the land information program and the county grant program or should funds come from the proposed new state agency fee and/or the recycling fund? If the Committee decided that none of the above activities should be funded,

there would be no need for creation of the additional fee. Alternatively, if funding is provided for one or more of the above activities, then a decision on the funding source for those expenditures needs to be made.

5. *Land Council staff.* As indicated above, the bill provides funding from the agency land information fee for positions to staff a Wisconsin Land Council. Given that the proposed creation of the Land Council has been removed from the bill, the Committee could remove the funding and positions that have now been identified as associated under the Governor's recommendations with the proposed Land Council.

6. *Geographic information systems.* Under the bill, the duties of the land information program are expanded to include the development and maintenance of geographic information systems (GIS). The bill does not define GIS, but it can be generally described as the graphical representation of land information displaying such items as jurisdictional boundaries, property lines and watershed boundaries. Other information, such as property easements, zoning restrictions, economic data, and the placement of utilities, can then be superimposed on boundary maps. In addition to the expanded duty for the land information program, the bill provides funding from two new sources for the proposed GIS activities: (a) $111,400 PR in 1997-98 and $52,700 PR in 1998-99 and 1.0 PR position funded from a land information fee to be assessed state agencies; and (b) $275,000 SEG in 1997-98 and $225,000 SEG in 1998-99 for development and maintenance of GIS in a new separate appropriation funded from the recycling fund.

7. The Department of Administration indicates that the goal is to have the land information program coordinate GIS activities and standards. As a result, GIS data from agencies would be compatible and could be combined when necessary. Further, the staff position provided in the bill is also intended to provide staff support for the Land Council.

8. DOA currently has a GIS service center in its Division of Technology Management and has also developed statewide GIS standards. The service center provides GIS consultation, training, support and installation and set-up. Further, DOA's current statutory authority regarding information technology services already appears to be broad enough to allow the Department to coordinate GIS activities in executive branch agencies.

9. The first issue related to GIS the Committee needs to address is the creation of the new GIS duty for the land information program. The Land Information Board's strategic business and information technology plan indicates that the LIB plans to rely on the GIS service center for GIS staff support. Further, the plan indicates that the LIB intends to work with DOA's State Budget Office and Division of Technology Management, and the state's GIS Manager's Council to facilitate the integration of agency land information plans and agency information technology plans among agencies and local units of government.

10. In view of DOA's current statutory authority and its GIS service center, and the LIB's indication that GIS activities should be addressed by DOA, it could be argued that the

proposed expansion of the land information program's duties to include GIS could be deleted. Likewise, since the DOA currently performs activities related to GIS and the Land Council was removed from the budget, the Committee could delete the increased GIS support staff (-$164,000 PR and -1.0 position).

11. Alternatively, the Committee could add the new statutory responsibility for development and maintenance of GIS for the use of governmental and Wisconsin government units as a specific responsibility of the Division of Technology Management. Under the bill, $275,000 SEG in 1997-98 and $225,000 SEG in 1998-99 are provided for GIS development and maintenance from the recycling fund. The Department indicates that the funds would be used to contract with programmers to create a central repository of GIS data under a uniform standard and provide state agency access to GIS data.

12. Data that could be integrated under the GIS proposal includes: (a) prior uses of land; (b) existing development; (c) size and address of land parcels; (d) contamination history; (e) soil information; (f) assessment and tax information; (f) street, road and railroad access; (g) fiber optic communication cables; (h) University of Wisconsin campus and technical college information; (i) PECFA sites; (j) wetlands and forests; (k) location of current industry in the state; (l) business and parcel addresses; (m) telephone exchange boundaries; and (n) gas, electric and water utilities boundaries. DOA indicates that the data could be used by state and local governments, and "external customers" for land use planning, environmental protection, project siting and development and economic development decisions.

13. The Governor's recommendations also includes $55,000 SEG in the Department of Commerce for related GIS data collection activities. DOA indicates that the remaining GIS funds ($50,200 SEG) for DOA would be used to enhance state agency access to GIS information. In addition to the funds recommended for DOA for this purpose, the Governor's recommendations also includes $50,000 SEG in the Department of Commerce and $103,500 SEG in the Department of Natural Resources for providing those agencies with enhanced access capability to GIS information.

14. The recycling surcharge is scheduled to end in 1999. In the bill, SEG funding for the DOA GIS activities is placed on the supplies and services line, and would therefore, be included in DOA's 1999-2001 base budget. According to DOA, these funds were supposed to be placed in one-time funding. If the Committee wishes to fund DOA's GIS activities during the 1997-99 biennium, funds could be placed in one-time funding and the appropriation sunsetted effective July 1, 1999.

15. It could be argued that the intent of the legislation creating the recycling surcharge was that revenues generated were to be spent on recycling collection programs and recycling market development. Under this view, recycling surcharge revenues and any recycling fund balance should be used only for recycling programs. The Committee could decide that this proposed use of recycling funds is inappropriate and not provide the recommended funding.

16. *LIB current budget and new activities.* The bill also provides $96,600 PR in 1997-98 and $79,700 PR in 1998-99 and 0.5 PR position from the current fee to support additional activities of the current land information program. Funding would support: (a) 0.5 PR position to increase the existing 0.5 administrative assistant position to full-time ($21,600 PR in 1997-98 and $19,700 PR in 1998-99); and (b) a contract with the State Cartographer to develop an expanded land information clearinghouse which would use the Internet to link state and local land information resources. The bill also provides $25,000 PR in 1997-98 and $8,000 PR in 1998-99 from the new state agency land information fee for the development of electronic reporting forms which would allow local governments and state agencies to submit required annual data electronically and to support technical improvements to the annual report development process.

17. The Governor's recommended funding in this area corresponds to the Board's original budget request except that lower levels of funding are provided for the state cartographer contract and for the development of electronic form filings. Also, under the Governor's recommendation, the funds for the electronic form filing development would come from the new state agency land information fee.

18. If the Committee decides to retain the Land Information Board, it could approve these additions to the Board's budget as recommended by the Governor with the exception of specifying that the costs for development of the electronic form filings come the existing fee which supports all of the rest of the Board's current operations.

19. If the Committee decides to fund any land information program activities from the agency land information fee, the following changes could be considered:

- Although DOA indicates that the interest is that the agency land information fee would only be assessed against six agencies (DNR, DOT, DATCP, Commerce, DOR and DOA), nothing in the bill establishes any limitation. As a result, DOA would have the authority to charge any state agency (including the Legislature and the Courts), for land information activities. If the new fee is to be created, the Committee could modify the language to have it to apply only to the identified six agencies. As a result, no other state agency could be charged.

- Under the bill, the new agency land information fee would be deposited to a new continuing appropriation. Under a continuing appropriation, an agency may expend all revenues that are received. Further, no legislative control over the level of these expenditures is provided. The bill would thus allow DOA to charge any agency any amount it determined was required for land information activities, and expend whatever revenues were received. If the Committee chooses to create the state agency land information fee, it could make the appropriation an annual appropriation to allow the Legislature to set the expenditure level as part of the budget process.

Alternatives to Bill

Staffing and Operations

1. Approve the Governor's recommendation to provide $601,800 PR and $275,000 SEG in 1997-98 and $434,500 PR and $225,000 SEG in 1998-99 and 5.5 PR positions for: (a) establishment of a modified land information program in the Department instead of in the Land Information Board; (b) functions of a Wisconsin Land Council; and (c) a new requirement that DOA develop and maintain geographic information systems (GIS) relating to land in Wisconsin for use by state and local governments and the public. Further, reduce DOA's printing, document sales, mail distribution and record services appropriation by $36,500 PR annually as a result of the transfer. Create a SEG appropriation, funded from the recycling fund, for development and maintenance of geographic information systems related to land in the state. Also, create a program revenue appropriation, funded by fees assessed by DOA against state agencies for the Department's land information functions and the functions of a Land Council.

2. Modify the Governor's recommendation by adopting one or more of the following alternatives:

a. Delete funding and positions associated with staffing of the Land Council ($52,400 PR in 1997-98 and $62,400 PR in 1998-99 and 2.0 positions from current Board fee, and $324,400 PR in 1997-98 and $239,800 PR in 1998-99 and 2.0 PR positions from the proposed agency fee).

Alternative 2a	PR
1997-99 FUNDING (Change to Bill)	- $679,000
1998-99 POSITIONS (Change to Bill)	- 4.00

b. Delete $111,400 PR in 1997-98 and $52,700 PR in 1998-99 and 1.0 PR position annually for GIS development and staff support of the Land Council which were to be funded from the agency land information fee.

Alternative 2b	PR
1997-99 FUNDING (Change to Bill)	- $164,100
1998-99 POSITIONS (Change to Bill)	- 1.00

c. Place the requirement that DOA develop and maintain geographic information systems for the use of governmental and nongovernmental units with DOA's Division of Technology Management instead of with the land information program. Further, provide that

SEG funding for DOA's GIS activities be one-time funding and that the SEG appropriation have a sunset date of July 1, 1999.

d. Delete the requirement that the state land information program be given the added responsibility for developing and maintaining geographic information systems for the use of governmental and nongovernmental units. Also, delete funding provided from the recycling fund associated with the maintenance and development of geographic information systems ($275,000 SEG in 1997-98 and $225,000 SEG in 1998-99).

Alternative 2d	SEG
1997-99 FUNDING (Change to Bill)	- $500,000

Agency Land Information Fee

1. Approve the Governor's recommendation to establish a land information fee to be charged state agencies to support the land information function.

2. Modify the Governor's recommendation to allow the land information program to only charge the agency land information fee to DOA, DATCP, Commerce, DNR, DOR and DOT.

3. Modify the Governor's recommendation to create the agency land information fee appropriation as an annual appropriation rather than as a continuing appropriation.

4. Maintain current law.

Prepared by: Jere Bauer

MO#_____

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE_____ NO _____ ABS_____

See motion #1736

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Land Information Board Grant Process (Administration--Transfers and Modifications of Functions)

CURRENT LAW

The Land Information Board (LIB) is required to review and approve county grant applications for land records modernization and integration. Estimated expenditures from the continuing appropriation provided for this purpose is $1,799,000 PR annually. Revenue for the grants appropriation is generated from a $2 land information fee charged by county registrars' of deeds for copying the first page of certain land records.

GOVERNOR

No provision.

DISCUSSION POINTS

1. State and county land information activities are supported by a $6 portion of the $10 fee charged by county registrars' of deeds for copying the first page of certain land related documents deposited with each county. Of the total fee, $8 is retained by the counties (of which $4 is intended to be used for county land information modernization activities) and $2 is provided to the Land Information Board for state land information activities. The revenues the state receives from the $2 fee is used to support the cost of the Board's operations and fund land information project grants to the counties. Base level funding for Board operations is $222,600 PR with 2.5 PR positions; base funding for county grants is $1,799,000 PR annually.

2. County boards may apply to the Land Information Board for a grant on behalf of any local unit of government for projects to do any of the four following activities: (a) the design, development and implementation of a land information system that contains and integrates, at a minimum, property and ownership records with boundary information, including a parcel identifier referenced to the U.S. Public Land Survey; tax and assessment information; soil surveys, if available; wetlands identified by the Department of Natural Resources; a modern geodetic reference system; current zoning restrictions; and restrictive covenants; (b) the preparation of parcel property maps that refer boundaries to the public land survey system and are suitable for use by local governmental units for accurate land title boundary line or land survey line information; (c) the preparation of maps that include a statement documenting accuracy if the maps do not refer boundaries to the public land survey system and that are suitable for use by local governmental units for planning purposes; and (d) systems integration projects (systems integration is defined as land information that is housed in one jurisdiction or jurisdictional subunit and is available to other jurisdictions, jurisdictional subunits, public utilities and other private sector interests). Grants made to counties may not exceed $100,000, but the Board may award more than one grant to a county board.

3. Under current LIB administrative rules, individual grant applications have been received and grants awarded on a twice per year cycle. Competitive grant awards have been made based on an analysis of grants using specific evaluation criteria. Grant requests were reviewed and scored by an evaluation committee comprised of Board members and other authorized evaluators selected by the Board. Scored applications were then submitted for consideration by the full Board and final grants made on the basis of a majority vote of the Board.

4. The evaluation criteria used for the awarding of grants are ranked, in priority order, as follows:

a. Integration and cooperation, where integration means the coordination of land records modernization to ensure that land information can be shared, distributed and used within and between governments at all levels, the private sector and citizens; and cooperation means explicit relationships within and between public entities and public entities and private entities to share land information or collaboratively pursue land records modernization.

b. The extent to which projects meet or exceed all relevant statutory requirements and standards. The degree to which the grant application focuses on foundational elements, where foundational element means any of the following: (1) geographic frameworks, including base and imaging mapping, geodetic reference frameworks, public land survey monumentation and geographic control data; (2) parcels, including parcel mapping, parcel identification and parcel administration; (3) wetlands mapping; (4) soils mapping; and (5) zoning mapping.

c. Consistency with the countywide plan for land records modernization.

d. First-time grant applications, meaning a grant request by an eligible applicant where there has not been a previous grant award under the land information program to the county or any eligible applicant within the county.

e. The likelihood of success of the proposed project based upon all of the following factors: (1) the economic viability of a proposed project; (2) that the project can be completed on time and within budget; (3) the extent of financial participation by the grant applicant; (4) the grant applicant's previous experience and success with similar projects; and (5) the extent that preliminary work on the grant project has been completed.

f. Specific and tangible products, meaning a grant proposal that identifies a plan for the completion of specific project activities with tangible products.

5. On February 18, 1997, the Land Information Board terminated the competitive grant program. Instead, the Board indicated that it would develop a new initiative-based grant program for the funding of land information projects under a modified process for the awarding of grants that would: (a) create a simplified grant scoring process; (b) establish, on an annual or bi-annual cycle, a budget for grants and administration of the land information program, and a list of grant initiatives that could be funded; (c) establish grant categories for each grant cycle; (d) allow counties to apply for grants in specific grant categories; and (e) provide that if grant applications are acceptable but not awarded funding during a grant cycle, those grants would move to the top of the list for subsequent grant award cycles.

6. Proposed rules to implement the new grant procedures were presented to the Board at its April 9, 1997, meeting, but it was decided that adoption should be postponed until a later time. The Board has subsequently indicated that awards under the new grant process are not expected to be made until January, 1998, and also that there will not be a July, 1997, grant cycle as had previously been anticipated.

7. At its April 9, 1997, meeting, the LIB also approved a new grants-in-aid to local governments program, which the Board terms an annual subsidy for eligible county land information programs. The Board established this new grant program to provide a base budget for the creation of a minimum basic land information infrastructure in each county land information office. A total of $233,015 was awarded to 27 counties. These grants were not based on any specific projects and were automatically provided to any county (without application) that had an annual average of retained fees (from the $4 "dedicated" portion of the county's share of the $10 county registrar of deeds copying fee) of less than $25,000. The award amount was based on the difference between the actual annual average of retained fees and $25,000. The LIB has indicated to counties receiving the base budget grant, that the funds are to be used to purchase any of the following:

a. Hardware/Software Acquisition
   1. Computer
   2. Internet connection, training and support
   3. Subscription to Internet technical assistance
   4. Training for land information system design and implementation
   5. Geographic information system software, training and support

b. Digital Mapping Coverage Acquisition
   1. Parcels
   2. Geographic reference framework
   3. Wetlands
   4. Soils
   5. Zoning

c. Staff
   1. Funding for minimum of 0.5 staff position to provide support for the activities in sections a and/or b.

8. The Board's intention is that base budget grants provide basic land information resources to all counties. The LIB believes that if a county does not receive at least $25,000 per year from the county share ($4) of the $6 land information fee, it will not be able to acquire equipment that is necessary for adequate land information office activities. The Board has indicated that these base budget grants may only be used for the items identified by the Board, and will only be provided as long as it takes for counties to purchase the necessary items. However, the only specific item limit would appear to be funding for a single computer. Also, staff support purchase is presumably on-going. Since there is no application process, the Board has informed counties that acceptance of base budget grant funding constitutes the county's agreement to follow Board's directives on grant usage.

9. The LIB staff argue that base budget grants are appropriate under the statutes because grants are provided for the design, development and implementation of a land information system. However, neither the statutes nor the LIB current administrative rules specifically provide for base grants to counties. Further, the current rules indicate that counties are required to apply for grants, not automatically be awarded a grant. Finally, the fiscal prudence of automatically awarding grants to counties without a review of specific infrastructure needs could be questioned.

10. If the Committee believes that both this new grant program and the proposed new initiative-base grant program should be authorized by rule before any future grant awards are made, it could require that the LIB have administrative rules promulgated for these programs before any further grant awards are made.

11. The Board has suspended the grant process until January, 1998. Based on current estimates of expenditures in 1996-97 and outstanding commitments from previous grant awards, the opening balance in 1997-98 for land information grants will be approximately $32,000. Until recently, the Board did not encumber funds that were provided as grant awards at the time the awards were made. As a result, the appropriation balance for land information grants appeared higher because grant obligations were not accounted for until expenditures were actually made. Given that grants awards are made for an 18-month period, actual expenditures of grant funds may occur over two fiscal years and may actually cover two fiscal biennia (last year of one fiscal biennium and the first year of the next fiscal biennium).

12. The grant appropriation is currently a continuing appropriation. As such, the Board may expend as much for grants as it expects to receive in revenues. Expenditure levels for continuing appropriations are only estimates of amounts expected to be expended and provide no limit. No legislative approval of actual expenditure levels is necessary. In view of the recent changes in the LIB grants process and the current status of the PR account balance, the Committee could choose to modify current law to provide greater legislative oversight of Board expenditures.

13. The Committee could take three steps in this regard:

- First, it could change the grant appropriation from a continuing appropriation to an annual appropriation and provide that all encumbered funds transfer to the new appropriation.

- Second, the Committee could specify that all grant award monies shall be encumbered upon announcement of award and that encumbered award monies must be expended or liquidated (where funds are returned to the Board's appropriation for re-award) within 24 months of the award date.

- Third, given that the Board expects that no further grants will be made until January, 1998, the Committee could transfer the funds budgeted in the bill in the continuing grant appropriation ($1,799,000 PR in each year) to the Committee's PR supplemental appropriation for subsequent release to the Board's new sum certain appropriation. Once new administrative rules have been reviewed and approved by the appropriate legislative committees, the Board could then seek increased expenditure authority for the grant appropriation under s. 16.515. Under this alternative, expenditures could be made for previously approved grants for which funds have been encumbered, but expenditures for new grants could not be made until additional expenditure authority was provided.

ALTERNATIVES TO BILL

1. Create session law language requiring the Board to have administrative rules promulgated for any new grant program before any further grant awards are made.

2. Convert the Land Information Board grant appropriation from a continuing appropriation to an annual appropriation. Provide that all funds encumbered under the current appropriation fee carried into the new appropriation and be available for expenditure. Transfer funding of $1,799,000 PR annually from this appropriation to the Committee's PR supplemental appropriation for future release to the Board after new administrative rules have been promulgated. Provide that all new grant award funds must be encumbered by the Board upon award and that DOA shall ensure that such encumbered funds are either expended for the purpose for which encumbered or liquidated (by return to the PR account balance) within 24 months of the award date.

3. Maintain current law.

Prepared by: Jere Bauer

MO#_____

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A
BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE_____ NO _____ ABS_____

Representative Harsdorf
Senator Wineke

ADMINISTRATION

Land Information Board/Land Council

Motion:

Move to amend Senate Bill 77 as follows:

(a) Restore the provisions, previously removed from the budget, to create a Wisconsin Land Council;

(b) Modify the appropriation created in the bill for "land information; state agency support", to specify that the appropriation is only for costs related to support of the Wisconsin Land Council. Delete the language allowing the appropriation's use for support of the land information program;

(c) Retain the separate Wisconsin Land Information Board, with its current powers and duties;

(d) Create a combined Land Information Board and Land Council staff in DOA, with the positions funded as follows between the current Land Information Board appropriation and the new Land Council appropriation: (1) Land Information Board appropriation: 0.5 director, 1.0 management information specialist, 1.5 community support specialists, 0.5 program and planning specialist and 0.5 program assistant; and (2) Land Council appropriation: 0.5 director, 1.0 management information specialist, 0.5 community support specialist, 1.5 program and planning analysts and 0.5 program assistant;

(e) Increase funding provided in the Land Information Board appropriation by $15,800 PR in 1997-98 and $3,800 PR in 1998-99 and transfer 1.0 PR position [0.5 executive director and 0.5 community support specialist] from the Land Information Board appropriation to the Land Council appropriation;

(f) Decrease the Land Council appropriation funding by $50,900 PR in 1997-98 and increase funding by $22,900 PR in 1998-99;

(g) Require the Land Information Board and the Land Council to enter into a memorandum of understanding to ensure cooperation between the organizations and avoid duplication of functions;

(h) Require the Land Information Board and the Land Council to provide an evaluation, including recommendations, on how best to continue their activities, including the feasibility of combining their functions, to the Governor and the Legislature no later than September 1, 2002;

(i) Provide a sunset date for the Land Information Board and the Land Council of September 1, 2003, unless action is taken by the Legislature and Governor based on the recommendations of the Board and Council; and

(j) Delete $275,000 SEG in 1997-98 and $225,000 SEG in 1998-99 for GIS activities in DOA funded from the recycling fund and associated statutory language. Instead, authorize DOA to develop and maintain geographic information systems relating to land for use by governmental and nongovernmental units, but provide that such authority would not become effective until: (1) DOA has submitted a report, for approval under a 14-day passive review process, to the Joint Committee on Finance detailing how the new GIS authority will be utilized and proposing a funding mechanism for the GIS authority; and (2) any additional legislation necessary to fund the GIS activity has been enacted.

Note:

This motion would restore the policy item removed from the budget related to the creation of a Wisconsin Land Council. The motion would also: (a) retain the current Land Information Board; (b) provide for common staff of 8.0 total positions (consisting of 2.5 existing Land Information Board positions and the 5.5 new positions recommended by the Governor), located within DOA, to be funded from both the Land Information Board and the Land Council appropriations; (c) require that the Land Information Board and the new Land Council enter into a memorandum of understanding related to cooperation between the Board and Council and the avoidance of the duplication of functions; (d) establish an evaluation process of the activities of the Board and the Council, to be jointly conducted by the Board and the Council; (e) establish a concurrent sunset date of September 1, 2003, for both the Board and the Council; (f) provide authority for DOA to develop and maintain geographic information systems, but only after a report has been submitted and approved by the Joint Committee on Finance regarding DOA's proposed GIS activities and a funding source to support these activities, and any necessary legislation has been enacted; and (g) delete SEG funding for GIS activities support from the recycling fund.

[Change to Bill: -$8,400 PR and -$500,000 SEG]

Motion #1736

MO# 1736

JENSEN	Y	N	A
OURADA	Y	N	A
1 HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A
BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
2 WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE 12 NO 3 ABS